



‘To contribute to the maintenance of international peace and security...’

The Case for Democratic Reform of the Security Council

James Paul & Céline Nahory

In a world torn by war and violence, we need a far better Security Council to promote international peace and security and defend international law. Since the Council plays a much more active role than in the past, its failures are more evident and its reform is more urgent than ever. But the path to reform is exceedingly difficult.

Council reform badly needed, but solutions are difficult

Nations can agree on the Council’s shortcomings, but they differ sharply on the necessary solutions. All concur, for example, that the Council’s membership and institutional structures reflect outdated geopolitical realities and political thinking, shaped by the world of 1945. The five permanent members (P-5) of the Council, with their vetoes and many special privileges, now arouse widespread criticism as a self-appointed oligarchy.

But for over 15 years, nations have been debating Council reform in the United Nations General Assembly without result. Change in the Council’s membership, the most thorny issue of all, requires revision of the Charter.



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Members of the Nigerian battalion of the United Nations-African Union Hybrid Mission in Darfur (UNAMID) prepare for a night patrol, 14 March 2008.
UN Photo/Stuart Price

In the summer of 2005, there was a burst of diplomatic energy on reform of the Council's composition. But as often before, the proposals died in the face of stiff opposition. While the 2005 World Summit promised 'early' and comprehensive reform as 'an essential element of our overall effort to reform the United Nations,'¹ no plan concerning a new membership arrangement has yet won the needed support for such a major institutional change. The November 2007 debate in the General Assembly on this topic – as well as efforts of the Assembly President, facilitators, task forces and working groups – do not indicate that such support is in the offing. But they hint at some readiness for a transitional solution.

Council reform issues go beyond membership change

The debate focuses mostly on membership expansion (and new permanent members), but Council reform involves much more than the chairs around the table and who sits in them. The Council is far too loosely organised and depends far too much on the management of the P-5. By design, it has only minor institutional support from the Secretariat, placing impossible burdens on the delegations of elected members and weakening all efforts at institutional development, precedent-setting and organised institutional memory. Incredibly, the Council's rules of procedure remain 'provisional' after more than 60 years of operation. The Council's influential presidency changes constantly in a monthly rotation, producing organised confusion. Most of the body's business takes place behind closed doors, in 'consultations of the whole', away

from scrutiny and accountability and lacking any record (such as minutes) that could be referenced by future members. The Council passes many resolutions but only haphazardly enforces them, fuelling resistance to perceived 'double standards' in its actions.

Too often it seems the captive of great power politics with little connection to the needs of the world's peoples. The 10 elected members of the Council say they feel like 'tourists' or short-term passengers on a long-distance train. In spite of some minor improvements in working methods, the Council remains inflexible, oligarchic and out of touch with the world.

The Council reform movement seeks disparate goals but many want more democracy

After an inconsequential brief flare-up at the end of the 1970s, strong calls for Council reform began in the early 1990s. This happened in response to the Council's controversial action and inaction (Iraq and Rwanda for example) and its growing activity in the post-Cold War period. Critics of the Council made seven demands – that the Council be:

- more representative
- more accountable
- more legitimate
- more democratic
- more transparent
- more effective
- more fair and even-handed (no 'double standards')

Such demands seem reasonable, but they are not easily compatible. A Council of 40 members, for example, might be more represen-

¹ '2005 World Summit Outcome', United Nations General Assembly Resolution 60/1 of 16 September 2005, para. 153.

tative, but it would hardly be more effective. Still, many reformers have sought a more broadly democratic institution that would weaken the oligarchy and create a more diverse and broadly representative body. But reform action has to confront many questions: how best to promote accountability, transparency or other sought-after qualities; how to win political support for a reform package that the oligarchs must accept; and how to bridge the gaps between diplomatic rhetoric and institutional reality.

Democratic slogans and undemocratic practices

Reformers sometimes ask: how can even the best-organised Council function effectively and fairly in a world where great powers, like tyrannosaurs, stalk the global landscape? Powerful governments that claim to champion ‘freedom’, ‘democracy’ and ‘good governance’ have been known to behave despotically in the international arena, bending small states to their will and acting in violation of international law. Such powers sit in the Council and cannot be expected to solve problems that they themselves have created. This can be called the ‘foxes guarding the chicken coop’ problem.

