A Step Towards Security Council Reform

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Introduction

John Langmore from the University of Melbourne writes that after many years of despair about much-needed reform of the Security Council, "a recent move in the General Assembly of an apparently procedural character gives cause for some optimism". Langmore discusses promising reform proposals, and one in particular "to increase the number of non-permanent members and combine that with deletion of the requirement that retiring non-permanent members not be eligible for immediate re-election." Opponents may decide, Langmore argues, that "a tenth best reform rather than none at all." Langmore concludes by noting that with recent Australian initiatives such as the International Commission on Nuclear Non-proliferation and Disarmament, "combined with speaking cooperatively rather than condescendingly in UN forums, Australia could gradually earn acknowledgement as a valuable participant and leader at the UN and so win support for election to the Security Council."

Essay: A Step towards Security Council Reform

Reform of the UN Security Council (SC) is often dismissed as hopeless. The veto-holding five permanent members (P5) are reluctant to endorse more permanent members who could reduce their relative power. Each state seeking permanent membership is opposed by others fearing enhanced influence for competitors. There is unease about enlargement, which could increase the difficulty of decision-making. And any change involves the difficulty of amending the Charter, which requires both the support of the P5 and of two-thirds of all UN Member States.

While the Council has a vital role in saving "succeeding generations from the scourge of war" to use the phrase from the Charter, Paul Kennedy described the current impasse well in his book *The Parliament of Man: The Past, Present, and Future of the United Nations*, published in 2006:

> … is the existing Council, deep frozen in time and so often fractured, the body to provide genuine international security for all? There are few who think that. Yet can the 1945 system be amended absent great turbulence, wars, and the remaking of the world

order? There are few who think that, either. Hence we all live, whether we like it or not, with this giant conundrum. Everyone agrees that the present structure is flawed; but a consensus on how to fix it remains out of reach.

Yet in recent years most Member States have expressed support for some change and many advocate reform. This suggests that progress just might be possible. A recent move in the General Assembly of an apparently procedural character gives cause for some optimism. On 15 September 2008, the last meeting day of the 62nd General Assembly, and after extensive debate, a significant agreement was reached on the process for handling the Security Council issue.

An Open-ended Working Group (OEWG) had been established by the General Assembly in 1993 as a sub-committee with the task of making recommendations for many areas of reform including of the Security Council. Its continued inability to reach conclusions has caused despair amongst many delegates. But by August 2008 it had been able to complete a draft report which, while not making specific proposals for reform of Security Council membership, did canvas possibilities, but proposed continuation of negotiation based on "general agreement" implying consensus decision-making, rather than "the widest possible agreement" which could allow for a vote.

During vigorous debate in September this was amended to starting intergovernmental negotiations in the General Assembly by 28 February 2009 at the latest, using the results of OEWG consultations as the basis. The significance of the amendment is that since the Open-Ended Working Group has the practice of operating by consensus any disagreement postpones reform, whereas the General Assembly has the capacity to settle differences by vote. This is the decision which was adopted by the GA on 15 September. The resolution says that the negotiations are to be "based on proposals by Member States, in good faith, with mutual respect and in an open, inclusive and transparent manner with the aim of garnering "the widest possible political acceptance".

This step has been called "historic" and "a breakthrough" by delegations and officials. In the previous 15 years the only agreement had been to establish the OEWG. The Permanent Representative of the UK said the decision represented a move from "discussion of procedure into discussion of substance". The title of the General Assembly agenda item is "The question of equitable representation on and increase in the membership of the Security Council and other matters related to the Security Council" which refers to both expansion of the membership and reform of working methods. Working methods of concern to many States include the dominance of the P5, over-use of the veto, secrecy, and widening of the range of issues discussed by the Council (which some States consider undermines the work of more accessible forums).

Discussions about reform of the Security Council have a long history. As the number of Member States grew so did dissatisfaction with the Council's 1945 structure, exclusiveness, size and procedures and these concerns led to the establishment of the Working Group. Many forget that the Security Council has been enlarged once, in 1966, when the number of rotating members was increased from six to ten. This shows that amendment of the Charter is possible.

The High-Level Panel's recommendations

After the intense conflict generated by the US-led invasion of Iraq without Security Council agreement, Kofi Annan appointed a High-Level Panel on Threats, Challenges and Change to report on major aspects of the work and structure of the UN.

In relation to the Security Council the Panel suggested two alternative models for expansion of the

Council, both of which would increase the representation from each of four regions – Africa, Asia and the Pacific, Europe and the Americas – to six seats, making a total membership of 24. Model A would add six permanent seats, with no veto, and three additional 2-year seats. Model B would create eight 4-year renewable seats and one new 2-year non-permanent seat. Annan passed on the High Level Panel's recommendations to the Global Summit in 2005 but gave no indication of which of these models he preferred. The Summit could not decide on a new membership structure but agreed that discussion of the issue should continue. Various other proposals have been made by groups of countries since then, one led by Panama, another an alliance of smaller states making proposals about Security Council procedures.

