REFORMING THE UNITED NATIONS IN THE 21ST CENTURY: A DISCOURSE ON THE ENLARGEMENT, DEMOCRATISATION AND THE WORKING METHODS OF THE SECURITY COUNCIL

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Abstract

The United Nations as a quintessential 'universal' International Organisation, was established in 1945 to save succeeding generations from the scourge of another catastrophic world war, which till date, it has successfully precluded. However, the United Nations risk being an irrelevant body in the nearest future as it has failed to carry out a comprehensive reform of its obsolete structural organs, precisely, the Security Council that is the mandated guardian of international peace and security. That it might become more effective, legitimate, credible, representative, democratic, transparent, flexible and accountable as the executive organ of the United Nations, there is an urgent need to revamp the outdated Council in order to reflect the international reality of the 21st century as well as deal with the new security challenges arising. This paper therefore revisits the discourse on the overhaul of the septuagenarian United Nations, with a focus on the enlargement, democratisation and, the working methods of the Security Council. My finding was that the long awaited reform of the archaic Security Council is not likely to happen anytime soon owing to the five permanent members lack of political alacrity, the impasse in the General Assembly and, the contradicting proposals on substantive Security Council reform. The research methodology for this study included the historical and analytical approaches as well as the qualitative method of data collection.

Keywords: Reform, Enlargement, Democratisation, Working Methods, UN, UNGA, UNSC, P5

Introduction

Today, International Organisations have become so significant in contemporary international relations because of the economic, political and specialised/technical functions that they perform in the interest of their membership and in accordance with the set out objectives enshrined in their constituent instrument. To remain relevant at this, International Organisations are to make timely and necessary changes to their nomenclature, aims and most importantly, their structural organs in order to address new challenges as they present themselves as well as to adapt to changing times in our ever dynamic and complex international system.

Historically, only a few Intergovernmental Organisations (IGOs) have been successful at this. The European Union (EU), being one of them, was initially the European Coal and Steel Community (ECSC) in 1951. In 1957, it metamorphosed into the European Economic Community (EEC) only to become the European Union in 1993. Another good example is the Organisation of African Unity (hereafter OAU) which was established at the height of the Cold War on May 25, 1963. Upon the achievement of the decolonisation of the territories in Africa, the OAU became the African Union (hereafter AU) in 2002 in order to deal with, among other things, the economic, political and security problems bedeviling African countries in the 21st century. Unfortunately, in the last 73 years since the Second World War (1939-1945) came to a close, the United Nations (hereafter UN) as the world's outstanding 'universal' International Organisation, has failed to carry out a comprehensive reform of the Organisation in the 21st century.

The UN as a vestige of 20th century international politics, is fast losing its legitimacy and credibility as an International Organisation with the primary responsibility of maintaining international peace and security. Hence, calls have been made severally for the reform of the UN. The United Nations General Assembly (hereafter UNGA) to start with, needs to be reinvigorated as the UN's deliberative organ, and not a mere 'talk shop'. As for the Economic and Social Council (hereafter ECOSOC), it urgently needs reinforcement, that it may make more meaningful contributions to the economic development of the UN Member States. The credibility of the Commission on Human Rights is currently in question which must be looked into by ensuring the Commission is not composed of countries that violate fundamental human rights but, Member States that promote and protect the inalienable and indivisible human rights of mankind. Last but not the least is the restructuring of the Security Council (hereafter UNSC) to reflect the present international reality (Tharoor, 2011; Law Explorer, 2016).

The UNSC urgently needs to be reformed in order to make it more effective and representative of the balance of power in the world today (Butler, 2012; Permanent Mission of France to the UN, 2018). As it is, the oligarchic-structured UNSC, though still powerful, is ineffective. It lacks an appreciable regional representation, democracy, legitimacy, credibility, flexibility, accountability and, transparency in its composition, operations and decision-making process. Thus, calls have been made and are still being made for the overhaul of the UNSC vis-à-vis its composition, voting system and procedural practices.

Reforming the UNSC for the second time by constitutionally amending the UN Charter has for more than three decades been an herculean task which explains why the remodelling of the Council is yet to materialise in the post-Cold War era. It is a process that needs to be painstakingly done in order for the UNSC to wear a new look that captures the geographical diversity of the world (Deo, 2015; Aral, 2017). Bearing this in mind, this paper touches directly and indirectly on the questions raised by those clamouring for the UNSC reform, which are – how can the UNSC be made more effective in performing its role as the guardian of international peace and security?, how can the UNSC be made more representative of the broad geographical regions of the world?, what can be done to make the UNSC more democratic, accountable, flexible and transparent in its operations and decision-making process? and lastly, how can the UNSC regain its dwindling credibility and legitimacy?.

1.   Conceptual Clarification

There are salient concepts used in this paper. An understanding of each and every one of them is essential for an in-depth study of 'Reforming the United Nations in the 21st Century: A Discourse on the Enlargement, Democratisation and Working Methods of the Security Council'.

i)   International Organisation

International organisations are "institutional structures created by agreement among two or more sovereign states for the conduct of regular political interactions" (Jacobson, 1984, p.8). Simply put, they are "transnational organisations created by two or more sovereign states" (Akinbobola, 2015, p.361). There are different kinds of International Organisations – universal (e.g. UN); regional (e.g. EU, AU, OAS) and sub-regional (e.g. ECOWAS, SADC, ASEAN). They can further be differentiated by the nature of the functions they perform – political, economic, socio-cultural or technical/specialised functions. Although, some of these Organisations perform 'hybrid' functions – two or three of the aforementioned functions.

ii)   Reform

"In general terms, reform is aimed at improving performance and altering something for the better; it is concerned with repairing defects and overcoming limitations in order to realize some higher state of performance or effectiveness" (Nadin, 2014). The reform of the UNSC therefore can be seen as the attempts and/or acts of modifying the composition, the status and the voting powers of the members as well as the decision-making procedure of the Security Council (Luck, 2003 cited in Bourantonis, 2005, p.1)

iii)   Democratisation

Democratisation is "a complex, long-term, dynamic, and open-ended process. It consists of progress towards a more rule-based, more consensual and more participatory type of politics" (Whitehead, 2002).

iv)   Legitimacy

The concept 'legitimacy' is a derivate from the Latin word *legitimus*, meaning 'according to law'. To political scientists, legitimacy is the recognition and acceptance of a government to rule by the citizenry of a State. But to international relations pundits, it is the popular support given to the decisions, policies or laws of an International Organisation by the Member States.