Some reform proposals, couched in democratic language, would multiply this problem – enlarging the oligarchy by adding five or six other powerful governments. More permanent members would scarcely make the Council more representative, accountable, transparent, legitimate or even-handed. Self-interest, not democracy, motivates these membership claims, and a Council loaded with more permanent members would suffer from gridlock and political sclerosis.

‘Realist’ reform arguments

Some scholars and think-tank analysts have argued that reform must bow to ‘realism’ and that the Council must reflect the actual distribution of wealth and power in the world, not abstract ideas of fairness and justice. This line of argument shows an important conundrum in Council reform. How can democracy operate in a state system with such huge global disparities of wealth and power? Clearly, the answer cannot be a Council composed largely or entirely of major powers. Such a body could never command sufficient legitimacy, much less arrive at fair and effective decisions. Reforms that appear ‘realistic’ today would soon prove thoroughly unrealistic, leading to further domination, bitterness, destabilisation and violence. Effective reform can and must solve this problem. Shallow ‘realist’ thinking and the narrow state interest of aspirants to permanency will not produce the needed innovation.

Charter-changing reform projects are unlikely, especially for new permanent members

Changes in the UN Charter, like all constitutional changes, must command a very high degree of support in the international community. Proponents of any Charter-based reform plan will face great difficulty in winning the necessary two-thirds vote in the General Assembly and still more difficulty in obtaining ratifications from two-thirds of all member states, including the mandatory endorsement of the five permanent members of the Council. Assent and ratification by the P-5 will be the most difficult (and unlikely) of all. In spite of public declarations to the contrary, the P-5 are content

with the present arrangements and oppose any changes that might dilute or challenge their power or expand their club. China is expected to block permanent membership for Japan, and the United States has suggested that it will only support Council reform that commands an implausibly 'broad consensus'.

Middle powers pursue self-interest through permanency

Influential middle powers Japan, India, Brazil and Germany came together in 2005 as the 'Group of Four' (G-4), supporting each other's bid for permanent seats on the Council.² Brazil would be the only permanent member from Latin America, India and Japan would bring Asia's permanent seats to three, while Germany would bring Europe's permanent seats to four³. Africa claims two new permanent seats of its own and has at least five aspirants, among whom South Africa, Nigeria and Egypt have the strongest claims.

In seeking new permanent seats, these (at least) seven nations must curry favour with the P-5, who can veto their bid for permanent membership. So the aspirants give up at least part of their independence on the world stage and they abandon (for the time being) alternative reform projects that might be more innovative, lasting and democratic.

2 For various drafts and position papers on the enlargement issue see 'Security Council Reform: Documents and Statements' on GPF's website: www.globalpolicy.org/security/reform/docindex.htm

3 The Russian Federation being considered as a European state.

Permanent member candidates stir rivalries that ensure defeat

Japan and Germany have realised that they cannot reach permanent status without other new permanent members from Asia, Africa and Latin America. Ironically, however, these Southern partners make their bid even more unattainable. Each additional candidate for permanent status stirs the opposition of its own regional rivals, multiplying the number of opponents. Thus Pakistan opposes India, Argentina and Mexico oppose Brazil, South Korea and China oppose Japan, and Italy opposes Germany – to name only the best-known cases. In Africa, with many candidates in the wings, rivalry has become even more intense. This complex political geometry assures broad opposition and guarantees defeat for the aspirants. Opponents have come together in an organised grouping called 'Uniting for Consensus', which rejects any expansion of the Council's permanent members.

More permanent members would multiply the deformities of permanency

As the past six decades have demonstrated, permanency of membership makes the Council inflexible and unable to accommodate change. Like a country having a 'president for life', permanent membership sets the stage for future anomalies and provides no avenue for normal evolution as the status and power of states rise and decline in the international system. One ambassador from an elected delegation in the Council called the permanent members mockingly the 'H-5', the Hereditary Five, to highlight the anachronism of their status in a world that aspires to democracy. The present five permanent members already burden the Coun-

cil heavily. Ten or eleven permanents would make matters much worse. Their presence would block future reform and make limitation or outright elimination of permanency far more difficult.

Permanent members have rights but few responsibilities

The Council needs the involvement and support of major states to do its work effectively, but the permanent members often fail to meet their responsibilities. Permanent members have offered very few troops and very little military support to the Council's peacekeeping operations and some permanent members have even been seriously in arrears with their UN assessments, putting the organisation's finances in danger, and preventing needed peacekeeping operations because of funding caps. An unspoken but key reform issue is: how to make those with the most influence and resources more supportive of the Council and of the UN, without the UN giving in to their blackmail and allowing them to call the shots because of their major-supporter status.

