

The enlargement of the Security Council

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Resum: L'ampliació del Consell de Seguretat de l'ONU ha generat en els darrers anys un gran debat. Les rivalitats entre països amb un status internacional similar, alguns més poderosos, podrien arribar a una possible "solució fixada" tenint en compte els desencontres entre països amics i aliats que podrien ser exclosos.

Paraules Clau: Consell de Seguretat, ampliació, negociació

Abstract: The enlargement of the Security Council has generated an interesting discussion during the last years. May rise rivalries among countries with similar international status, and some major powers, could be induced to dilute a possible "quick fix solution" to prevent disappointment among the partner states and other allied countries who would be excluded.

Keywords: Security Council, enlargement, negotiation

The UN and the Security Council. The earliest concrete plan for the formation of a new world organization, after the League of Nations, was begun under the aegis of the U.S. State Department late in 1939. The name United Nations was coined by President Franklin Delano Roosevelt in 1941 to describe the countries fighting against the Axis. It was first officially used on January 1, 1942, by the 26 states who joined in the "Declaration by the UN". The involved countries pledged themselves to continue their joint war effort and not to make peace separately. The need for an international organization to replace the League of Nations was first stated officially on October 30, 1943, in the Moscow Declaration, issued by China, Great Britain, the United States, and the USSR. The new Organization had to be more effective than the previous League of Nations, that couldn't prevent the World War II. It had to be an assembly of "peace-loving" nations and a tool to prevent conflicts and help the peaceful development of international relations and other humanitarian purposes.

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Originally the UN was composed largely of the Allies of World War II, mainly European countries, Commonwealth countries, and nations of the Americas. Close

cooperation among members was expected. The Security Council especially was expected to work in relative unanimity: it was conceived as the main mechanism to give the new Organization the effectiveness required to avoid the League of Nations inefficiency.

The Security Council consists of five permanent members (China, France, the Russian Federation, the UK and USA) and ten non-permanent members (five from African and Asian states, one from Eastern European states, two from Latin American and Caribbean states and two from Western European and other states), five of which are elected each year by the General Assembly for a term of two years. In electing the Council's non-permanent members, the Assembly is required by the Charter to pay due regard, in the first instance, to the contribution of UN members to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution. A retiring member is not eligible for immediate re-election. The Presidency is held in turn by Council Member States in the English alphabetical order of their names, each holding office for one month.

In practice the UN has not evolved as was first envisaged. Hopes for essential accord were soon dashed by the frictions of the cold war, which affected the functioning of the Security Council and other UN organs. Nevertheless, the Security Council today still reflects the global power structure of 1945. The five World War II victors have held on to their privileged status - they are "permanent" and can each veto any Council decision. This arrangement has been blamed for being both undemocratic and often ineffective. The few powerful members dominate UN policy, frequently veto widely accepted decisions or block important measures to stop international crisis in order to further their own interests. Despite the geographical representation of the ten elected members, the Security Council remains imbalanced in favor of the industrialized North and above all in favor of the Five.

The right of veto. The word "veto" does not appear in the Charter of the UN. Article 27 (3) does however state that: "Decisions of the Security Council ... shall be

made by an affirmative vote of nine members including the concurring votes of the permanent members ...". Thus a decision cannot be taken if a permanent member votes against it. It is not possible for a permanent member to actively oppose a resolution without causing it to fail. They may however abstain, for an abstention does not count as opposition. According to the UN's tally, the veto has been invoked 243 times to date: 4 times by China, 18 times by France, 29 times by the United Kingdom, 118 times combined by the Soviet Union and its successor state, the Russian Federation, and 74 times by the United States.