2.   Statement of the Problems

The problems bedeviling the archaic UNSC are so many that compressing them to fit into this section is equally a challenge. Nevertheless, below are the major problems and shortcomings of the Council.

What can be placed as number one on the list of problems and shortcomings of the UNSC is that the exclusive club has become anachronistic, as it is still a reflection of the post-World War II colonial system. This problem can be observed in the Council's composition. Currently, there are no representatives of the decolonised African, Latin American and Middle East territories in the permanent seat category. Instead of the permanent seats to be occupied by the established and rising powers of the 21st century, it has been reserved as sort of a compensation for the Victorious Allies of the horrendous Second World War, some of which are waning military and economic powers that can no longer contribute immensely to the maintenance of global peace and security (Rothwell, 2013).

Speaking of the waning permanent members, there is now the question whether or not these countries should continue sitting in front of the horse-shoe table of the UNSC. The five permanent members (hereafter P5) as at when the UN was established, justified their permanent seat based on the 20th century balance of power. But seven decades after WWII, the geopolitics of the world has changed immensely. Russia as the successor of the Soviet Union, has found itself recently in an economic recession due to the plummeting crude oil price in the volatile international market since 2014. The United Kingdom and France on the other hand are no longer worthy to hold on to a permanent seat as both countries are declining economic and military powers. As it is, the UN Charter does not have provisions for their replacement let alone the addition of new permanent members. Any attempt therefore at stripping them off their permanent seat in the reform of the UNSC would be vetoed either by them or their permanent member-friend(s) (Leigh-Phippard, 1994; Akindele and Akinterinwa, 1995; Mikhailtchenko, 2004).

The 1945 Charter as the constituent instrument of the UN is a problem on its own which would make the reform of the UNSC a daunting task. The ironclad Charter was painstakingly drafted by the Victorious Allies in such a way that it protected their interest with the veto power privilege. Hence, any attempt at amending the outdated Charter against their wishes or interests as the P5 would be impossible in accordance with Article 108 which states that for any amendment of the Charter to take place, there must be a two-thirds

majority vote in the UNGA which must also be ratified by two-thirds of the UN Member States including the P5 before the constitutional review of the Charter can take effect.

The question of which country or countries are qualified to 'permanently' represent the geographically broad and diverse regions of the world has been problematic, which over the years, has fueled the rivalry between regional and sub-regional powers. China and South Korea in East Asia do not support Japan's aspiration of becoming a permanent member and the reason for this is not farfetched. Both countries still have historical grievances against Japan, which left to them, has not done the needful as a responsible world power for the aggression and human rights abuse it committed during the Second World War. Compounding this problem is the visit by some Japanese political leaders to the Yasukuni Shrine to honour their fallen WWII soldiers which has repeatedly angered China and, South Korea whose women were used by the Japanese soldiers as 'comfort women'. Pakistan, a sub-regional rival of India in South Asia, opposes India's bid for a permanent seat, Argentina and Mexico in South America are against Brazil's candidacy, Italy in Europe has done the same to Germany while in Africa there is a contention between Nigeria, South Africa and Egypt for the slot for Africa (Mathur, 2005; Tharoor, 2011; Economist, 2005; Law Explorer, 2016; DW, 2017).

Still on the representation matter is the eligibility criteria for the candidates for an enlarged permanent seat category of the UNSC. The UN Charter has no provision for the expansion of the permanent seat category let alone the eligibility criteria for new permanent members unlike that of non-permanent members. Arriving therefore at the qualifications the aspiring countries should have has been a challenge. On one hand is the argument that the candidates' for an expanded permanent seat category should each get one by dint of promoting the liberal values of the West (e.g. democracy and human rights) and international law the world over. On the other hand is the suggestion that, only aspirants with a sizable population, economic and military strength, and that contributes troop for the UN peacekeeping missions should be considered. India as the world's largest democracy and 2nd most populous country, is an emerging sub-regional power in South Asia. It is also the 3rd largest contributor of troop to the UN peacekeeping mission. Brazil as the only Portuguese-speaking country in Latin America, is the largest country in terms of landmass and population in the Spanish-speaking region and, it is the second largest contributor to the UN peacekeeping force. Germany for many years now, has been the economic powerhouse of Europe and the 4th largest contributor to the UN budget, contributing 6.389% as at 2016, while Japan which is the 3rd largest economy in the world and the second largest contributor to the UN budget, contributed 9.68% after the US that is at the number one spot, with a contribution of 22%. Nigeria as Africa's most populous country, largest democracy and, economy since 2014, is among the top five contributors of troop for the UN peacekeeping missions. South Africa, however, is still recognised as the economic hub of Africa while Egypt, though geographically situated in Africa, is the most populous country in the Middle East. There is also the not too popular eligibility criterion of religion. The Muslim world of over 1.3 billion people has repeatedly been overlooked in producing a candidate for an expanded permanent seat category of the

UNSC. If considered, Indonesia would most likely be an aspirant (Tharoor, 2011; Aneke, 2012; Guardian, 2013; Rothwell, 2013; Aral, 2017).

Another major problem of the UNSC is its ineffectiveness and dwindling legitimacy. As Keith Harper rightly asserted, "the touchstone of the Council's institutional legitimacy is the support its decisions maintain among the community of states" (Harper, 1995, p.105). But as at today, the popular support for the UNSC decisions has drastically fallen as the Council remains unrepresentative of the world's broad geographical regions. To have compounded this problem is its ineffectiveness. The Council has not been at its best in maintaining international peace and security due to the P5 abuse of their veto prerogative. This power wielded by the P5 has more often than not been used to protect their parochial interests and that of their allies to the detriment of the international community. Hence, the Council has not only been losing its credibility internationally as the guardian of global peace and security, but risk becoming an irrelevant organ in the nearest future (Aral, 2017; International Strategic Analysis, 2017).

