

## **On Reforms of the UN Security Council**

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The United Nations is at a crossroads. On the one hand, the majority of the international community calls for a more significant and effective role by this most important multilateral body of the world in maintenance of peace and security and promotion of sustained development of all the nations in the new millennium. On the other hand, critics complain that the organization seems increasingly incompetent in keeping with the change of time, incapable of performing its functions in a timely and effective manner owing to the division of positions of member states, and incredibly low in inefficiency caused by its own bureaucracy, redundancy of sub-institutions and management scandals.

At the opening of the UN General Assembly two years ago, Secretary General Kofi Annan delivered an address, echoing this legitimate concern. "We have," he said, "come to a critical fork in the road, a moment no less decisive than 1945, when the UN was founded." So, the consensus is that great efforts must be made to carry out reforms so as "to revitalize the United Nations, and to equip and resource it to help it advance the 21st century agenda". Based on the report of a high-level panel of 16 eminent international experts, which appeared in December 2004, the secretary general has recently offered his recommendations on a detained roadmap to that end.

Among his numerous suggestions as what must be done to reform the organization, updating the Security Council (UNSC) has attracted the greatest attention. This is not only because UNSC is the most vital organ within the UN framework, undertaking the primary responsibility of maintaining international peace and security, it is also because general guidelines and specific measure to reform the UNSC cited have become the most controversial issue and generated hot debates.

Annan's proposed reform plan of the UNSC falls broadly into two categories, structural and cultural. Change of the structure of the UNSC involves expansion of members of the organ from the current 15 to the future 24 while changes in working practices are related primarily to whether the UNSC should broaden its scope of mission to include the task, for example, of combating international terrorism, and whether there should be a new understanding as how the UNSC should use force in discharging its new duties. Reactions to his proposals are mixed. Acknowledging many good points in his proposals, many countries feel, however, that Annan's view of the reforms of the UNSC seems less balanced and on some occasions misleading.

Against the backdrop, the present short paper intends to offer a Chinese view on several questions, the answer of which the author believes is vital in considering the reforms of

the UNSC in the future.

### **1. What is the purpose for the reforms of the UNSC?**

Why the need of reforms of the UNSC? The answer is simple: because the UN is ill. The UNSC, for example, seems increasingly powerless in taking meaningful actions and running the risk of being marginalized in the international efforts of settling regional disputes and ensuring world peace and security. Examples of the failures in this regard are often cited like the failure to stop the wars in Kosovo or Iraq; feeble actions in preventing genocide, ethnic cleansing, and crimes against humanity in Rwanda or Sudan, etc. These are all true. However, equally important is the fact that the United Nations is a collection of sovereign states. It is unable to take actions if member states, the major players in particular, are divided in opinion and fail to make the decision based on consensus. So, the real cause of the UNSC problems lies fundamentally not so much in the platform itself, namely, the United Nations and its principle organs. Rather, lack of political will of member states to respect the fundamental principles in international relations and UN Charter, and the insistence on unilateral actions disregarding the legitimate role and authority of the UNSC that become the major obstacle to the failure in its performing functions.

This does not suggest that reforms of the UNSC are insignificant. Many suggested measures by Kofi Annan are essential in helping the organ keep with the change of time. To add new members to the UNSC, for example, is long overdue since members of the UN has increased to 191 states, and its current structure is evidently not well represented. What one should bear in mind, however, is: one does not throw the baby together with the water in the efforts of reforms. Despite the malaise of the UNSC in discharge of its duties, the UN Charter and other related guiding principles for action are basically sound and still very much relevant to the current situation. The focus of the reforms, therefore, would be misplaced if it implies only an attempt to change the basics of these valuable assets, gained through bitter lessons of experiencing the scourge of the world wars in the last century by our founding fathers. Rather, the reforms should strive to create a more propitious and effective mechanism in the framework of the United Nations, in which nations, big and small, strong and weak, rich and poor, will all have adequate sense of security, and find their voices heard and taken care of .

### **2. What are the correct criteria for the new permanent members of the UN Security Council?**

Annan proposes an expanded and more representative Security Council. He did not put forward his own specific suggestion for the structural reform. However, he strongly endorses the two proposals advanced by the high-level panel's report. According to that report, one alternative would add six new permanent members as well as three new two-year term members. The other would create a new tier of 8 semi-permanent members chosen for immediately renewable four-year terms and one additional two-year term seat to the existing 10. Which of these two formulas is more appropriate and feasible merits of course discussion. What merits greater attention is, understandably, the fact that there is already tough competition for those permanent seats by a group of countries. These likely

candidates include Brazil, Germany, India, Japan, Egypt and either Nigeria or South Africa. Each of them claims to have good reasons for the seat, but almost all of them face strong opposition by some, if not all, their neighboring countries. Under the circumstances, the expansion of the UNSC would be stalled if there is no better understanding what the correct criteria should be for the selection of possible permanent members of the UNSC, who are truly able to contribute to the better performance of the future UNSC.

Both panel's report and Annan mention four principles to that end:

(1) They should, in honoring Article 23 of the Charter, increase the involvement in decision-making of those who contribute most to the United Nations financially, militarily and diplomatically, specifically in terms of contributions to United Nations assessed budgets, participation in mandated peace operations, contributions to voluntary activities of the United Nations in the areas of security and development, and diplomatic activities in support of United Nations objectives and mandates.

(2) They should bring into the decision-making process countries more representative of the broader membership, especially of the developing world;

(3) They should not impair the effectiveness of the Security Council;

(4) They should increase the democratic and accountable nature of the body."