The right of veto was introduced by the authors of the Charter to ensure that the victorious powers of the Second World War spoke with one voice in matters of war and peace, and not so much to provide all of them with an instrument enabling them to prevent any given resolution. However, they proceeded on the assumption that the victorious powers were prepared to act, by and large, in unison, something which was no longer the case only a short time after the end of the Second World War. In the era of the East-West conflict, the right of veto thus played a mostly negative role which fully justified the criticism of this Charter provision which is voiced even today. Since the end of the Cold War, however, the right of veto has seldom been used. But this does not mean that it plays no role today. Rather, it happens time and again that permanent members threaten in a more or less concealed manner to use their veto in order to influence the content of Security Council resolutions.

Need for reform. As currently constituted, the Council is little representative of the international community and fails to reflect today's realities, its procedures lack the required transparency. This assessment is shared by virtually all UN member states. Against this background various reform models have since 1993 been the subject of intensive deliberations at the UN. The main forum for such deliberations has been the so-called Open-Ended Working Group established for this purpose by the UN General Assembly, which, despite operating by consensus, has produced a number of important documents on this issue and come up with a variety of options. Ultimately any reform of the Security Council will have to be based in some way on the ideas elaborated by this Group. These include the Razali Plan proposed in 1997, which envisaged an enlarged 24-member Security Council with five additional

permanent members and four additional non-permanent members. Subsequently, a High Level Panel of 16 international figures published recommendations on how to reform the UN to face such 21st-century challenges as terror, failed states, nuclear proliferation, poverty, environmental decay and mass violence and genocide. It provided some indications for the most significant and popular reform, that of the Security Council.

The report recommends expanding the panel to 24 members with 6 each from the Americas, Africa, Asia and Europe under two alternative formulas. One of the two suggested options would create a new tier of eight semi-permanent members with renewable four-year terms and one additional conventional two-year term member. The other would expand the number of permanent members to 11 from 5 and the number of those elected to two-year terms by three. Neither option, however, extends granting veto power beyond the existing five countries, a point that is sure to sharpen the debate in and out the General Assembly.

Auto-candidacies. Germany, Brazil, Japan and India bid for permanent seats. They pledged as “natural” candidates, and launched on September 2004 a joint bid on the UN Security Council. Some of them (Brazil, Japan, South Africa) claim for the veto power, some other did not express yet on this issue. According to the four countries position, the Security Council must reflect the realities of the international community in the 21st century. It must be representative, legitimate and effective. It should be essential that the Security Council includes, on a permanent basis, countries that have the will and the capacity to take on major responsibilities with regard to the maintenance of international peace and security. There also has been a nearly four-fold increase in the membership of the UN since its inception in 1945, including a sharp increase in the number of developing countries. The Security Council, therefore, should be expanded in both the permanent and non-permanent categories, including developing and developed countries as new permanent members. Brazil, Germany, India and Japan support each other’s candidature. According to these countries position, Africa should also be represented in the permanent membership of the Security Council. Despite to a now different strategy (once they formed a group of four with a common strategy, now Japan is acting

separately), the four countries work with other like-minded Member States towards realizing meaningful reform of the UN, including that of the Security Council.

The Italian position. For some years Italy has worked to promote a reform of the Security Council that enhances its geographical representativeness, democratic nature and operative efficiency. Italy also worked to prevent any “quick fix solutions” (that is the simple selection of new permanent members), fearing to be left out from the group of major countries eventually elected in such a capacity to the Security Council. Since 1993 Italy has been proposing to rotate seats on the Council more frequently for countries that make greater political, military and financial contributions to UN objectives such as peacekeeping, for example.

Italy has therefore reiterated its opposition in all circumstances to the creation of new permanent seats. As a compromise solution Italy has also expressed a willingness to support for the time being a limited increase in the number of non-permanent seats only, in line with the fall-back position of the Non-Aligned Movement. This solution, according to Italy, would also have the advantage of ensuring the UN broader geographical representativeness and increasing its democratic nature, by raising the number of elected seats available in the Security Council and therefore the possibility of access to it for all Member States. This would also help to build consensus on the decisions reached by the Council, which would likewise attract greater consensus among UN membership.

