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CANADIAN FORCES COLLEGE/COLLÈGE DES FORCES CANADIENNES
CSC 31/CCEM 31

EXERCISE/EXERCICE NEW HORIZONS

**PROPOSED REFORMS TO THE UNITED NATIONS SECURITY COUNCIL:
REBIRTH OR LAST RITES?**

By/par LCol/Lcol F.J. Chagnon

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ABSTRACT

In its report to the United Nations' Secretary-General, the High-level Panel on Threats, Challenges and Change proposes an extensive number of reforms to make the UN's institutions more relevant in the new security environment. This paper examines the three major proposed reforms to the UN Security Council with a view to determining whether their implementation would serve to increase its credibility. It concludes that an increase in the membership of the UN Security Council without any changes to the current right of veto of its members coupled with the introduction of a system of indicative voting and a more transparent decision-making procedure are necessary, but that they only represent a first-step in the process of enhancing the credibility of the institution.

“The members of the Security Council consider that their meeting is a timely recognition of the fact that there are new favorable international circumstances under which the Security Council has begun to fulfill more effectively its primary responsibility for the maintenance of international security.”

Statement from the United Nations Security Council Meeting
held for the first time at the level of Heads of State and Government
New York, 31 January 1992

“Historic . . . timely . . . extraordinary . . . unique . . . unprecedented” are a few of the words used to describe the meeting from which this joint statement from the President of the United Nations Security Council (UNSC) was taken.¹ The assertion captured the world’s attention because it envisaged an opportunity for the rebirth of the organization following the fall of the Berlin Wall in 1989 and the dissolution of the Soviet Union in 1991. The time had come to forget about the Cold War and use the Security Council for the purpose for which it was created: to maintain peace and security. It was believed, at that time, that “the world now had the best chance of achieving international peace and security since the United Nations (UN) was founded.”² With unprecedented resolve, the UN embarked on a campaign to rid the world of the scourge of war and bring peace and security where it was most needed.³

The overall effort, though, was quickly mired by dismal failures that were uniquely and unequivocally attributed to the UN. The human tragedies resulting from,

¹ United Nations, “Historic Security Council Session Reaffirms Commitment to Collective Security,” *UN Chronicle* 29, no. 2 (June 1992): 4.

² *Ibid.*, 5.

³ The number of resolutions passed by the Security Council rose from an average of 15 a year from 1946 to 1989 to over 60 a year during the 1990s. Andrew Mack and Kathryn Furlong, “When Aspiration Exceeds Capability: the UN and Conflict Prevention,” in *The United Nations and Global Security*, ed. Richard M. Price and Mark W. Zacher, 59-74 (New York: Palgrave MacMillan, 2004), 59. Consequently, the number of military personnel deployed on operations under the auspice of the United Nations saw a dramatic increase from close to 11,500 military personnel on 11 missions in January 1992 to over 73,000 military personnel on 17 missions by the closing month of 1994. Oliver Ramsbotham and Tom Woodhouse, *Encyclopedia of International Peacekeeping Operations*, viii.

inter alia, Somalia, Rwanda and Bosnia, contributed to the estimate that over two and a half million people (mostly women and children) died as a result of armed conflict in the 1990s.⁴ The UN's credibility regarding its ability to save humanity from the horrors of war came to be questioned.⁵

Compounding the problem was the success of the North Atlantic Treaty Organization (NATO) against Serbia through the Kosovo Campaign (1999) and the United States-led war against Iraq (2003), both initiated without UNSC endorsement. These events underscored a stark reality: the UNSC, the world body responsible for maintaining peace and security, was fast losing its credibility vis-à-vis its membership, the nations of the world.

It is in this context that late in 2004, the High-level Panel on Threats, Challenges and Change presented its report to the UN Secretary-General. By describing the new security environment, the report underlined the requirement for reforms to all of the UN's institutions if they were to effectively contribute to meeting the threats and challenges of the 21st Century.