Mentioned again and again as the cause of some of the aforementioned problems of the outdated UNSC is the casting of the negative vote, popularly known as the right to 'veto' (Latin, meaning 'I forbid'). The controversial veto power privilege was included in the UN Charter, based on the assumption that the resolution of global crises requires the cooperation of the world's most powerful States. But over the years, the 'unanimity' of the P5 has not always been the case due to the right to veto a resolution which, more often than not, has been used to protect countries that have close cultural, economic and/or political ties with the P5 (Wouters and Ruys, 2005; Spies, 2008). Consequently, the Council as the veritable UN organ for the maintenance of international peace and security has been paralysed severally.

Lastly, there are a few countries that specifically have an issue with the UNSC working methods. Left to them, the Council has not been flexible, accountable and transparent enough in its operations and decision-making process respectively. Partly, this has been the reason for the loss of the Council's legitimacy and credibility as the executive organ of the UN.

3. **Theoretical Framework**

In the basket of international relations theories, no single theory can be found that independently and satisfactorily explains the necessity for an International Organisation that would primarily maintain international peace and security and, the political motives behind reforming it from time-to-time for the same purpose. Thus, two international relations theories would neatly be knitted together for this study. The theories to be considered in the theoretical triangulation for this paper are 'Idealism' and 'Realism'.

Idealism as an offshoot of political liberalism in international relations, is a theory predicated on 'Statism'. That is, the Idealists see sovereign States as the main actor in the international system plus international organisations as the non-state actor. They are a set of optimists that believe the behaviour of States *inter se* should be in accordance with morals. Theoretically, the Idealists assume that much as States can pursue their national interest in a manner that

more often than not leads to a costly and unprofitable war, they as rational actors would rather cooperate with each other on the platform of International Organisations that aid not only their mutual interest but as much as possible, prevent the outbreak of wars by formulating international law for the regulation of States behaviour on the international scene. Andy W. Knight tells us more about the Idealists:

"They believed that morality was absolute and universal and that politics could be made to conform to an ethical standard. They felt that war had become obsolescent and that growing interdependence in the globe would render war obsolete. They assumed that there could be a harmony of interest between states which would allow them to cooperate with each other rather than engage in conflictual relations. They advocated disarmament, collective security, world government, open diplomacy, freedom of the seas, the spread of democracy, the abolition of alliances, decolonization, self-determinism, the rule of international law, and the necessity of international organizations" (Knight, 2013, p.24).

The origin of the Idealists thinking can be traced to the Political Liberalist, Immanuel Kant of the 18th century. "To Kant, international cooperation was a more rational option for states than resorting to war" (Goldstein and Pevehouse, 2011, p.86). Thus in his magnum opus *The Perpetual Peace: Philosophical Sketch* (1795), Kant called for a "federation of free states" for the purpose of codifying international law that would regulate the conduct and behaviour of States *inter se* and thus prevent the outbreak of wars (Ogunnoiki, 2017a). This would only be possible when the said 'free states' (that would agree to the international compact establishing the federation) all have one thing in common, and that is, a civil constitution that is republican. In addition to this, there should be a 'Cosmopolitan Law' that recognises the international rights of individuals to travel and trade everywhere without discrimination (Fidler, 1996). Other well known Idealists are the 1933 Nobel Peace Prize winner, Norman Angell, the US President, Woodrow Wilson, Lucian Ashworth, Professor Alfred Zimmern, Arnold Toynbee and Phillip Nobel-Baker.

The "Idealists were particularly active in the 1920s and 1930s. Following the experience of the World War I, United States President Woodrow Wilson and other idealists placed their hopes for peace in the League of Nations, an international organization that existed from 1920 to 1939, to promote world peace and cooperation. These hopes were dashed when the League failed to stop the German and Japanese aggression in the 1930s which lead to the outbreak of World War II in 1939" (Oche, 2013, p.16). With the Second World War over in 1945, the "Victorious Allies" established the UN to save successive generations from the scourge of another gruesome world war.

From the foregoing postulation of the Idealists, we are made to understand that the avant-garde League of Nations (hereafter LON) and its successor, the UN, were a 'child of necessity', established to prevent the reprise of a world war which the former woefully failed to do. That the latter may not end up the same way its predecessor did in the nearest future, there has been continuous debates on reforming the UNSC of which the Realists have been

helpful in revealing the underpinnings in the call been made repeatedly by countries the world over for the UNSC reform.

Realism or Political Realism is one out of the two traditional theories of international relations. Though one of the theorists, Edward H. Carr has criticised Idealism as merely 'utopian' and not a reflection of international reality, both theories have one approach in common and that is, the state-centric approach to the study of international relations (Ogunnoiki, 2017b, 2018). Realism theoretically sees "world politics" as being driven by States with competing national interest. It holds that "power" and "national interest" are the keys to understanding international relations. The primary national interest of States is their 'survival' in a hostile environment. Thus, no means is more important to them for survival than the acquisition of power and no principle is more relevant than self-help (Kegley, 2008). Realists from ancient times till date are Kaultilya, Sun Tzu, Niccolò Machiavelli, Thomas Hobbes, Hans J. Morgenthau, Edward H. Carr, Reinhold Neibuhr, John H. Herz, Raymond Aaron, John J. Mearsheimer, George Kennan, Henry Kissinger, Georg Schwarzenberger etc (Ogunnoiki, 2018).

From the lenses of the Realists, International Organisations are just an arena for the game of power-politics between States in pursuit of their national interest. This assumption is evident in the UNSC where the veto-wielding P5 have exercised the right to veto resolutions in their narrow national interest and that of friendly nations to the detriment of the global community. Similarly, the middle powers, clamouring and lobbying for the enlargement of the Council's permanent seat category, are only doing so in their national interest and for the prestige and global acknowledgement of their power status that comes with occupying a permanent seat in the Council.

4. **The Historical Antecedence of the United Nations Reform**

The history of the UNSC reform cannot possibly be told without narrating briefly the history of the Organisation itself which is deeply rooted in the collective effort of the Allied powers and other peace loving countries to put an end to the cataclysm of the Second World War which began with the Declaration of St. James Palace and the Atlantic Charter of the 12th of June and the 14th of August, 1941 respectively.

 "The true name of the Organisation is the 'United Nations', although it is often referred to as the 'United Nations Organisation' or 'UNO' or 'UN' " (Starke, 1984, p.601). The name 'United Nations' was coined by the United States President, Franklin D. Roosevelt and was used for the very first time in the "Declaration by United Nations" on the 1st of January, 1942 (Murali *et al.*, 2004). To have followed this were different Conferences where the need for establishing the UN was raised and the formalities for the founding of this Organisation were concluded.