While each of these four guiding principles sounds generally reasonable separately, the big question is how to strike a balance between them so as to prevent the overemphasis of one at the expense of others. For example if one overstresses the requirement of selecting those "who contribute most to the United Nations financially, militarily and diplomatically, specifically in terms of contributions to United Nations assessed budgets," etc, it may sound as if the UNSC were just like a share-holding company. Whoever has more money or power has a greater say. Thus, in light of this concept, the suggested expansion of the organ will still result in the failure of achieving broad representativeness of the international community in the UNSC. The rich Western powers will continue to dominate the UNSC while developing countries less represented.

There is one more point worth mentioning as far as the qualifications are concerned. This is related to countries who were the major defeated enemies in the Second World War like Germany and Japan. As a matter of fact, the United Nations was set up primarily because the world hoped to get together to take collective actions to prevent these countries from rising and inflicting catastrophe to the mankind again. Over half a century has now passed and dramatic changes have taken place. Both Germany and Japan have become once again major powers in the world. They should no longer be treated as enemy states. But since both have actively lobby for the permanent members of the UNSC, a necessary specific screening procedure seems appropriate specifically for them so as to clarify that it is high time to eliminate the "enemy" clauses in Article 53 and 107 of the Charter, and that

they are qualified to be permanent members of the UNSC. The central question of this censorship is not of course whether they are financially, militarily and diplomatically capable, or they serve to be more representative of the broader membership in the organ. Rather, they should prove to be successfully remolded into peaceful and responsible states, and worthy partners with other member states for the international peace and security. The special treatment of countries like Germany and Japan is of tremendous significance when the world considers Japan's bid for the permanent membership.

### **3. Why Japan does not seem suitable for the permanent membership of UNSC for now?**

In the East Asian context, Annan's expressed support of Japan's bid to the permanent seat on the ground of Tokyo's greater financial contribution has specially been greeted with a cold shoulder in the region. Opposition to Japan being a candidate does not lie so much in Tokyo's potential qualifications for that status. The four major reasons are cited by the opposition as to why Japan seems not suitable for that position at least for now are Japan's failure to face up to the responsibility in its past aggressive wars, the World War Two in particular; Japan's lack of regional support; the country's lack of an independent foreign and security policy; and that there are other suitable candidates for the permanent member of the UNSC in the region like India or Indonesia.

### **4. Why the veto power should be confined only to the original five permanent members of the UN Security Council?**

Both Annan's suggestion and the high level panel's report strongly endorse retaining the veto power by the original permanent members of UNSC, and not extending to the new permanent members in the future. This is perhaps a most sensible suggestion. Critics argue that the practice of giving privileged status to these five states makes the Council both undemocratic and often ineffective. This criticism seems far-fetched. Given the practical situation of the coexistence of countries asymmetric in terms of strength, the veto system is perhaps the best safe valve to prevent any major power to abuse its military capability, and thus ensure international actions on the basis of major power's consensus. In the current situation with only one superpower left since the end of the Cold War, which has often shown a tendency of unilateral actions with its unprecedented military strength, it seems particularly significant to retain the veto power by the P5. Veto is not the best, but it is the second best before more ideal alternative is defined.

### **5. Is there a need to forge new understanding of the guidelines for using force?**

Annan proposes that the Security Council adopt a resolution on the use of force that sets out principles for the use of force and expresses its intention to be guided by them. In his view, such principles should include a reaffirmation of the UN Charter, and a reaffirmation of the central role of the Security Council in the decision of if force should be used. It is also stressed that when contemplating the use of force, the central guidelines include: the seriousness of the threat, the proper purpose of the proposed military action, whether means short of the use of force might reasonably succeed in stopping the threat, whether the military option is proportional to the threat at hand and whether there is a reasonable

chance of success.

Annan's proposal seems self-contradictory. If he accepted, as he did, the central role of the Security Council in using force in the area of peace and security, empowered with provisions of the UN Charter including those of Article 51; it becomes unnecessarily redundant to request a new resolution on the principles of using force. Such a resolution is more to reduce rather than to enhance the authority of the Security Council. Secondly, a product of compromise between different perspectives, the four principles seem too vague to be applied to a specific conflict situation in the future, which could be very diverse and subject to different interpretations. They invite further division among nations when confronting a crisis situation. Finally, the suggestion of the preemptive use of force for preventive purpose or for self-defense could be used as a convenient pretext by a big power to attack other countries for its selfish interests. Iraq war is a case in point. The Bush administration produced voluminous evidence to justify its invasion but only to prove that all these accusations of the existence of WMD in Iraq are false. Thus, the lessons drawn from the war is not so much to work out some principle to justify big powers' future military action as to uphold the authority and the central role of Security Council, and leave it to the organ to decide what must be done in a specific situation in the future.

#### **6. Should there be a deadline for the United Nations decision for the drastic reforms of Security Council?**

With a sense of great urgency, Annan also stresses the United Nations take a decision on the reforms of the UNSC before the summit in September 2005. "It would be far preferable for Member States to take this vital decision by consensus", he warned. "If, however, they are unable to reach consensus, this must not become an excuse for postponing action". The remark sounds more like a threat. But more haste, less speed. Annan might be too anxious to see the physical results of the reforms, but underestimate the implications of the division of the views on the issue. After all, the reforms of the UNSC involve national core interests of all nations, major powers in particular. Adequate consultation on the basis of better understanding is essential in order to ensure the reforms on the right track and will be conducive to the better performance of the organ in the future. To set up a deadline for the decision is not helpful. And to threaten to take compulsory measure to force them through may even run the risk of being contrary to the spirit of provisions of the UN Charter.