Specifically, the report stated that, "the Security Council needs greater credibility, legitimacy and representation to do all that we demand of it."⁶ To that end, three key reforms were proposed:

- the enlargement to the membership of the Council;
- the introduction of a system of indicative voting; and

⁴ Pierre-Édouard Deldique, *Faut-Il Supprimer l'ONU?* (Paris: Hachette Littératures, 2003), 30.

⁵ Dag Hammarskjöld, a former UN Secretary-General, once stated "the UN was not created to take humanity to heaven but to save it from hell." Shashi Tharoor, "Why America Still Needs the United Nations," *Foreign Affairs* 82, no. 5 (September/October 2003): 75.

⁶ United Nations, *A More Secure World: Our Shared Responsibility*, Report of the Secretary-General's High-level Panel on Threats, Challenges and Change (New York: United Nations, 2004), 77.

- the improvement of rules of procedure.⁷

This essay will demonstrate that these proposed reforms to the UN Security Council are a necessary first-step toward enhancing its credibility. This will be accomplished by first demonstrating the relationship between the UNSC's credibility and that of the organization as a whole. This will be followed by an analysis of three current issues of importance that affect the credibility of the UNSC. Each of the three proposed reforms will then be examined to determine whether or not they address these key issues and consequently, whether their implementation would serve to increase the credibility of the organization. Finally, a summary of other reform proposals will be made to demonstrate that, although this set of reforms would indeed enhance the credibility of the UNSC, they only represent a first-step towards making the UN Security Council a more credible organization.

In order to determine if the proposed reforms to the UNSC will serve to enhance its credibility, it is essential to first understand the body's position and role within the UN. Paragraph 1 of Article 1 of the UN Charter states that the primary purpose of the UN is to "maintain peace and security."⁸ Furthermore, as Article 24 of the UN Charter states that the Security Council has "primary responsibility for the maintenance of international peace and security," it follows that the credibility of the UN, as a whole, is

⁷ United Nations, *A More Secure World: Our Shared Responsibility*, Report of the Secretary-General's High-level Panel on Threats, Challenges and Change (New York: United Nations, 2004), 79-83.

⁸ United Nations, "Charter of the United Nations – Chapter I, Article 1," <http://www.un.org/aboutun/charter/index.html>; Internet; accessed 15 March 2005.

invariably linked to that of the Security Council.⁹ It is also of primordial importance to note that, as stated in Article 25 of the UN Charter, any and all UNSC resolutions are binding to all members of the UN.¹⁰ That is to say that of all the organs of the UN, the Security Council alone has the power to make decisions, which member states are obligated to carry out. This authority of the UNSC over all member states is a testament to the importance attached to the credibility of the institution.¹¹

Members of the UN have long expressed their dissatisfaction regarding three specific issues of the UNSC: the composition of the Council, the right of veto of the permanent members, and the lack of transparency in the Council's decision-making process. To appreciate the impact that each has on the credibility of the UNSC some details are required.

The UNSC is composed of 15 member-states who hold 5 permanent and 10 non-permanent seats. As implied by the name, permanent members have been granted the right to sit at the Council *ad infinitum*. Non-permanent members, for their part, are democratically elected to a seat on the Council for a period of two years and are not eligible for immediate re-election.¹² Every year therefore, five new non-permanent

⁹ United Nations, "Charter of the United Nations – Chapter V, Article 24," <http://www.un.org/aboutun/charter/index.html>; Internet; accessed 15 March 2005.

¹⁰ *Ibid.*

¹¹ An example of this is the fact that some countries, including Norway and India, are not permitted, according to domestic law, to commit forces without a Security Council's resolution. Shashi Tharoor, "Why America Still Needs the United Nations," *Foreign Affairs* 82, no. 5 (September/ October 2003): 71.

¹² United Nations, "Charter of the United Nations – Chapter V, Article 23," <http://www.un.org/aboutun/charter/index.html>; Internet; accessed 16 March 2005.

members are elected to the Council.