In October, 1943, the representatives of the United States, Great Britain, Soviet Union and, the Republic of China met in Moscow, Russia, for the Moscow Conference where they agreed to establish a general International Organisation 'at the earliest practicable date' in the

Moscow Declaration, signed on October 30. Later that year, precisely in the month of December, was the Tehran Conference in Iran between President Franklin Roosevelt of the US, the General Secretary of the USSR's Communist Party, Joseph Stalin and Prime Minister Winston Churchill of Great Britain. Being confident of winning the Second World War, they voluntarily made a commitment to banish the scourge of war on generations to come with other peace loving countries by establishing an International Organisation. In the 1944 Dumbarton Oaks Conference, proposals were drafted in that regard by the representatives of the United States, Great Britain, USSR and, the Republic of China. At the Yalta Conference in February, 1945, between the leaders of the Big Three – the United States, Great Britain, and the Soviet Union, "the decision was taken, at a time when final victory against Germany was imminent, to call a general conference of about 50 nations to consider a constitution based on the Dumbarton Oaks proposal" (Starke, 1984, p.602). This Conference, the San Francisco Conference otherwise called the 'United Nations Conference on International Organisation' (UNCIO) took place between April 25-June 26, 1945. During this Conference, the 850 delegates representing 50 countries, drafted the UN Charter which they signed on June 26, 1945. Poland, despite the fact that it did not send its representatives to the Conference because a new government had not been formed in the country, signed the UN Charter on October 15, bringing the total number of the founding Member States to 51.

Officially, the UN was established on October 24, 1945. However, the LON, its predecessor, had not been formally dissolved. Hence, an agreement was reached that the LON, "having settled its financial obligation, distributed its reserve funds among the Members which supplied them; having handed over its Place and its material possessions to the United Nations, and granted the new Secretariat the full control of its Library and its Archives' declared, by the unanimous vote of the thirty-four Members there represented that as from the day following April 19th, 1946, the League of Nations should cease to exist" (Walters, 1952, p.815).

The UN has six structural organs – i) the General Assembly ii) the Security Council iii) the International Court of Justice iv) the Economic and Social Council v) the Trusteeship Council and, vi) the Secretariat. Currently, the Organisation is made up of 193 Member States, South Sudan being the 193rd member to be admitted in 2011.

In the history of the UN, minor and major reforms have been carried out in the UNSC, ECOSOC, Trusteeship Council and, the Secretariat. The UNSC is the most powerful organ of the UN. Being the principal organ of the UN, it is charged with the responsibility of maintaining international peace and security as stated in Article 24(1) of the UN Charter. Other functions performed by the Council are the imposition of international sanctions, approval of the use of force against an aggressive State(s), creation of peacekeeping missions for war-torn countries, admission of new Member States, recommendation of the UN Secretary-General to the UNGA for appointment, the election of the 15 Judges of the International Court of Justice (ICJ) alongside the UNGA etc. The Council is chaired by an appointed President for one month on a rotational basis among the 15 Member States in accordance with the alphabetic order of their country's name in English.

On the 17th of January, 1946, the UNSC had its first meeting at the Church House in London with the P5 and six non-permanent members present – Australia, Brazil, Egypt, Mexico, the Netherlands and, Poland (Bailey 1988 cited in Smith 1993; Freiesleben, 2008. Kugel, 2009). Since the UNSC was created, there has been only one major reform of the Council which took place in 1963 following the enlargement of the non-permanent seat category from 6-10 with the adoption of resolution 1991A (XVIII). In 1956, Spain and 16 Latin American States proposed the expansion of the non-permanent seats from 6-8, with one out of the two new seats given to Latin America and Africa. By the year 1960, several Western European countries supported the campaign for additional non-permanent seats. By the year 1963, the Non-Aligned Movement (hereafter NAM) States presented a draft resolution on the expansion of the non-permanent seats from 6-10 to the UNGA. The justification for this was the influx of new sovereign States into the international community following the decolonisation process of territories in Africa and Asia which significantly increased the UN membership from 51 to 113. On December 17, 1963, the UNGA voted to amend Article 23(1) of the UN Charter. China (Taiwan) voted in favour of it, France and the Soviet Union voting against while the UK and US abstained. By August 31, 1965, the United States became the fifth permanent member to ratify the resolution. Hence, the amendment of the UN Charter to include an additional 4 non-permanent seats, took effect on January 1, 1966, increasing the total number of seats in the Council from 11 to 15. As at 1979, the UN membership had risen from 113 to 152 with the admission newly independent States from Asia and the Pacific, Africa and Latin America. Again, the NAM States now constituting the majority in the UNGA started demanding for a second round of the restructuring and democratisation of the UN system (Winkelmann, 1997; (Bourantonis, 1998; Fassbender, 1998; Afoaku and Ukaga, 2001; Gardiner and Spring, 2003; Luck, 2003; Weiss, 2003; Mikhailtchenko, 2004; Blum, 2005; Bourantonis, 2005; McDonald and Patrick, 2010; Deudney and Maull, 2011; Mishra, 2014; Permanent Mission of Thailand to the United Nations, 2015; Takeuchi, 2016).

To have followed the 1963 reform of the UNSC were minor changes in the permanent seat category. In 1971, the People's Republic of China took over the permanent seat from the Republic of China (Taiwan) as the representative of China. In 1991, the Russian Federation replaced the defunct Union of Soviet Socialist Republic (USSR) (Mishra, 2014; Saxena, 2015).

Still on December 17, 1963, the UNGA reached yet another resolution, resolution 1991B (XVIII) that enlarged the membership of the ECOSOC from 18 to 27. Another amendment was made in 1971 which came in to force in 1973 increasing ECOSOC members to 54 (A/RES/2847 (XXVI) (Alene, 2015). Concerning the Trusteeship Council, its operation was suspended on the 1st of November, 1994, after the last UN trust territory, Palau, gained its independence. The last but not the least is the Secretariat reform. In the UN Secretariat, an administrative reorganisation took place in July, 1997, by the then Secretary-General, Kofi Annan, with the approval of the UNGA. The first was the appointment of a Deputy Secretary-General which the UN Charter made no provision for but was administratively necessary in order to reduce the enormous burden on the Secretary-General. Secondly was

the merger of related functional units and outfits in order to reduce to the barest minimum, the duplication of responsibilities among the various departments and agencies. The last administrative reform was to prune down the UN's over-bloated bureaucracy as this would address the problem of overstaffing and redundancy (Akindele, 2000).

