

Draft Proposal for the
Reform and Enlargement of the UN Security Council

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March 1, 2001

Introduction

There is virtually unanimous agreement in the United Nations that the Security Council should be enlarged from its present size of five permanent members (the P5) and ten non-permanent members. A Working Group open to all members of the UN has been struggling with this issue for eight years, but competing proposals from member states have created a logjam.

An analysis of positions taken by various members and groups suggests that a proposal must meet seven criteria if it is to have a chance of garnering the needed support of two-thirds of the General Assembly and the P5. These criteria are the following.

1. Improve the representativeness of the Security Council in recognition of the great expansion of the UN since the last reform in 1963.
2. Do as little as possible to reduce the efficiency of the Council.
3. Do nothing to undermine the sovereign equality of the member states, in particular by not creating any new status for some designated members and not for others.
4. Respect the historical existence of the P5's veto, while recognizing the demands for its more restrained use.
5. Sustain the role of regional groups in selecting candidates for the non-permanent seats.
6. Recognize the increasing demands for transparency in the functioning of the Security Council.
7. Be simple enough in conception to resist endless tinkering during the approval process.

The Proposal

To meet these criteria, I propose the following reform package.

1. Add 5 to 10 non-permanent members for a total membership of 20 to 25 including the P5.
2. Allocate the non-permanent seats to regions.
3. Remove the provision of Article 23(2) preventing immediate re-election of members.

4. Remove the references in Articles 53 and 107 to enemies in the Second World War.
4. Reaffirm Article 23(1) that the election of non-permanent members will give due regard “in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.”
5. Affirm that the veto shouldn’t be used inappropriately.
6. Take measures to improve the transparency of the Security Council, for example by encouraging member states to post their views on their own or the UN’s web site.
7. Provide for an automatic review in 10-15 years.

Political Analysis

The demands of various mid-level member states to attain recognition of their special status has led other states to demand comparable recognition. For example, Italy doesn’t want to be left behind if Germany gets special status. Likewise Pakistan doesn’t want to accept a lesser status than India. And if Italy and Pakistan get special treatment, there will be others who would want comparable treatment, and so on forever. Moreover, any special status for some countries is inconsistent with the demands of the vast majority of members that the nothing further be done to undermine the equality of states. For these reasons any successful proposal will have to avoid the creation of any new status of membership in the Security Council.

For somewhat related reasons, any successful proposal will have to avoid adding members to the existing special status of permanent member with veto. Any candidates, with the possible exceptions of Germany and Japan, would likely be vetoed by one or another of the permanent members. Adding *only* Germany and Japan to the P5 would certainly be resented by many less-developed countries. Yet, any proposal to give still more countries the P5 status would be resented both by their rivals and other mid-level powers that are left out.

Thus, enlarging the Security Council will have to avoid either creating a new status for specific members or adding members to the existing status of the P5.

It may be feasible to create a new status that everyone is eligible to fill by election, such as permanent member without veto. But I believe that many mid-level members will be unsatisfied unless they are quite sure they will be one of those elected to such a position, and the same snowballing problem will occur among their rivals for recognition. Even a new non-permanent status, such as a four-year term for some and a two-year term for others, is likely to be viewed by the smaller countries as undermining the principal of equality since they would expect never be elected to preferred status.

In sum, mid-level members will have to accept that they will not be able to attain formal recognition of any special status. However, there are several steps that can be taken that would be welcomed by many of the mid-level members. First, the ban on immediate re-election can be lifted. At least some mid-level members might hope that this would make it easier for their regions to select them more often. Second, some regional groups could offer informal assurances to certain members that they would be given due consideration for relatively frequent election. For example, WEOG group could make such an assurance of consideration to Germany, and a somewhat less strong assurance to Italy. Third, mid-level members will appreciate a reaffirmation of the

Charter's criteria of ability to contribute to the maintenance of peace as the first consideration for election to the Security Council. Fourth, Germany and Japan will appreciate the removal of the outdated language in Article 107 about "any state which during the Second World War has been an enemy of any signatory of the present Charter." Fifth, perhaps some "side payments" could be arranged for the leading aspirants to permanent seats, namely Germany, Japan, and India. For example, perhaps the UN, with US support, could solicit foundation and private support for a major upgrade of the UN University in Japan.