More permanent members would further block Council action

Permanent members, through their veto and threat of veto, prevent the Council from acting on important matters of peace and security that fall within their national interest.⁴ Five permanent members already prevent the Council from acting on a very wide range of topics. Five or six new permanent members would exclude many

more matters. Indeed, 11 permanents might exclude virtually all topics from the Council's agenda, making effective Council action all but impossible. Some aspirants claim that they are ready to agree not to use their veto for 15 years, and presumably this would reduce the problem of blockage – but only partially. Since their votes would be important in Council deal-making, they could still exercise powerful blocking action and impose their national interests in a manner not altogether different from their veto-wielding colleagues.

More permanent members would burden the UN with more specially privileged members and special perks

The P-5 have two well-known Council advantages – continuous membership and veto power, both privileges provided by the Charter. But permanent members have wrested many more special privileges and perks for themselves. They insist on the right to control certain high-ranking UN posts and to name the tenants in those posts (or at least have a large influence over who among their nationals may occupy them). They intervene regularly in the workings of the Secretariat and disproportionately influence the wording of reports and the shaping of initiatives. They insist on the right to have one of their nationals sit as a judge in the International Court of Justice, so that their interests will be represented there. And they even have their own private lounges at UN headquarters. These privileges for the Five place a heavy burden on the UN, reducing, as a consequence, the rights and privileges of all others. Adding five or six more states in this 'first class' category would be a ruinous development.

⁴ Céline Nahory, 'The Hidden Veto', GPF, May 2004: www.globalpolicy.org/security/veto/2004/0519hiddenveto.htm

A middle tier of privilege – the ‘Plan B’ option and its variants

In December 2004, the Secretary-General’s High-level Panel on ‘Threats’ proposed a new type of Council membership – a middle tier that would be elected but for longer terms, so as to provide a semi-permanent status for middle powers.⁵ This solution, sometimes referred to as ‘Model B’ or the ‘Blue Model’, is seen as a kind of consolation prize for Germany, Japan, Brazil and the rest. Further, by providing a new category of longer Council terms, it recognised the problem of the very short, two-year terms that elected members have at present. Another proposal presented in the ‘Uniting for Consensus’ draft resolution in July 2005, and known as the ‘Green Model,’ proposed simply the creation of 10 more elected seats, with all elected members being able to stand for re-election and win additional two-year terms. These proposals are greatly preferable to adding permanent members but they have a serious disadvantage – they add many new members to the Council, making it extremely unwieldy.

Enlargement (in whatever form) would make the Council cumbersome and ineffective

The Council is not a legislature, but a body that combines quasi-legislative authority in security emergencies with power for rapid

executive action. With 15 members, the Council is already past the outer limit of the size-efficiency range for an executive body with such big responsibilities. Even in private consultations, ambassadors frequently read lengthy official statements, prepared in their capitals. A single round of such ‘discussion’ can take half a day, preventing swift and decisive action. Negotiations are laborious among such a large number of members, and consultations with capitals, time zone differences and multiple languages add to the burden. Ten or 11 new members would create a hopelessly awkward and inefficient institution.

Enlargement would lead to an all-powerful executive committee

In a famous essay, historian Cyril Northcote Parkinson used the history of the British cabinet to demonstrate what happens when a body goes past the most efficient size.⁶ Ample academic literature makes the same point – when committees get too large, they give rise to executive committees that do all the serious work, or (worse still) the original body becomes dysfunctional and irrelevant. At the UN, an enlarged Economic and Social Council (ECOSOC) stands as a clear example of how greater size detracts from effectiveness. An enlarged Security Council would only reinforce the power of the P-5 (or P-11) as an executive committee, leaving the elected members (however numerous) more powerless and frustrated than ever.

5 ‘A more secure world: our shared responsibility. Report of the High-level Panel on Threats, Challenges and Change’, UN document A/59/565, 2 December 2004. Also available online: www.un.org/secure-world

6 C. Northcote Parkinson, *Parkinson’s Law, or The Pursuit of Progress* (1957). The essay first appeared in *The Economist* in 1955.