Recently, Italy worked on strengthening the profile of the EU in the UN, in order to give greater substance to the Union's contribution to an effective UN based multilateralism as a benchmark of international relations. One of the crucial aspects in this context concerns the EU's role in the organization. In this respect the last Italian Presidency of the EU worked to achieve a more dynamic and broader implementation on following items: 1) coordination of the actions of Member States in international organizations; 2) the specific obligation of the European members of the Council to coordinate and inform their other partners; 3) the commitment to ensure the defense within the Security Council of the positions and interests of the Union.

The true problems. Lack of representativeness is actually the main problem. Nevertheless we should not think that the Security Council should be “democratic” in the same sense of a national society. The UN is an international body, made up of states. These states are represented by permanent delegates and a delegate has an imperative rather than a free mandate when the position of the sending government is at any of the many bodies in the UN. Delegates of states to the UN simply do not have, and will never have, a free mandate in the sense of an elected representative in order for them to articulate the interests of the whole international state system, rather than the particular interest of the delegating state.

Instead, the UN can best be understood as an international organization that was created out of the pragmatic needs of the immediate post-World War II period and its institutional arrangements reflected that reality. Since there is no international governmental authority that can maintain the peace, the UN was created as an instrument of the big five to try and maintain "world peace," or possibly "world order." The composition of the Security Council at the time reflected the "balance of forces" of the two big powers (US and USSR) and the three lesser allies: Britain, France, and China. Only a dramatic shift in the "balance of international forces" could alter the composition of the Security Council as far as its permanent membership is concerned. This took place in 1971, when the Republic of China lost its seat to the People's Republic of China.

Said that, the question is: is there, in our time, “a dramatic shift in the balance of international forces” on which basis to alter the composition of the Security Council as far as its permanent membership is concerned? In other words, are we observing the advent of any defined new and powerful international states, or a powerful bloc of states, whose influence is overwhelmingly stronger than any other state and cannot be ignored, to cause the Security Council to be enlarged?. There are two possibilities for the answer.

It could be “yes”, because some countries are actually becoming strong powers, both militarily and economically speaking, some of them equipped with nuclear weapons, as India, an obvious potential candidate for permanent

membership. Or as Germany and Japan, that not only are big economies and strong contributors to the UN finances, but have also revised their constitutions in order to contribute also to military actions for peace. If the Indian economy keeps on expanding the way it has been the last decade and it expands its naval as well as nuclear capacity, its candidature of the Security Council as it were, will announce itself. The big five, under Indian pressure, could then enlarge the permanent membership of the Security Council and the two other candidates, Germany and Japan could become members under a package deal when India is brought on board. As a concession to Africa and Latin America, two permanent memberships could be offered, because that would buy the African and Latin American votes in the General Assembly to change the Charter to admit India to the inner sanctum of the Security Council.

Nevertheless, the answer could be “no”, because in the described situation some other countries, who also play a significant role in international affairs and peace operations, give considerable financial contribution to the UN, represent important economies, are members of the main international bodies, and moreover have played a basic role in the construction of the after war international, economic and security architecture, would unjustly be excluded, in this way. Countries such as Italy and Canada, for example, are members of NATO. Furthermore, they participate or participated to the main security operations in former-Yugoslavia, in Iraq and Afghanistan and, as far as Italy is concerned, also to the very important UN mission in Lebanon. They are members of the G8, an “informal” group where most of international issues are discussed and agreed. One of them is also an important member of the EU. Other countries feel to be as basic contributors to international affairs as the above mentioned India, Brazil, South Africa (that is Pakistan, Argentina, Nigeria), and will strongly oppose any solution who would favor rival countries.

Veto represents a second arduous problem. If the aim is to ease the decision making process, why should a mere expansion of Security Council membership help quicker or more equitable resolutions, when a unique country can veto them? What should be considered more “democratic” or, more “pragmatic” between keeping the veto power just to the current owners or extending it also to new permanent

members? The progressive deletion of veto seems to be quite unrealistic, because no country who owns this privilege would give it up.