The five permanent members of the UNSC were recognized in 1945, when the UN was founded, as the victors of World War II: China, France, Russia (previously the Soviet Union), the United Kingdom, and the United States of America. The ten non-permanent seats, on the other hand, are allotted first with due regard to a member state's contribution to the maintenance of peace and security and second with "equitable geographical distribution" based on the following established allocation:¹³

- Africa and Asia: 5 seats;
- Latin America and the Caribbean: 2 seats;
- Western Europe and others: 2 seats; and
- Eastern Europe: 1 seat.¹⁴

The drawback of the current composition of the UNSC is that it is not perceived as being a true reflection of today's world. The point should not be understated. Since its foundation, sixty years ago, the UNSC has only undergone one expansion – in 1963, from eleven to its current fifteen seats – as a result of the dramatic enlargement experienced by the UN, which had seen its membership increase from 51 to 112 states.¹⁵ Since then, however, the UN's membership has seen an increase of 70 percent in its membership (from 112 to 191), with no equitable increase to the UNSC commensurate

¹³ Richard Hiscocks, *The Security Council – A Study in Adolescence* (New York: The Free Press, 1973), 59.

¹⁴ *Ibid.*, 98.

¹⁵ The vote to increase the composition of the UNSC was taken in 1963, but actually only came into effect in 1965. Warren Hoge, "U.N. Tackles Issue of Imbalance of Power," *The New York Times*, 28 November 2004, 26.

with this change.¹⁶ As a result, representation on the UNSC has become an issue of great importance to many member states, who are of the opinion that “if the [Security] Council is to regain credibility, particularly with the world’s poorer countries, it must be made more representative.”¹⁷ It follows therefore that any reform that adequately addresses the issue of better representation in the UNSC would serve to enhance its credibility.

Another problem with the current composition of the UNSC is that it is viewed, by many, as an “anachronistic” reflection of power that is based on the world as it was in 1945.¹⁸ That is to say that there exists a continuously growing dissatisfaction with the fact that permanent members, who were so appointed 60 years ago based on the geopolitical situation at the time, are the only ones to ‘enjoy’ a very special power: the right of veto.

The UN Charter establishes the procedure used by the UNSC to pass resolutions by means of a vote of its members. Specifically, Article 27 states the following voting criteria:

- for procedural matters: 9 out of 15 votes are required; and
- for all other matters: 9 out of 15 votes are required, including the concurrence of the 5 permanent members.

This rule, in effect, confers to the permanent members of the UNSC what is commonly referred to as the ‘right of veto’: for all matters of substance, permanent members must be in accord for a resolution to pass. Many view this means of adopting

¹⁶ United Nations, “Growth in United Nations Membership 1945-2004,” <http://www.un.org/Overview/growth.htm>; Internet; accessed 16 March 2005.

¹⁷ “Fighting for Survival,” *The Economist* 373, no. 8402 (20 November 2004): 26.

¹⁸ “Room at the Top Table?,” *The Economist* 372, no. 8395 (2 October 2004): 46.

resolutions by the UNSC as an undemocratic process and as such, an infringement on one of the key principles espoused by the organization: that of the sovereign equality of all its members.¹⁹

This apparent dichotomy is easily explained when one understands how it came to be. Following the demise of the League of Nations (which had relied on unanimous voting to make decisions), the founding members decided to institute a more liberal voting system for the UNSC.²⁰ Unfortunately, it soon became apparent that the binding clause, contained in Article 25 of the UN Charter, would prove unpalatable to the victors of the Second World War, whose membership was seen as a necessity to meet the goals of the organization. As a result, this “provision [became] a *sine qua non* of membership for the great powers and that without it there would [have been] no organization at all.”²¹ So it came to be that those states who had argued against a breach of the sovereign equality of states, had no choice but to accept the fact that the great powers had to be given the right of veto for they were not “willing to be bound by decisions in which they had not concurred.”²² The birth of the organization itself was at stake.

One could argue that sixty years later, the situation remains unchanged and that the permanent members still consider the right of veto a key instrument to further national interests. For example, it has been suggested that the current dispute between China and Japan, ostensibly over historical Japanese atrocities committed against the

¹⁹ United Nations, “Charter of the United Nations – Chapter I, Article 2,” <http://www.un.org/aboutun/charter/index.html>; Internet; accessed 16 March 2005.

