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# UN SECURITY COUNCIL REFORM: A GORDIAN KNOT?

Efforts are underway to make the UN Security Council more representative, legitimate, and efficient. However, the reform project is blocked by disagreements, regional rivalries, and institutional obstacles. A loss of legitimacy is increasingly likely. Small and medium-sized states in particular have an interest in strengthening the UN's comprehensive multilateralism and thus pre-empting tendencies towards unilateralism or ad-hoc coalitions. Unblocking reform demands that all sides display willingness to compromise. It is important that the reform goals not be watered down in the process.


*UN Security Council session on 24 September 2009 chaired by US President Barack Obama.* *UN Photo*

Reform of the UN Security Council (UNSC) has been a bone of contention for nearly 20 years. The fundamental problem is that the current composition of the UN's most powerful organ does not represent contemporary geopolitical and geoeconomic realities, but is rather a reflection of the constellation of powers at the end of World War II, which diminishes its legitimacy. The intended reform should ensure that the UNSC can fulfil its main task of maintaining global peace and international security more efficiently and with greater authority than has hitherto been the case.

In the past years, several ideas for reforming the UNSC have been proposed. Most of these recommend that it be enlarged. The UNSC could gain legitimacy by allocating seats to previously underrepresented regions. However, critics fear that this might further hamstring the body's ability to act. The tension between legitimacy and efficiency constitutes a major hurdle in the reform process. This situation is further complicated by the fact that the various proposals are mutually obstructive. A decisive question for the future is whether the UN members' willingness to compromise is sufficient to belie the charge that the organisation is incapable of structural reform. If they fail, the UNSC might lose significance.

## Proven need for reform

There are several factors that highlight the need for UNSC reform. First of all, the body significantly expanded its activities after the end of the Cold War. Use of veto power by the permanent members has been decreasing, the number of resolutions passed under Chapter VII of the Charter has increased, and in the context of combating terrorism, the UNSC has been feeling its way forward on the field of legislation. The principle of the "Responsibility to Protect" has even qualified the principle of non-interference in the domestic affairs of states. These developments increased the UNSC's need for legitimacy. An enhancement of its legitimacy, advocates of reform hope, would make for more efficient decisionmaking, more realistic mandates, and more determined implementation of its resolutions.

Secondly, in the current composition of the UNSC, Western states are overrepresented compared to non-Western regions such as Africa, Asia, and South America. Currently, the council includes the Permanent Five (P5) members – the US, the UK, France, Russia, and China – and ten member states that are elected for two years each. The temporary seats are allocated according to an established distribution key to the UN's five regional groupings: Three African states, two countries each from Asia, Latin America, and the Western European and Others Group, as well as one state from Eastern Europe. For a long time, the emerging and developing countries have been demanding better representation and a permanent seat on the UNSC.

Thirdly, several regional powers are demanding that that the composition of the UNSC should better reflect their economic and political clout as well as their financial and personnel contributions to the UN. Fourth, since the last expansion of the UNSC from 11 to 15 seats in 1963, the number of UN member states has increased from 113 to 192 today. A fifth reason advanced in favour of reform is the lack of transparency in the UNSC's working methods. Despite this proven need for action,

the discussion has been dragging on since 1992 without accomplishing any decisive breakthrough. This is due to the mutual obstruction of the various proposals, the high institutional obstacles to reform, and the controversial nature of several key questions.

## Competing models

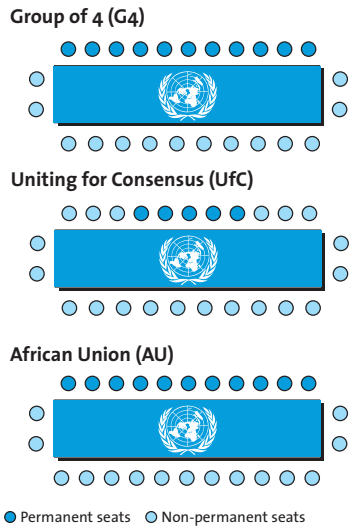
In recent years, a number of reform proposals have been advanced. Three models introduced in 2005 continue to serve as a basis for discussion today (cf. Fig. 1). The Group of Four (G4), made up of Brazil, Germany, India, and Japan, has proposed that the UNSC be expanded to include six more permanent and four more temporary seats, for a total of 25 members. The initiators were eyeing the possibility of gaining permanent representation for themselves. The two remaining permanent seats were to be reserved for representatives from Africa.