5.   An Appraisal of the Effectiveness and Legitimacy of the Security Council

Before the discourse proper on the enlargement, democratisation and working methods of the UNSC, an assessment of the effectiveness and legitimacy of the UNSC needs to be made at this juncture, if not for any other thing, to see reasons for the reform of the UNSC.

To objectively evaluate the effectiveness of any organisation is to access its performance in the realisation of its set out objectives. Since the ultimate and overriding goal of the UN is to save the present and succeeding generations from the scourge of another global war by promoting and maintain international peace and security, the effectiveness of the UNSC, which is the principal organ of the UN that is charged with this primary responsibility, must be determined by the extent to which the Council has been able to either prevent or remove threats as well as punish actual breaches of world peace and security (Akindele and Akinterinwa, 1995).

At the moment, the UNSC cannot be said to have been effective in every sense of the word because, the primary objective of the UN, which the Council as the executive organ of the Organisation is to look into continually, is still far from being achieved. Although, one needs to admit that the present UN-based world order, with all its limitations, is arguably better than a world without the UN. Nevertheless, the ineffectiveness of the UNSC cannot be ignored. That the Council has been effective in the performance of some of its functions is at best limited, and in any case, it is not necessarily a function of a legitimacy standing that flows from the participation and involvement in its activities by a wider circle and broader geographical representation of the UN Member States but, it is more or less largely a function of the power and authority conferred on it by the UN Charter (Akindele and Akinterinwa, 1995).

The effectiveness and legitimacy of the UNSC are two inseparable issues which must be taken very seriously in the reform of the Council. As it is, the Council is fast losing the popular support of the UN Member States for its decisions. The only way out of this is to enlarge the Council which would reinforce its legitimacy (Mikhailtchenko, 2004). While this is true, we must also bear in mind the submission of R. A. Akindele and B. A. Akinterinwa that, the "[e]nlargement of permanent membership simply for ensuring regional balance on the Council may not be a necessary condition for enhancing and ensuring the effectiveness of the Council in the performance of some of its functions that require a projection of strong military force; at the same time, unless there is expansion of the permanent membership in the Council to reflect a broadly equitable geographical representation therein, decisions and actions of the Council with respect to some other categories of functions may not be

perceived as bearing the imprimatur of legitimacy" (Akindele and Akinterinwa 1995, pp. 216-217).

6.   The Enlargement of the Security Council Membership: A Necessity for More Regional Representation

The UNSC is currently composed of 15 Member States. These countries fall into two tiers of seats in the Council. The first category is the 'permanent seat' being occupied by five nuclear powers – The United States of America, Russian Federation, United Kingdom, the People's Republic of China and, France. The second category of seat, the 'non-permanent seat' is for 10 elected Member States – Africa (3), Asia (2), Latin America (2), Western Europe and others (2) and Eastern Europe (1). According to Article 18(2) of the UN Charter, the election of the 10 non-permanent members shall be by a two-thirds majority vote in the UNGA. In accordance with Article 23(1)(2), these non-permanent members upon due consideration of their contribution to global peace and security and also equitable geographical distribution, shall be elected for a two years term. However, a retiring non-permanent member shall not be eligible for immediate re-election.

As at when the UN was founded in 1945, it had 51 Member States 11 of which made up the UNSC i.e. 21.5% (approximately 22% of the total UN membership). Today, the UN membership has almost quadrupled to 193 with the UNSC composed of 15 members which is just 7.7% (approximately 8% of the UN membership). This statistics clearly shows that the Council does not have a proportional representation to the UN total membership. Hence, the Council needs to be expanded, particularly the permanent seat category. But, "[w]hile it is generally agreed that there is need to enlarge the membership of the Security Council, there has been no agreement on how to bring about such a review of the UN Charter, who the new permanent members should be, whether there is to be a reconsideration of the contemporary merit of any of the present Big Five for continuing permanent membership of the Council, and on the continuing relevance of the veto power in the New World Order. There is no doubt that the question of enlargement of the Security Council membership raises other fundamental problems which have to be addressed" (Akindele and Akintererinwa, 1995, p.210).

Nevertheless, for there to be a constitutional amendment of the UN Charter vis-a-vis the enlargement of the UNSC, a procedure has to be followed. Article 108 of the UN Charter states that, there must be a two-thirds majority vote in the UNGA in that regard. Presently, the UNGA is made up of 193 Member States that are entitled to one vote each. A two-thirds majority vote of the UNGA membership would be 128.7 (i.e. 129 countries). Secondly is that, such an alteration to the Charter must be ratified by two-thirds of the UNGA Member States including the P5 of the UNSC.

6.1   The Debate for and against the Enlargement of the Security Council

Since the Cold War came to a close, there has been a lengthy debate for and against the reform of the UNSC. In the 1990s, the said debate reached a crescendo within the UN community (Spies, 2008). Proponents of the UNSC reform are of the view that making the

Council more inclusive and representative of the world's broad geographical regions would make the most powerful organ of the UN more responsible and responsive to threats to international peace and security. For instance, during the Rwanda genocide of 1994, some of the P5 had little or no interest in Rwanda. They also did not want to get involved in the costly war. Should African countries have had a seat in the Council, they would have fought for the intervention of the Council in the war that claimed the lives of 800,000 Tutsi and moderate Hutu. Thus, having veto-wielding permanent members from all the regions, would guard against selective intervention by the Council in a conflict situation (cited in Kao and Lee, 2008).