Ambassadors with Council experience say enlargement would be a mistake

In recent years, many ambassadors of elected Council members – from all regions and state types – have spoken privately against enlargement, based on their own two years of real Council experience. Such views have been especially striking since they have often run counter to the pro-expansion positions of their national governments. Ambassador Peter van Walsum, who represented the Netherlands on the Council in 1999/2000, was one of these many practical dissenters. In 2005, from retirement, he wrote a forceful commentary in the *Financial Times*, concluding that ‘No one can seriously believe a Council with 24 members can be more effective than one with 15, but it has become politically incorrect to point this out.’⁷

Enlargement is not an effective route to better representation

Member states often argue that added members will make the Council ‘more representative’. But this is only marginally the case. Adding members adds more states, with their own state interests. Such members only weakly ‘represent’ their region or their state type (poor, island, small, etc.), since there is no system of accountability. Instead, they act primarily on the basis of their own national interest. If they are large regional hegemony, they may seek to increase their hegemony at the expense of other regional states. If they are states involved in civil conflict, they may seek to block Council re-

medial action (Rwanda notoriously sat on the Council during the 1994 genocide) with negative effects on many neighbours. And if they are small and weak states, they may be exposed to great power pressure, bowing often to threats or blandishments and voting according to the interests of the mighty, not the interests of regional neighbours and friends.

The question of regional representation

The idea of regional representation goes back to 1945, when the United Nations Charter was being negotiated in San Francisco. Countries such as Brazil, Colombia and Egypt then supported the idea of including regional representation.⁸ But because such a concept was seen as threatening the power of the future permanent members, the idea was dropped.⁹

In April 2007, a report of five facilitators appointed by the President of the General Assembly to push the process forward identified the question of regional representation and accountability as a key step towards a more representative Council.¹⁰ The docu-

⁷ Peter van Walsum, ‘A Hitch Could Still Stall the Momentum in Favour of a P-11 UN Security Council’, *Financial Times*, 18 April 2005.

⁸ *Documents of the United Nations Conference on International Organization, San Francisco, 1945*, Vol. 11 (New York: United Nations Information Organizations, 1945), p. 291; ‘Egyptians Seek Larger Councils’, *New York Times*, 25 April 1945; ‘Small Nations Seek to Expand Security Council Membership’, *Washington Post*, 29 April 1945.

⁹ See for example ‘Small States Denied Voice in Policing of World’, *Washington Post*, 13 May 1945; James B. Reston, ‘Delegates of U.S. Map Plan to Keep Regional Powers’, *New York Times*, 13 May 1945.

¹⁰ ‘Report of the facilitators on the consultations regarding the question of equitable representation on and increase in the membership of the Security Council and other matters related to the Security Council’, 19 April 2007, UN doc. A/61/47, Annex II.

ment reported that in the view of many delegations, elected members should represent not only their state's interests but also the views of the regional group to which they belong, in order to enhance access and input from non-Council members. Regional organisations of states such as the European Union (EU) or the African Union (AU) are leading in this direction. While the EU has developed furthest,¹¹ other regional bodies may evolve, including a proposed South American Union of Nations (UNASUR). In its 2005 'Ezulwini Consensus', the AU adopted a regional approach to the question of its membership in the Council.¹² The AU made clear that the African demand for representation was for the entire continent, not for just one or two countries. The AU declared it would itself determine the criteria and be responsible for the selection of its representatives.

But many member states are sceptical about regional seats, though, seeing them as impractical at present, due to the different levels of cohesion of the regional groups and their varied internal working methods. Still,

many agree that the concept of regional representation is worth exploring, as a way towards an eventual agreement on Security Council reform.

Suggestions for representation through more effective regionalism

Informal regional arrangements fit into the existing structures to provide a better form of representation on the Council, as a prelude to regional seats. Regional groups can pool resources and policy coordination and take steps to make regionally elected states far more responsive to regionally agreed policy. Each region could have its own secretariat in New York that could strengthen its own elected members and promote common policies, with no Charter revision required.

This would help small and poor nations to enlarge their capacity and enhance their ability to participate in the Council on a strong footing. A small state with only three or four diplomats on its Council team suffers from a huge disadvantage compared to members with teams of 20 or more.¹³ The same small state, supported by a number of experts from a permanent regional secretariat, would magnify its capacity. The regional secretariat would also give elected members access to institutional memory of the Council, narrowing the great advantage now held by the P-5. To further strengthen regional ties, member delegations could also include diplomats from other regional countries. Brazil and Argentina have already exchanged diplomats during Council

¹¹ See for instance Peter Schmidt, 'A Complex Puzzle – The EU's Security Policy and UN reform', *International Spectator*, Vol. XXIX, No. 3 (1994), pp. 53–66. – The Treaty on European Union (Maastricht Treaty) of 7 February 1992 stipulates: 'Member States which are permanent members of the Security Council will, in the execution of their functions, ensure the defence of the positions and the interests of the Union, without prejudice to their responsibilities under the provisions of the United Nations Charter' (Article 19 of the Consolidated Version). The last half-sentence of the provision, however, may be seen as a loophole for preserving the special status for France and Great Britain towards their fellow EU members.