²⁰ Richard Hiscocks, *The Security Council – A Study in Adolescence* (New York: The Free Press, 1973), 56.

²¹ *Ibid.*, 54.

²² *Ibid.*, 56

Chinese people, is in reality an attempt by China to discredit Japan so as to damage its bid for a permanent seat on the UNSC.²³ However, as President Carlos Andrés Pérez of Venezuela recognized, while the requirement for balance of power has not disappeared, the right of veto has “to a great extent been superseded by history.”²⁴ The reason being that the balance of power has shifted from pure military power to a combination of economical, political, and military might and consequently has called into question the current permanent membership of the UNSC. Clearly, regardless of what measure is used to define power in today’s world, an example can be provided to argue the allocation of permanent seats (and the associated right of veto) in the UNSC:

- Why, for example, should Britain, with its 60 [million] people, have a permanent seat and not India, with more than 1 billion?
- Why should Russia, with a GDP the size of Belgium’s have one and not Japan, the world’s second biggest economy?
- Why doesn’t a single African, Latin American or Muslim country have permanent status?²⁵

It follows from this that the right of veto in itself represents one of the key parameters that any reform must consider if it is to enhance the credibility of the institution.

The last issue identified as a possible impediment to boosting the credibility of the UNSC concerns the perceived lack of transparency of the organ in its quest to make decisions on matters of peace and security (in the form of resolutions) on behalf of its

²³ Geoffrey York, “Japan Moves to Mend Quarrel with China,” *Globe and Mail*, 23 April 2005, A18.

²⁴ United Nations, “Historic Security Council Session Reaffirms Commitment to Collective Security,” *UN Chronicle* 29, no. 2 (June 1992): 8.

²⁵ “Fighting for Survival,” *The Economist* 373, no. 8402 (20 November 2004): 26.

member-states. The existence of a special consultation chamber, adjacent to the actual Council Chamber, whose access is strictly limited to members of the Council, can only reinforce the idea that issues being discussed by UNSC members are not for public consumption.²⁶ Hugo Scheltema, a former representative of the Netherlands on the Security Council, asserts that “decisions of the Council are ‘pre-cooked’ and are ready for public presentation when the Council finally meets in open and formal session.”²⁷ Similarly, Lord Caradon, the British Representative to the UNSC in 1969, once remarked, “those of us who have served on the Security Council know that perhaps the first unwritten rule of the Council is that it is unwise to call the Council until and unless there is a plain prospect that agreement can be reached.”²⁸ Taken together, these facts imply that some of the most important discussions taking place occur during what is called a ‘private meeting’ by the members of the UNSC.

There have been attempts to improve the transparency of the UNSC. In fact, Rule 37 of the Provisional Rules of Procedures of the Security Council allows non-members (by invitation only) to participate in discussions deemed (by the UNSC) of relevance to them.²⁹ This has proven to be insufficient, leaving many wanting even greater access, to the degree that many states “have raised the question of a need for greater openness in the

²⁶ Hugo Scheltema, “Transformations within the United Nations,” in *The UN Under Attack*, ed. Jeffrey Harrod and Nico Schrijver, 1-7 (Aldershot, England: Gower House, 1988), 3.

²⁷ *Ibid.*

²⁸ Andrew Boyd, *Fifteen Men on a Powder Keg – A History of the U.N. Security Council* (New York: Stein and Day, 1971), 8-9.

²⁹ United Nations, “Provisional Rules of Procedures of the Security Council,” <http://www.un.org/Docs/sc/scrules.htm>; Internet; accessed 16 March 2005.

Council's decision-making process, especially at stages of consultation."³⁰ The justification behind the unorthodox demand is not so much to satisfy a need-to-know by non-member states, but rather is made under the logical assertion that "opening up the informal consultations would increase the perceived honesty of the process and enhance credibility."³¹ This fact is supported by James Patrick Sewell who suggests, in his study on the question of the authority of the UNSC, that the problem of accountability "has quietly eroded the credibility, and thereby the authority, of UNSC [sic]."³² As a result he suggests that "openness to Council proceedings could serve to jump-start the journey towards accountability by way of transparency."³³

Having identified the three key parameters that affect the most the credibility of the UNSC, this next section will examine the three key reforms proposed in the *Report to the UN Secretary-General of the High-level Panel on Threats, Challenges and Changes* to determine whether they would serve to enhance the credibility of the organization.