The second proposal stems from the group Uniting for Consensus (UfC), which includes Italy, Pakistan, Spain, Argentina, Canada, Mexico, and others. This group has also suggested expanding the UNSC to 25 members; however, it wants only non-permanent seats to be added. A few of the most active UfC countries such as Italy, Pakistan, or Argentina were mainly interested in preventing competing regional powers among the G4 from achieving permanent representation.

The African Union (AU) with its 53 state members tabled the third proposal. The AU demands better representation for Africa, and has requested two permanent and two more non-permanent seats for African countries. Egypt, Nigeria, and South Africa are seen as the most promising potential contenders for permanent seats. Altogether, this proposal calls for the UNSC to be expanded by six permanent and five non-permanent seats to a total of 26 members.

Restructuring the UNSC implies that the UN Charter must be adapted. This would not only require a two-thirds majority of 128 states in the General Assembly, but also a ratification of the changes by two-thirds of the members, with assent from all five permanent UNSC members (Art. 108 of the Charter). None of the proposals so far has managed to overcome this institutional hurdle. This is also due to the obstructionist effect of the P5; the latter pay lip service to the notion of a moderate expansion of the UNSC, but are not really interested in any rapid change to the status quo.

**UN Security Council: Reform Proposals**






## Controversial key issues

Among all these controversial issues, the one that is probably most amenable to consensus is the expansion of the UNSC. The ideas of enhancing its representativeness and increasing the presence of developing and emerging countries are essentially supported by majorities. This, however, is as far as agreement goes. There is no majority consensus either on the extent of the potential expansion (with proposals ranging from six to 12 seats) or on the categories of membership (permanent/non-permanent seats) – not to mention on specific candidate countries.

Including hitherto underrepresented regions would enhance the legitimacy of the UNSC and its decisions. Furthermore, sharing more responsibility with influential regional powers would raise the likelihood of UNSC resolutions being implemented effectively. However, sceptics warn that excessive enlargement may be risky. Solutions at the upper end of the range, with nearly 30 UNSC members, could make it easier to generate majorities in the General Assembly, as numerous individual ambitions could thus be satisfied. This would come at the expense of the UNSC's efficiency, though, as shown by the negative example of the Economic and Social Council (ECOSOC), which was expanded from 18 to 54 seats. On the other hand, the efficiency argument should be regarded with a degree of scepticism. The efficiency of the UNSC depends less on its size than on the political determination of its members. A moderate expansion would appear to be reasonable. This will only be possible, however, if individual states relinquish their UNSC ambitions and the associated prestige; so far, that has been a key factor for the lack of agreement in this issue.

The question of the veto is equally controversial. The veto right is the prerogative of the permanent UNSC members. It was already highly disputed at its introduction when the UN was founded in 1945. However, the veto was the precondition for the great powers' agreement to participate in any system of collective security to begin with. A number of reform proposals stipulate that the future permanent UNSC members should be given equal status with the P5. The AU is particularly insistent on this point, while the G4 is more flexible. Such demands are not realistic. The P5 will not agree to an expansion of the veto power. Neither would such a move be in the interests of the great majority of the other UN members, as it would further hamper the future decisionmaking ability of the UNSC.

Since progress on these questions is hardly to be expected, Switzerland, Liechtenstein, Costa Rica, Jordan, and Singapore have joined forces as the Small Five (S5) and begun to concentrate on reforming the UNSC's working methods. Adaptations in this area do not require changing the UN Charter, which means the project has better prospects of success. Among the core demands of the S5 are enhancing the transparency of the UNSC's work procedures, better integration of non-members, greater regard for countries that supply troops, more frequent public sessions, and the obligation of permanent members to justify any use of the veto. Indeed, progress has been made in particular with regard to transparency. However, the US and Russia especially have voiced their reluctance to tolerate excessive interference with the regulation of their own procedures.

## Structural incapacity for reform?

In 2009, the reform debate started to gain traction. The deliberations were transferred away from the working group appointed in 1993 to the intergovernmental level. However, the effect this had on unblocking the discussion has since evaporated, as the substance of the positions adopted by the various parties has hardly changed. A glimmer of hope is provided by a compromise suggestion advanced by certain representatives of the G4 and the UfC. The "intermediary model" would involve the creation of

"semi-permanent" seats on the UNSC, i.e., temporary seats with a longer mandate ranging from three to 15 years according to the respective proposals. The holders of these seats could be directly re-elected. This proposal is combined with the idea of carrying out an evaluation after a previously defined period of ten to 20 years, and withholding final judgement on especially controversial issues such as the exact number of seats, the duration of mandates, or the veto right until that time.