Sceptics however envisage an ineffective UNSC should its seats be enlarged. They argue that the Council was advertently designed to have an oligarchic-structure by the founding fathers of the UN unlike the UNGA that has equitable representation because the Council members need to be decisive i.e. to make quick decisions and take concerted actions against threats to world peace and security. Already, the Council of 15 Member States has been criticised severally for its inaction in high profile cases – Rwanda genocide (1994), Srebrenica Massacre (1995), Kosovo ethnic cleansing (1998) and, the Darfur Crisis (2004). Enlarging therefore the Council's seats for the purpose of the equitable representation of the power distribution around the world would only worsen its sluggishness and indecisiveness owing to lengthy deliberations that would ensue in the crowded Council chamber. Consequently, the Council would further lose its legitimacy and in no time, the UN Member States would begin to see it as an irrelevant organ owing to its operational ineffectiveness (Kao and Lee, 2008; Davis, 2010).

Of a truth, the UNSC was meant to have few Member States that are willing to bear the responsibility of maintaining world peace and security. Hence, the oligarchic-structure should be retained in the reform of the Council, as it remains the only possible way to guarantee the making of timely decisions in the Council and accordingly acting on it vis-a-vis the maintenance of global peace and security. However, there is the need to moderately expand the Council by adding a few countries from the Northern and Southern Hemisphere in order to mirror the geopolitical reality of the 21st century. Agreeing with me on this is Sean Murphy who said "[e]xpanding the Security Council by a few seats would probably not radically undercut its ability to function, yet widespread participation…makes political consensus more difficult to achieve and political cohesion more difficult to main" (Murphy, 1994, p.261).

Having married the plausible argument of the proponents and sceptics of the enlargement of the UNSC membership, there still exist one or two thorny issues. As mentioned earlier, the UNSC should be enlarged but, its oligarchic-structure should be retained. Within this structure, the concept of a 'permanent seat' is bound to be problematic. According to Joseph E. Schwartzberg, "[t]he word "permanent" does not belong in any constitution or charter, for the simple reason that no human creation is truly permanent" (Schwartzberg, 2004, p.37). Going by history, this is true as there have been the rise and fall of world powers. In world politics, we have seen Great Britain and France lose their massive empire in the culmination

of the post-WWII decolonisation process and, the dissolution of the USSR in 1991 which ended the Cold War. Thus, giving some countries a 'seat for life' in the Council is not justifiable. To have mentioned in passing the problem of the 'permanent seat' idea in the not too distant future is Peter Nadin who said that:

"Power in international politics is not constant. The rise and fall of empires in history is a testament to this fact. The once powerful are no longer powerful the once weak are now strong. A reformed Council will not represent an end of history. In 20-30-40 years time, new emerging countries such as Indonesia, Mexico, South Korea and Turkey will ask the question why aren't we on the Council. And so the reform debate will begin again (Nadin, 2014).

To prevent this from happening, the idea of having 'permanent members' must be dropped and the entry and exist of rising and falling world powers should be the practice in the Council. Still on the 'permanent member' idea is the controversial issue of the veto power. The veto power has done humanity more harm than good vis-à-vis combating threats to world peace and security. Instead of it being used in that regard, the veto-wielding countries have more often than not exercised this power in their national interest and that of their allies, and not in the interest of the international community. Thus, the UN has severally been impotent in the management of wars and conflicts around the world. The veto power unlike the idea of 'permanent seat' should be retained. However, its use should be limited which is more realistic and achievable than abolishing it.

6.2 The Proposals for the Enlargement of the Security Council

There seems to be a consensus that the UNSC needs to be enlarged in order for it to be more representative, to reflect today's geopolitical reality and, to regain its waning legitimacy. Since the Cold War ended, several proposals from the early 1990s have been put forward for the enlargement of the Council (Mikhailtchenko, 2004; Uwimana, 2006).

Following the adoption of the UNGA resolution A/RES/47/62 in December 11, 1992, which called for proposals on the UNSC reform from Member States, the 'Open-Ended Working Group on the Question of the Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council' was set up with resolution A/RES/48/26 in the year 1993 to look into the reform of the Council. This Open-Ended Working Group (OEWG) held its first meeting on the 19th of January, 1994, in New York. But on September 15, 2008, the UNGA adopted resolution 62/557 that created the Intergovernmental Negotiations (IGN) on the UNSC reform in informal plenary of the UNGA. The IGN is to look into the following five issues (1) categories of membership, (2) the question of the veto, (3) regional representation, (4) size of the UNSC and working methods and, (5) the relationship between the UNSC and the UNGA (Tharoor, 2011; Permanent Mission of Thailand to the United Nations, 2015; Saxena, 2015).

i.   The Razali Plan

The Razali plan is the first comprehensive reform plan the Open-Ended Working Group produced (Cox, 2009). Named after the one time President of the UNGA and Chair of the OEWG, Mr. Ismail Razali from Malaysia, the Razali plan (1997) proposed that 5 new permanent seats be added to the Council – 2 seats for industrialised States and 3 seats for developing countries, one each from Africa, Asia and, Latin America (without veto power). Secondly, that 4 non-permanent members – Africa (1), Asia (1), Latin America (1) and, Eastern Europe (1) should come on board for a two years term which would bring the total number of seats in the Council to 24 (Lewis, 1997; Lau, 2003; Cox, 2009; Saxena, 2015). "The Razali plan was novel in that it did not require two-thirds approval of the entire General Assembly during the first two steps, but only two-thirds of the member states present and voting in the chamber" (Lau, 2003).

ii.   The High Level Panel (HLP)

In September 2003, the High Level Panel on Threats, Challenges and Change was created by the then UN Secretary-General, Kofi Annan, to look into the expansion of the UNSC which may or may not wield veto power (Gardiner and Spring, 2003; Law Explorer, 2016). In 2004, the 16-member panel convened to produce a blueprint for the UNSC reform which they did on the 2nd of December same year in a report titled *A More Secure World: Our Shared Responsibility*. Two options were proposed by the Panel (Rothwell, 2013; Saxena, 2015).