The first reform proposed is the enlargement of the Security Council by 9 seats for a total of 24. For that purpose, the Panel offers two models:

- Model A: - add 6 new permanent seats; and
 - add 3 new non-permanent seats.

³⁰ Mohammed Bedjaoui, *The New World Order and the Security Council – Testing the Legality of its Acts*, trans. Bernard Noble (Dordrecht, The Netherlands: Martinus Nijhoff Publishers, 1994), 126.

³¹ Jeffrey Martin, "Security Council Reform Needed," *Courier Online* (Nov 1998); available from <http://www.stanleyfoundation.org/courier/articles/1998fall3.html>; Internet; accessed 15 March 2005.

³² James Patrick Sewell, *The Questionable Authority of the United Nations Security Council*, Multilateral Institutions and Global Security Working Paper Number 7 (North York: Centre for International and Security Studies, n.p., 1997), 10.

³³ *Ibid.*, 15.

- Model B: - create 8 new four-year renewable seats; and
 - add 1 new non-permanent seat.³⁴

Although it is not the purpose of this essay to assess the proposed models to determine which would benefit the organization the most, there are a number of facts that can be deduced from them that will reveal the impact either one could have on the credibility of the Security Council.

The first fact of note is that of an equitable distribution of seats. Both models of the proposed reform for the enlargement of the Security Council are based on a redefinition of the major regional areas for the purpose of seat allocation. The recommendation would be to replace the current areas, and the associated seat allocation, as follows:

Table 1 – UNSC Seat Allocation by Major Regional Areas
 (figures do not include current permanent seats)

Current Major Regional Areas	Seat Allocation	Proposed Major Regional Areas	Seat Allocation
Africa and Asia	5	Africa	6
Latin America & Caribbean	2	Asia and Pacific	5
Western Europe and Others	2	Europe	3
Eastern Europe	1	Americas	5

Source: United Nations, *A More Secure World: Our Shared Responsibility – Part 4*, 81.

The result of this change would be that, with the current permanent seats added, each new major regional area would have an equal number of seats at the Council; numbering six

³⁴ United Nations, *A More Secure World: Our Shared Responsibility – Part 4*, Report of the Secretary-General's High-level Panel on Threats, Challenges and Change (New York: United Nations, 2004), 81.

each. As such, the proposed reform would set aside the fact that northern countries have been over-represented at the Council over the last six decades. Representation on the Council would now appear equitable with major improvements for Africa and Asia at the expense of Europe. As a *New York Times* editorial acknowledged, “the UN can only gain in authority and relevance by adding newly important countries from the developed and the developing world.”³⁵ This fact was clearly recognized by the High-level Panel in its recommendation.

The second fact of note is the criteria of selection of member states to seats on the UNSC. Currently, Article 23 of the UN Charter specifies that consideration for membership on the Council shall be made first with due regard to member-states’ contribution to the maintenance of peace and security and secondly, based on equitable geographical allocation.³⁶ Unfortunately, because of the perceived preponderance of seats allocated to northern countries, the criterion of geographic allocation has always played a more important role than that of actual contribution to the organization. As a result, critics of reforms to expand the UNSC have often used the argument that a number of countries appointed to seats on the Council had very little to offer to the institution. This fact was understood by members of the High-level Panel and is addressed in this proposed reform which specifies that preference for permanent or longer-term seats should be given to member states who are among:

- the top three financial contributors to the regular budget in their relevant regional areas; or

³⁵ Editorial, *The New York Times*, December 7, 2004.

³⁶ United Nations, “Charter of the United Nations – Chapter V, Article 23,” <http://www.un.org/aboutun/charter/index.html>; Internet; accessed 16 March 2005.