A third problem concerns how and how much the UN will be backed up by the international society, above all by the main countries and especially by the United States. The strength of an institutions lies on the institutional framework (mechanisms, rules, quality of the decision making process, internal organization, availability of instruments, accessibility of resources, finance, and so on) and on the support offered by members. If, for instance, a member as the United States of America continues to see the UN as just one of the possible way to pursue its own national interests, as an important member of the US Parliament declared to the General Assembly some years ago, no human reform will be able to reform the Security Council and make it a better asset for peace and security. In other words, if Washington acts anyway it wants in the possible future scenarios of security, then the Security Council risks becoming useless.

Additionally, there are at least two other international realities that the Security Council, although reformed, could not take on, even though both are still in a rising and potential stage as full international actor: the EU and the Islamic Community. The EU has not yet reached the full consistency and the uniformity in its international policies, even though this is an aim for the Union. Once this full consistency will be reached, with a complete political and defense identity, many strong economic, political and military resources to be offered to international affairs, how to exclude it by the main international decision making body? The problem is less institutional and more political. If agreement would be reached on the future inclusion of the EU in the Security Council, the Charter could be accordingly changed. The true problem is the opposition of EU member countries who are also permanent members in the Council (Britain and France) or who hope to become permanent members (Germany). Indeed, there is a sort of political schizophrenia in some members of the Union. They work inside the EU with more or less intensity for its unique political and international dimension, and work outside, sometimes in open contradiction with the EU aims, acting mainly for national interests. EU countries ought to be more coherent and

handle with the two purposes (national and European interests) with more consistency.

Another problem, even though in a much further perspective, could be how to manage the possible future rise of a sort of political integration of international Islamic positions in international affairs. A better possibility for Islamic countries to participate in the more sensitive discussions on security issues, would probably help moderate governments to prevent the growing up of fundamentalist parties.

Imagining some possible solutions in a furthermore vision. There is only one way to make an international body fully represents the composite society on which it lies: a weighted majority based system, proportionally mirroring the population, the economic strength, the financial and substantial contribution to the aims of the organization, the ability to work and so on. We are very far away from such a perspective in the UN framework. Nevertheless, this concept is already working in the EU. Why shouldn't it work in other organizations? The problem, of course, is the political will of the main members.

But still with that, a lack of shared and sincere confidence of everybody in multilateralism will always spoil the UN of the role it could play in the interest of everybody. That means that also the strongest and most powerful country of the world should understand that pursuing and reaching shared (or proportionally shared) solutions with the others, even though it may involve a relative cost, would bring to better and longer-lasting results.

Conclusion. The enlargement of the Security Council in the sense wished by the main aspiring countries is not easy to be done. May rise rivalries among countries with similar international status, and some major powers could be induced to dilute a possible "quick fix solution" to prevent disappointment in friend and allied countries who would be excluded.

The negotiations could bring to “provisional” solutions, for example a rotation system, as supported by some member and suggested in one of the possible scenarios indicated by the High Level Group.

Some idea could be raised for the future – although the political conditions do not exist yet - in order to prevent “international anarchy” and strengthen the UN structures, and in order to give the future Security Council a strong and realistic representativeness:

- starting with a study on the introduction of a weighted majority system in the Security Council, possibly with some guarantees for preserving the national willingness of each member;
- eventually, expanding the membership of the Council, both in permanent and in non-permanent seats;
- promoting, in the latter framework, the institution of a unique permanent seat for the EU;
- fixing criteria to allow a number of countries to be represented as rotational or longer-lasting non-permanent member.

While waiting for the above mentioned possible solutions, a medium term option could be to pursue the creation of "quasi-permanent members" by electing non-permanent members for five years instead of two, with the possibility of re-election, and/or increasing the number of non-permanent seats only. This solution would also help to build consensus on the decisions to be reached by the Council, which would likewise attract greater agreement among UN membership.