The Panel also drew attention to the provision in the Charter that non-permanent members be elected with "due regard being specially paid, in the first instance to the contribution of Members of the UN to the maintenance of international peace and security and to the other purposes of the Organization" (Article 23). The Panel proposed more "involvement in decision-making of those who contribute most to the United Nations financially, militarily and diplomatically…" The example mentioned was that developed countries adopting a target and making progress towards allocation of 0.7 per cent of national income for aid be recognised as more worthy of Council membership (which is relevant to the attractiveness of Australia's bid for election).

Several countries claim permanent membership, such as India because of its population and Japan because it has the second largest economy and has been the largest contributor to many UN programs. There is opposition to every suggestion for permanent membership – China to Japan, Pakistan to India, Italy to Germany, Argentina and Mexico to Brazil – and from many countries that consider that their own relative position would be weakened by the promotion of others. Brazil, Germany, India and Japan, the G4, cooperated in their advocacy, and another coalition of Italy, Mexico and Pakistan joined by South Korea, Spain and others in advocating eight semi-permanent seats. Both the United States and China have opposed quick enlargement of the Security Council and setting a deadline. African Union countries campaign for two veto-wielding seats. Canada's ambassador has said his country strongly favours Model B because it would increase accountability.

Many members agree that enlargement of the Security Council not be a precondition for other reforms, for it is not only the structure that needs addressing but also the Council's powers, procedures, activities and degree of decisiveness. In spite of the opposition and conflict there has been a view among at least some delegates that there is more significant support for reform now than in the past.

Another alternative for reform now being suggested would involve less difficulty than any other: to increase the number of non-permanent members and combine that with deletion of the requirement that retiring non-permanent members not be eligible for immediate re-election. Those countries seeking permanence would almost certainly oppose such a proposal because it is so much less significant than they want, but if it became clear that two such amendments to the Charter were all that could be agreed perhaps they would reluctantly accept a tenth best reform rather than none at all. For other countries these amendments would be most attractive because they would increase the responsiveness of the large, non-permanent members to their opinions and interests. This proposal is one of the ideas available for discussion by the General Assembly when it convenes on these issues before the end of February 2009.

The Howard Government proposed in 2003 that the Security Council become a three tiered body with Indonesia, India, Japan, Germany and Brazil joining as permanent members without a veto. This would give the largest Muslim country a permanent seat and increase the representation of developing countries amongst the permanent membership. Mr Rudd said during his speech to the

General Assembly in September of this year that the Security Council needs reform and that "Australia supports the expansion of its permanent membership to reflect changes in the world since 1945." He also reiterated that Australia will nominate for election in 2012.

Australia's bid for election to the Security Council

Prime Minister Rudd has already taken the most important action to winning support: he has expressed renewed commitment to the fundamental principle on which the UN is based, by recognising Australia's "deep, abiding national interest in the furtherance of a robust, international, rules-based order that underpins our long-term security, economic and environmental interests". This signals to the rest of the world that Australia is returning to full participation in the multilateral system. Withdrawal of Australian troops from Iraq symbolises that change. Australia has been a member of the Security Council four times, in 1946-47, 1956-57, 1973-74 and 1985-86 so arguably it is our turn again.

A second action would have been to reverse John Howard's refusal to participate significantly in the peacekeeping force in Darfur. The UN Secretary-General Ban Ki-moon has said that climate change and Darfur are his highest priorities in 2008. Mr Rudd's announcement of up to an additional nine military officers for Darfur – which he later withdrew because of the risks to a small contingent – and a contribution of $5 million in humanitarian assistance are unlikely to impress either Mr Ban or African leaders.

However other actions taken, begun or promised will quickly win recognition. Signing the Kyoto Protocol has enabled Australia to be fully engaged in development of global strategy to reduce greenhouse gas emissions and was warmly welcomed by European countries. Movement toward the Rudd Government's aid target of 0.5 per cent of national income by 2015 and focusing the aid program on achieving the Millennium Development Goals will tangibly address the principal concern of most developing countries. Establishment of the International Commission on Nuclear Non-proliferation and Disarmament is a serious attempt to take leadership.

With such a program, combined with speaking cooperatively rather than condescendingly in UN forums, Australia could gradually earn acknowledgement as a valuable participant and leader at the UN and so win support for election to the Security Council.

About the author

John Langmore was Director of the Division for Social Policy and Development in the UN Secretariat for five years from 1997 and then Representative of the International Labour Organization to the UN for two. He is now a Professorial Fellow in the Department of Social and Political Sciences at the University of Melbourne. His recent books include *Dealing with America: The UN, the US and Australia* (2005), and *To firmer ground: Restoring hope in Australia* (2007). Email: langmore@unimelb.edu.au.

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