- the top three financial contributors to UN peacekeeping missions from their regional area; or
- the top three troop contributors to UN peacekeeping missions from their regional area.³⁷

The objective of reinforcing a set of criteria already in place in the UN Charter has a greater chance of being attained because of the redefinition of major regional areas for the purpose of seat allocation. As a result, arguments about the importance of actual contribution versus regional representation would diminish, if not disappear altogether. The standing of member states elected based on this criteria would no longer be the subject of fierce criticism, such was the case when Rwanda, having been elected as a non-permanent member in January 1994 sat on the Security Council while UN troops were being deployed in an effort to bring peace to that country.³⁸ It is therefore evident that this specific aspect of the proposed reform would result in a marked increase in the credibility of the UNSC as a whole.

The final fact of note is the panel's recommendation that the right of veto not be extended to the new permanent members (should Model A be implemented), or to the new four-year renewable members (should Model B be implemented).³⁹ On its own, this recommendation appears to not address one of the major credibility parameters identified in the previous section of this essay, that of the right of veto granted to the permanent members of the Security Council. In the larger context, however, the recommendation

³⁷ United Nations, *A More Secure World: Our Shared Responsibility – Part 4*, Report of the Secretary-General's High-level Panel on Threats, Challenges and Change (New York: United Nations, 2004), 82.

³⁸ Dore Gold, *Tower of Babel* (New York: Crown Forum, 2004), 146.

³⁹ United Nations, *A More Secure World: Our Shared Responsibility – Part 4*, Report of the Secretary-General's High-level Panel on Threats, Challenges and Change (New York: United Nations, 2004), 82.

highlights two distinct realities. First, for the veto to be eliminated or changed, the UN Charter would have to be amended, which would require that states with veto power agree to the change. Second, that adding the right of veto to new member states of the UNSC would only serve to deepen the problem of credibility brought on by the current situation.

In actuality, by not directly addressing the problem, the recommendation offers a realistic approach to reform by accepting the truth that “the debate [over the veto] became dormant largely because there appeared to be little chance that the permanent members would ever relinquish the veto.”⁴⁰ It also acknowledged that the effectiveness of the UNSC would suffer if any increase of the right of veto was made because, as former Canadian Ambassador Paul Heinbecker so eloquently asserted: “. . . adding vetoes would only make the Council more sclerotic. It would be the equivalent of pouring cement into the UN motor.”⁴¹

In quantitative terms, the use of the veto by permanent members of the UNSC has seen a radical decline since the fall of the Berlin Wall as “only 12 substantive vetoes were invoked between January 1990 and June 2003 in contrast to the 193 over the preceding 45 years.”⁴² This, combined with the impossibility of revoking the permanent members’ right, has led some, including Chilean Ambassador Juan Somavia, to suggest that

⁴⁰ David D. Caron, “The Legitimacy of the Collective Authority of the Security Council,” *American Journal of International Law* 87, No. 4 (October 1993): 569.

⁴¹ Department of Foreign Affairs and International Trade, “Statement by Ambassador Paul Heinbecker, Permanent Representative of Canada to the United Nations, to the United Nations General Assembly – New York, November 16, 2000,” <http://www.un.int/canada/html/s-16nov2000heinbecker2.htm>; Internet; accessed 17 March 2005.

⁴² Thomas G. Weiss, “The Illusion of UN Security Council Reform,” *The Washington Quarterly* 26, no. 4 (Autumn 2003): 150.

“regulation, not abolition, was a more viable interim measure.”⁴³ A suggestion reflected in the proposed reform, and which will be further examined in the final section of this essay.

In the analysis of this first proposed reform, a fundamental fact was considered and is underlined here by a group of experts from governments, the UN and private institutions discussing the issue of reform of the UN: “reforming the Security Council . . . to make it more representative and democratic . . . is another key to restoring the institution’s credibility.”⁴⁴ As such, it has been demonstrated that the proposal to enlarge the Security Council by 9 seats (under any of the two models suggested) based on a redefinition of major regional areas, an emphasis on the criterion of contribution for allocation of seats, and no expansion of the right of veto, would (all things being equal) serve to enhance the credibility of the UNSC vis-à-vis the international community.