In the first option which they called 'Model A', there shall be an addition of six new permanent seats – Africa (2), Asia and the Pacific (2), Europe (1) and, the Americas (1) without veto power. Furthermore, there shall be 13 two-year seats (non-renewable) – Africa (4), Asia and the Pacific (3), Europe (2) and the Americas (4) which would bring the Council to a total of 24 members. In the second option, 'Model B', there shall be 11 two-year seats (non-renewable) – 4 for Africa, 3 for Asia and the Pacific, 1 for Europe and 3 for the Americas (Cox, 2009; Rothwell, 2013). This model introduced a third tier, a semi-permanent seat category which they called four-year seats (renewable). In this new category, there are 8 seats to be filled by two countries each from Asia, Africa, Europe and the Americas without veto power and can be renewed every four years. Like Model A, Model B enlarged the Council from 15 to 24 seats. On March 21, 2005, Kofi Annan released a comprehensive report titled *In Larger Freedom: Toward Development, Security, and Human Rights for All* which was based on the recommendations of the High Level Panel on the UNSC reforms.

iii.   Group of Four (G4)

The G4 is a group of regional and sub-regional economic powers – Brazil, Germany, India and Japan that look forward to being the beneficiaries of a restructured UNSC. This lobby group of four presented their draft resolution A/59/L.64 to the UNGA for the enlargement of the UNSC from 15 to 25 on the 6th of July, 2005. For the permanent seat category, they proposed the G4+2 i.e. they are the four aforementioned countries plus 2 African countries to be the new permanent members without veto power until the question of the extension of the right of veto to new permanent members is decided by an amendment of the UN Charter. In

addition to this, there shall be 4 new non-permanent seats – Africa (1), Asia (1), Eastern Europe (1) and, Latin America and the Caribbean (1) (Krasno, 2006; Cox, 2009; Tharoor, 2011; Egede and Sutch, 2013; Mishra, 2014; Nadin, 2014; Alene, 2015).

iv.   Uniting for Consensus (UfC)

The Uniting for Consensus (UfC) is a group of countries that opposes the G4 proposal. "On the 16th of February, 2005, the Coffee Club (Argentina, Colombia, Mexico, Kenya, Algeria, Italy, Spain, Pakistan and South Korea) adopted a document entitled *Uniting for Consensus*, which subsequently became the name of the group" (Freiesleben, 2008, p.5). They were later joined by Qatar, Turkey, Ghana, Costa Rica, Ghana, Costa Rica, Canada, Morocco, San Marino, United Arab Emirates, Bangladesh, and the representative of the Arab League (Freiesleben, 2008). On July 21, 2005, UfC tabled their draft resolution A/59/L.68 to the UNGA. They are also calling for the enlargement of the Council to 25 seats but, their proposal is quite different from that of the G4 (Cox, 2009; Mishra, 2014; Nadin, 2014; Alene, 2015; Saxena, 2015; Aepler, 2016). They are against any addition to the permanent seat category but proposed in 'Model Green', that the non-permanent seat category be doubled i.e. from 10 to 20 – Africa (6), Asia (5), Latin America and the Caribbean (4), Western Europe and other States (3) and, Eastern Europe (2). These non-permanent seats would be occupied by elected Member States for a two years term of which they can immediately be re-elected. In another model called 'Model Blue', the UfC proposed a new category of non-permanent seats for a 3-4years term (Hoffmann and Ariyoruk, 2005; Cox, 2009; Tharoor, 2011; Egede and Sutch, 2013; Guardian 2013; Rothwell, 2013; Romania Ministry of Foreign Affairs, 2016).

v.   Ezulwini Consensus

At first, the OAU in the 1997 Harare Declaration envisioned the enlargement of the Security Council with two permanent seats and five non-permanent seats for Africa. Years later, the 'Common African Position on the Proposed Reform of the United Nations', popularly known as the Ezulwini Consensus was adopted by the AU at its 7th extraordinary session from the 7th -8th of March, 2005, after due consideration was given the High Level Panel report (Aepler, 2016). Named after the Swazi town 'Ezulwini' (meaning 'Place of Heaven') where the agreement was reached, the Ezulwini Consensus was later supported with the Sirte Declaration on the Reform of the UN, at the AU Summit that took place from July 4-5, 2005. In their 2005 draft resolution A/59/L.67 to the UNGA, the AU proposed 6 new permanent seats of which 2 would go to Africa with the veto power enjoyed by the P5. The AU as an Organisation opposes the idea of the veto power privilege. However, it believes that so long as the UN Charter still confers such a power on the P5, the veto prerogative should also be extended to them. The AU also proposed 5 new non-permanent seats of which 2 would be for Africa. In total, they proposed the expansion of the Council to 26 (Freiesleben, 2008; Langmore, 2008; Tharoor, 2011; Guardian 2013; Rothwell, 2013; Mishra, 2014; Nadin, 2014; Alene, 2015; Khan, 2015).

vi.   L.69 Group

The L.69 group is a group made up of 42 countries from Africa, Latin America and the Caribbean, Asia and, the Pacific. Named after their draft resolution A/61/L.69 which they submitted to the UNGA in 2007, this group proposed that the seats of the UNSC be expanded from 15 to 27. That is, 6 new seats is be added to the permanent seat category with veto power (though they are calling for the veto power to be abolished) as well as 6 seats to the non-permanent seat category of which the new non-permanent members would be elected by the UNGA.

vii.   The Italian Regional Model

In 2005, Italy proposed that 10 new permanent seats (without veto) be shared among the regions – Asia (3), Africa (3), Western Europe and Other Groups (1), Eastern Europe (1) and Latin America and the Caribbean (2) and not assigned to individual States from a region. Based on this model, each regional group would have 'operational management' over the seats (Hoffmann and Ariyoruk, 2005).

Asides proposals originating from a country, group of countries, group of persons and, from a regional international organisation on the restructuring of the UNSC, academics in their ivory towers have also taken it upon themselves to design abstract models of a reformed UNSC.

i.   Model C

Model C as a model for reconfiguring the UNSC was developed by Professor Walter Hoffmann in May, 2005. Rather than the usual regional groupings, Professor Hoffmann specifically divided Asia and the Pacific group into two – Pacific Rim and South Asia. Model C envisions the enlargement of the UNSC from 15 to 25. The model, for the permanent seat and non-permanent seat categories, have at a total of 5 and 10 seats respectively. In the two states sharing one-eight year term category, a seat each is allocated to Africa, Pacific Rim, South Asia, Europe, Latin America and the Caribbean. The same also applies in the four-year term category for troop and personnel contributors' category (Hoffmann and Ariyoruk 2005).