It remains to be seen whether the various instances of this compromise proposal have the potential to unravel the Gordian Knot of UNSC reform. While such a compromise formula may be able to bring together previously irreconcilable positions, resolution of the most pressing issues would merely be postponed. Furthermore, a decisive question will be not only whether such an idea would be capable of winning a majority, but also whether it would serve the reform goal of enhancing the legitimacy of the UNSC and its ability to act, in addition to mere enlargement of the body.

Critics decry the UN's structural incapacity to reform itself. Nevertheless, there are few alternatives to continuing on the current arduous path. Unless the member states manage to arrive at a solution, the UNSC's authority and acceptance will further decrease. This would deal a serious blow to the multilateral approach supported by international law as an indispensable instrument for overcoming global problems. However, the small and medium-sized countries in particular have no interest in seeing great powers increasingly enforce their interests unilaterally or outsource decisionmaking on issues affecting the entire community of states to exclusive "coalitions of the willing and relevant" that may enjoy far less legitimacy.

## Switzerland and reform

Since its UN accession in 2002, Switzerland has been pursuing a flexible strategy of transregional cooperation in the global body. Though it is a member of the Western European regional grouping, it emphasises its independence from regional blocs such as the EU. The country aims to enhance its profile by building bridges and forging coalitions across diverse groupings in order to facilitate breakthroughs for realistic solutions. This is also the strategy that it pursues in the context of UNSC reform.

With regard to the proposals of the various state groupings, Switzerland has avoided committing itself to any single model. When it comes to key points, it pursues an independent stance. As far as the size of the council is concerned, it favours a moderate expansion to 21 or 22 seats at most. In this way, it is hoped that the body will become more representative without losing its ability to act. Better representation of emerging and developing countries is a priority for Switzerland. However, in this matter, too, it has avoided committing itself to support for specific countries. Instead, it emphasises that objective criteria such as size, population, personnel contributions to civilian and military missions, financial contributions to the UN, and the overall contributions of a given state to security and peace should be taken into account. As far as substance is concerned, Switzerland supports the intermediary model, which it thinks is most likely to succeed in resolving the longstanding logjam.

***«Membership in the UNSC is a viable option, but not a key strategic issue»***

Switzerland is opposed to giving new UNSC members veto power. It fears that otherwise, the body would experience even more blockage. Furthermore, together with the other S5 states, it advocates restricting the existing veto right. It supports the demand that in future the use of veto power or the threat to do so must be justified in writing. Furthermore, the permanent members should abstain from using the veto in cases of genocide, crimes against humanity, war crimes, and serious violations of international humanitarian law. Switzerland emphasises improving the body's working methodology. Characteristically, in doing so, it is supported by a transregional community of small states. With its efforts, Switzerland has won the respect of many UN members.

## A candidate for the UNSC?

In recent years, the Swiss Federal Council and in particular Foreign Minister Micheline Calmy-Rey have repeatedly raised the issue of Switzerland standing as a candidate for a temporary UNSC seat. After all, the reasoning goes, Switzerland with its annual contributions of around CHF150 million ranks no. 14 in terms of mandatory contributions and thus can make a justified claim for occupying a seat. The run-up period for candidates is around ten years, so that the country's membership in the UNSC is not likely to come about until 2020 at the earliest. The head of the Swiss Federal Department of Foreign Affairs argues that as a council member, Switzerland could pursue its interests and priorities more effectively and gain influence. Furthermore, she emphasises that UNSC membership is compatible with the country's legal obligations as a neutral state.

Indeed, other neutral and non-aligned states such as Sweden, Finland, or Ireland have repeatedly been members of the UNSC. Austria is currently completing its third term. By assenting to UN membership, Swiss voters supported the Federal Council's decision to waive application of the neutrality principle in the case of UNSC resolutions. One may question whether there is a great qualitative difference, as far as neutrality is concerned, in whether Switzerland merely goes along with UNSC resolutions or also takes part in the decisionmaking process. Thus in principle, there is no reason why Switzerland should not take a seat in the UNSC. However, so far, domestic reactions to this idea have been largely negative.

Membership in the UNSC is a viable option, but not a key strategic issue. Switzerland would be a member of the body for two years at most. Other issues, such as improving structural access for non-members to the UNSC and their greater involvement in decisionmaking, are of much greater importance when it comes to maintaining the national interest as part of the UN. Therefore, while efforts to improve working methods are less controversial and attention-grabbing than a Swiss UNSC candidacy, they may ultimately be more effective.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