Once there is widespread acceptance of the principle of "no new status," the enlargement of the Council presents only a few remaining issues. The first is how the non-permanent members would be selected. The obvious solution is to continue the present practice of allocating the seats to the regions, and relying on the regional groups to select specific candidates. While this system has its flaws, it is hard to imagine a different system that could get widespread support.

Some regional groups take their task of selecting candidates more seriously than others, according to the former President of the General Assembly, Prof. Diogo Freitas do Amaral [cite his 1966 speech]. Perhaps something could be done to improve the practices of the regional groups. One possibility is to encourage the regional groups to share information about the procedures they use in the selection of candidates. Another possibility is to aim for the regularization of procedures across the regions.

The allocation of the ten non-permanent seats dates from 1963. This allocation is five for Asia-Africa, one for Eastern Europe, two for Latin America and Caribbean, and two for Western European and Other States. The present proposal does not specify what the new allocation would be since that would depend on the exact number of new seats, whether the Asian and African groups would still want their allocation to be merged, whether the Eastern European group would want to join the Western group, and how various considerations should be reconciled in determining the appropriate geographic distribution of seats.

The proposal does not specify the exact amount of enlargement. The tradeoff is between efficiency and representativeness. A total size of 20-25 seems to be the range that has been the focus of most discussion. The addition exactly 5 or 10 seats that bound this range would allow the present allocation to be retained. Adding 6 to 9 seats would allow slight modifications of the allocation percentages. Allocating a seat to different regions in alternating years would allow further fine-tuning.

For concreteness, consider the example of adding six non-permanent members to the present ten for a total size, including the P5, of 21. Then a reasonable allocation would be eleven for Asia-Africa, two for Eastern Europe, four for Latin America and Caribbean, and four for Western European and Other States. Note that in this example, each region's allocation is doubled, with one additional seat for Asia-Africa in recognition of their relatively large number of new members since 1963. With 21 seats, the number needed to pass a resolution could be set at 13, thereby slightly increasing the current proportion from 60% (9/15) to 62% (13/21). Put another way, the P5 would need to gain the support of 50% rather than 40% of the non-permanent members (i.e., 8 of 16 rather than 4 of 10). This increase in the proportion of non-permanent members needed to pass a resolution would give them slightly more bargaining power without removing the veto of the P5.

Many members insist that any reform of the Security Council should include more than just its enlargement. For this reason, the proposal includes reference to two of the most widely discussed issues, namely restraint in use of the veto, and increasing the transparency of the Council's proceedings. The P5 are unlikely to agree to any formal restrictions on their veto power. However, they might well agree to a General Assembly Resolution to the effect that the right of veto should be used with restraint. (Perhaps there is already some GA or SC Resolution with language to this effect that could be reaffirmed.) The issue of transparency could be addressed in various ways, including encouragement of members to publish their views in a timely manner. An easy way to publish views is to post them views on their own or the UN's web site, and this could be encouraged.

The provision for an automatic review after ten or fifteen years is included to assure those who do not get everything that want in this round that their concerns can be raised again later.

Conclusion

A proposal that proceeds from the premise of "no new status" for any specific country could break the logjam on enlargement of the Security Council. This would entail keeping the veto rights of the existing permanent members, and adding five to ten seats for non-permanent members. The present proposal keeps things simple by continuing to allocate non-permanent seats to regions, and relying on the regional groups to select candidates for election. While this arrangement is not perfect, it can be the basis for the reform and expansion of the Security Council, once the mid-level members recognize that the General Assembly will not approve any special status for one or more specific members.

Once a complete proposal along these lines becomes the focal point of discussion, the mid-level members will be faced with a choice of either supporting the change or blocking the nearly unanimous sentiment in favor of enlarging the Security Council. No doubt most of them would go along, and the proposal would then be able to garner the necessary two-thirds vote of the General Assembly and the support of the P5.

The next problem is to negotiate the remaining issues (such as the exact amount of enlargement) so that a complete proposal can become the focal point of discussion. A suggestion for accomplishing this is the subject of a separate memo.

Acknowledgements: For helpful comments, I thank David Malone, Barry O'Neill Bruce Russett, and James Sutterlin. They are not responsible for the ideas expressed in this proposal. I also owe great debt to previous work in this subject, especially the many position papers of member states, and the following publications.

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