The second reform to be analysed is that of the proposal to introduce a system of indicative voting at the Security Council.⁴⁵ If implemented, this system would provide the UNSC with a formal procedure to call for “a public indication of positions on a proposed action,” thereby, it is believed, increasing the accountability of the veto function.⁴⁶ Of particular importance is the fact that any vote taken under this arrangement would not have legal force. It appears therefore that this proposed reform

⁴³ United Nations Association in Canada, “The Next Step: Security Council Reforms,” <http://www.ncrb.unac.org/unreform/selected/SCreform.html>; Internet; accessed 17 March 2005.

⁴⁴ Jeffrey Martin, “Security Council Reform Needed,” *Courier Online* (Nov 1998); available from <http://www.stanleyfoundation.org/courier/articles/1998fall3.html>; Internet; accessed 15 March 2005.

⁴⁵ United Nations, *A More Secure World: Our Shared Responsibility – Part 4*, Report of the Secretary-General’s High-level Panel on Threats, Challenges and Change (New York: United Nations, 2004), 82.

⁴⁶ *Ibid.*

addresses two of the parameters which impact the most on the credibility of the UNSC: the right of veto and the need for greater transparency. There exists, however, the potential that any benefit reaped from the introduction of such a system on the credibility of the organ might be eclipsed by the frequency with which it is used; for the text of the proposed reform seems to suggest that the decision to call for an indicative vote would rest with the Security Council itself, rather than the Secretary-General, the General Assembly, or other interested parties.

The third reform to be evaluated is the recommendation “that processes to improve transparency and accountability be incorporated and formalized in the Council’s rules of procedures.”⁴⁷ Although the report of the High-level Panel acknowledges that some improvement has been made in the past to this effect (as was described in the previous section), it restates the requirement to continue in that vein but fails to provide any specific measures to do so. It could be argued that the proposed implementation of a system of indicative voting represents one of the processes that should be formalized in the Security Council’s rules of procedures, but the fact is not clear. More plausible, though, is the recommendation to formalize the right, under Article 44 of the UN Charter, of troop-contributing nations to be consulted regarding the deployment of troops to Council-mandated operations.⁴⁸ Although it is generally agreed, “that reforming council procedures would also help restore credibility,” the proposed reform does not offer details and, as such, it is doubtful that it would have any impact on the credibility of the

⁴⁷ United Nations, *A More Secure World: Our Shared Responsibility – Part 4*, Report of the Secretary-General’s High-level Panel on Threats, Challenges and Change (New York: United Nations, 2004), 83.

⁴⁸ United Nations, “Charter of the United Nations – Chapter VII, Article 44,” <http://www.un.org/aboutun/charter/index.html>; Internet; accessed 16 March 2005.

institution.⁴⁹ On the other hand, if as a minimum the process whereby troop-contributing nations are consulted by the UNSC prior to decisions being made is formalized, it would have a significant impact on its credibility.

In proposing comprehensive reforms to the various organs of the UN, including the Security Council, the High-level Panel on Threats, Challenges and Changes never intended to put forward a final blueprint for the organization. Rather, it understood from the outset that “the process of change obviously must be evolutionary; [and that] if managed wisely and prudently the result should be a Security Council that will be more representative, more effective, and more in tune with needs on the ground.”⁵⁰ As a result, other reforms have been suggested to continue in this never-ending quest to improve the credibility of the UN Security Council and in the process, the organization as a whole.

One possible future reform is that of establishing a time period for which the criteria used for allocation of seats at the UNSC would be valid. Although the suggested approach addresses the need for representation by those who contribute the most, it is obvious that it needs revisiting periodically. What if the situation in Japan (which currently ranks second in contribution to the UN budget with 19.5%) or in Germany (which ranks third with 8.7%) was to change such that their respective contribution fell below expectation?⁵¹ Should they retain their seat for 60 years, as did the great powers of

⁴⁹ Jeffrey Martin, “Security Council Reform Needed,” *Courier Online* (Nov 1998); available from <http://www.stanleyfoundation.org/courier/articles/1998fall3.html>; Internet; accessed 15 March 2005.