¹² 'The Common African Position on the Proposed Reform of the United Nations: *The Ezulwini Consensus*', African Union, Executive Council, 7th Extraordinary Session (7–8 March 2005), AU doc. Ext/EX.CL/2(VII).

¹³ For size of missions in the Security Council (number of professionals on staff) in the years 1994 to 2005, see www.globalpolicy.org/security/data/tabsec.htm

terms. Other states could act likewise. But real progress can only take place if stronger regional states give up their hopes of permanent seats. When these states realise that progress depends on common action with their neighbours, they can promote common interests and not theirs alone.

Towards restriction of the veto and other special privileges

Reform of the Council must seek to restrict (and eventually eliminate) the veto, but this obviously cannot be done in the near future through Charter revision, which itself is subject to the veto process. Instead, states must mobilise pressure and persuasion to get P-5 members to limit their veto use, especially the threatened or ‘hidden veto’ that casts a shadow over the Council’s proceedings at all times. If all the aspirant states abandon their quest for permanency, they can provide major diplomatic muscle in this veto-restriction effort, along with support for a regional approach to membership. The veto should be immediately ended in such cases as decisions on the admission of new members to the UN, election of the Secretary-General and other cases rarely touching on core P-5 interests. Similarly, the 187 states outside the P-5 club should make joint efforts to limit other special P-5 privileges, such as claims on high Secretariat posts and seats on the International Court of Justice. Eventually, in the more distant future, permanency itself should be negotiated into well-deserved oblivion and the oligarchy eliminated once and for all.

Improvement in the Council’s working methods

The spotlight on membership, permanency and Charter revision has obscured the promising reform possibilities in the Council’s procedures and working methods – changes that can occur with far less difficulty. In the past 15 years, the Council has slowly been reforming itself, largely under pressure from the 10 elected members. The Council today holds more effective public meetings, consults better with non-Council actors such as Troop Contributing Countries, goes on missions to crisis areas, publishes its programme of work and targets its sanctions better, to name just a few significant improvements. But much remains to be done.

In 2006, a group of small states, commonly known as the Small Five in an amusing reference to the P-5, proposed a draft resolution inviting the Security Council to consider 19 measures to improve its working methods, notably its relationship with the General Assembly and its procedure to add and remove individuals from its sanctions committees’ lists.¹⁴ Since then, the group continues to lobby for more transparent and public Council working methods, as a way to enhance access to the work of the Council for non-Council members. While the broad membership insists that the working methods are an essential and integral part of Security Council reform, some expansion proponents fear that a breakthrough in this area may diminish their claim, and perma-

14 ‘Improving the working methods of the Security Council’, Costa Rica, Jordan, Liechtenstein, Singapore and Switzerland: draft resolution of 17 March 2006, UN doc. A/60/L.49.

ment members insist these measures should be adopted by the Security Council itself, not be 'imposed' by the General Assembly.

The Council must close the chapter on the famous 'provisional' rules of procedure and adopt standing rules at long last. It must hold more open meetings. It must consider ways to draw support from the Secretariat and to have a more institutionalised presidency. It must devolve more work to subsidiary arrangements such as the team coordinators, lessening the burden of discussion imposed on the ambassadors. It must strengthen the work of its expert panels and bring them together into a united information-sharing process. And it must work harder to seek information from the real world and to consult with non-governmental organisations and policy actors of all kinds.

*Council reform is work in progress:
towards a transitional approach*

Council reform is a process for the long haul, and must be based on ideas for a more democratic global future, not outworn concepts from the past like permanency and great power oligarchies. In light of the irreconcilable positions and the impasse that have stalled the debate for so long, it is time to move towards feasible transitional steps. As the November 2007 General Assembly debate suggests, member states seem ready to consider a transitional approach. Among the elements of the compromise should figure the questions of regional representation, working methods and limitation of the use of the veto. Only arrangements that do not entail Charter reform have a real chance of success.

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