⁵⁰ James Goodby and Kenneth Weisbrode, “Security Council seat for EU, ASEAN?,” *Christian Science Monitor* 97, no. 34 (12 January 2005): 9.

⁵¹ Warren Hoge, "U.N. Tackles Issue of Imbalance of Power," *The New York Times*, 28 November 2004, 1.26

the Second World War? Some suggest a review every 12-15 years while others, such as the authors of the report, suggest the first review occur in 2020.

Another proposed reform toward reducing the permanent members' ability to use the UNSC as a venue to further national interests by means of the veto, would see the amendment of the UN Charter to reflect the requirement to have a minimum of two of the permanent members agree on a veto for it to be accepted. Alternatively, and in a similar spirit, the use of veto could be limited to operations falling under Chapter VII. In either case, an amendment to the UN Charter would be required and as such would need approval from all permanent members.⁵² By limiting the power of the veto, the implementation of such a reform would serve to

countries they represent.⁵³ Instead of having 15 or 24 countries out of 191 represented on the Council, as many as half of the UN membership could be represented. Some see this option as the only way that the right of veto could ever be removed from a member state. For example, the United Kingdom and France might be inclined to relinquish their seats in favor of the EU.

As U.S. President Reagan stated to the UN General Assembly in 1986 on the issue of reform “the issue, ultimately, is not one of cash but of credibility.”⁵⁴ Although it has been demonstrated that the three major proposed reforms would serve to enhance the credibility of the organization as they indeed address the three key parameters which have contributed to its current lack of credibility, as a whole they should be viewed as “a good starting point” only, that is, a necessary first step.⁵⁵

In conclusion, it has been shown that the credibility of the UN Security Council, and as a result, that of the organization as a whole, declined dramatically due to its apparent inability to maintain peace and security over the last decade. Unilateral actions by NATO against Serbia and a US-led coalition against Iraq have highlighted the need for the world body to implement necessary reforms as a first step toward enhancing its credibility if it is to remain relevant in the 21st Century.

Three parameters were identified as key issues that affect the Security Council’s credibility in the eyes of its critics: the composition of the Council, the right of veto, and

⁵³ James Goodby and Kenneth Weisbrode, “Security Council seat for EU, ASEAN?,” *Christian Science Monitor* 97, no. 34 (12 January 2005): 9.

⁵⁴ Joachim W. Müller, *The Reform of the United Nations*, Volume I in the Series – Annual Review of the United Nations Affairs (New York: Oceana Publications, 1992), 56.

⁵⁵ Editorial, *The New York Times*, December 7, 2004.

the need for greater transparency. The analysis conducted on each described the major perceived flaws and the resulting negative effect those have on the credibility of the UNSC.

The three major reforms to the UNSC proposed in the Report to the UN Secretary-General by the High-level Panel on Threats, Challenges and Changes were then examined to determine whether they addressed the key parameters previously identified. In the first case, it was demonstrated that the proposal to enlarge the Security Council by nine seats (under any of the two models suggested), based on a redefinition of major regional areas, would definitely serve to enhance the credibility of the UNSC. The clear emphasis placed on the criterion of contribution to the UN for allocation of seats, and the intent not to expand the right of veto greatly supported that deduction. The other proposals for reform, to implement a system of indicative voting and to formalize the rules and procedures of the UNSC, were found to be a clear sign of the understanding for the need of greater transparency by the organization. In quantitative terms, though, these reforms were found wanting as they only provided limited suggestions. Although implementation of these reforms would certainly have a positive impact on the credibility of the institution, that impact would most likely be minimal.

In the final section of the essay, a number of other reforms were examined. Together they demonstrated that the reforms being considered now are not to be construed as a final version of what the organization should strive to be, but rather that they represent but a first-step in enhancing the credibility of the organization.

As U.S. President Reagan clearly understood: UN reforms are not about money, but about credibility. It might be that when current UN Secretary-General Kofi Annan

presents his report on the way-ahead regarding the proposed reforms in September 2005, the faith of his credibility will invariably be linked to that of the organization he leads.

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