ii.   Model X

In 2006 Professor Walter Hoffmann developed another model called Model X. Quite similar to Model B of the HLP and the Blue Model of the UfC, Model X enlarges the Council from 15 to 20 by adding five four-year renewable term seats – Africa (2), Asia (2) and, the Americas and the Pacific (1). Considering the fact that Europe is already over represented in the permanent seat category of the Council, no four-year renewable seat(s) were given to Europe (Hoffmann, 2006a)

iii.   Model Duo

In 1992, the former president of the American Society of International Law, Professor Louis Sohn, suggested the concept of "Dual Seating". The dual seat concept is the naming of two States to a seat. The representative of each of the States would take turns in sitting in the

Council's seat and would cast a vote during their term. They are also to consult each other on all issues that come before the Council during their term. It is with this concept that Professor Walter Hoffmann developed the Model Duo in 2006. The Model Duo expands the Council from 15 to 21 seats. In this model, two separate non-contiguous six-year terms would be assigned to the electoral regions. Hence, the Council becomes more representative which accordingly would increase the participation in its decision-making process (Hoffmann, 2006b).

iv.   The Regional/Economic Proposal (REP)

The Regional/Economic Proposal (REP) for the reform of the UNSC was developed by Professor Richard Hartwig. Hartwig (2008) envisioned the UNSC to be composed of 10 geographic regions each of which would be headed by an *anchor* country, or *co-anchor* countries. They would have no right to veto and each region's representative could only vote on a particular issue if supported by countries representing 60 per cent of its population and 60 per cent of its Gross Domestic Product at purchasing power parity – GDP (PPP). This is what he calls the 60/60 rule. However in an emergency situation, only *anchor* and *co-anchor* countries would vote. He went on to state that regions with at least 18 per cent of the combined GDP (PPP) of all regions would receive two UNSC votes each on a permanent basis.

v.   Schwartzberg Model

In the year 2004, Joseph E. Schwartzberg camp up with a model for the reform of the UNSC. Named after him, the Schwartzberg Model proposes that the Council be enlarged from 15-18 seats. The permanent seats and the veto power would be abolished as membership of the Council would be based on objective eligibility criteria. With his formula **WV= P+C+M/3** (were **WV** represents a nation's weighted vote, the average of **P**, its percentage share of the total population of all UN members; **C**, its financial contribution as a percentage of the total UN budget; and **M**, its share of the total UN membership), a country with a WV of more than 4%, or any self-formed caucus of like-minded nations with a combined WV of more than 4% would be entitled to a seat (Schwartzberg, 2004).

7.   The Security Council and the Democratisation of its Decision-Making Process

Democracy has increasingly become a touchstone for the legitimacy of all forms of political association. Today, the charge of being "undemocratic" is no longer levelled at nation-states only. International Organisations, such as the United Nations, have frequently been described as one suffering from a "democratic deficit" (Nicol, 2006).

According to Fassbender (1998), what is meant by 'democratising the United Nations system' is yet to be fully understood. Literarily, 'democratisation' would mean the introduction of popular participation to the world body. But as it is, the UN Charter does not recognise 'democracy' as a principle. Thus, it cannot be acknowledged as an independent legal principle relevant to Charter reform vis-à-vis the demand for equal participation in the

work and decision-making of the Organisation, though it tallies with the principle of the sovereign equality of States and representativeness.

A frequently overlooked fact in the demand for the UNSC reform is that, the Council was never intended to be democratic (Nicol, 2006). It was not also meant to be primarily about fairness (Hindell, 1990) or a representative body to commensurate with the UN membership as the UNGA already serves that purpose (Davis, 2010). Nevertheless, calls from different quarters have been made for the exclusive club to be made more democratic by enlarging the Council's seats which accordingly would lead to more participation in its decision-making process.

7.1 The Veto Question in the Reform of the Security Council

"The question of the veto power is another controversial issue in the discussion on the reform of the UN and the enlargement of membership of the Security Council" (Akindele and Akintererinwa, 1995, p.218). Wielded by the P5 in the UNSC, the veto power is widely seen to be inconsistent with the concept of democracy and sovereign equality in the UN (Mathur, 2005). Inked in Article 2(1) of the UN Charter is the principle of the sovereign equality of all its Member States. However, in reality, this is not the case in the Council chamber as some Member States are more equal than others during the decision-making process because of the veto privilege the former enjoy in the voting system of the Council.

Article 27(1) states that, each Member State in the Council is entitled to one vote. The decisions on procedural matters mentioned in Article 27(2), shall be arrived at by an affirmative vote of nine members while Article 27(3) which covers the decisions on other matters, shall be arrived at by an affirmative vote of nine members including the concurring votes of the five permanent members. However, in reaching a decision on Chapter VI of the Charter and Article 52(3), a Council member that is party to a dispute, is to abstain from voting. Such abstention is 'mandatory' based on the general principle of international law *nemo judex in causa sua* (Latin: meaning you cannot be a judge in your own case). But in the usual voting system of the Council, abstention can be 'voluntary' should a Council member so choose not to vote for or against a resolution.

Still on the voting system of the Council is the question of the right to veto. From the aforementioned article of the UN Charter, the right to veto was not explicitly mentioned. However, a thorough study of the language of Article 27(3) reveals that the veto power privilege was embedded in the requirement for a concurring vote of the P5 on non-procedural matters (i.e. substantive matters). Asides the normal exercise of the right to veto a substantive matter, the veto power has been exercised by the P5 in two ways i) *double veto* – used firstly as a preliminary vote to determine the nature of a question – whether it is a procedural or substantive matter and secondly, to veto the matter itself if it turns out to be a substantive matter (Kuzma, 1998; Wouters and Ruys, 2005) ii) *hidden veto* – this is when a permanent member threatens to use its veto if a certain measure or statement is put to the vote. It is used

mainly in closed-door informal consultations, rather than in open meetings (Nahory, 2004 cited in Wouters and Ruys, 2005, p.9).

For over seven decades now, the veto power has not only been "the symbol of the privileged position of the permanent members but also the constitutional weapon by which they defend that position" (Leigh-Phippard, 1994, p.169). "The rationale behind the veto power has always been that no decision by the Security Council should be made in the absence of cooperation, consent and support of the major five powers who, as the victorious allied-powers during World War II, sponsored themselves and jointly insisted on being permanent members of the Council" (Akindele and Akinterinwa, 1995, p.218). In other words, the philosophy behind the veto prerogative of the P5 is that, "it is better to have the Security Council stalemated than to have that body used by a majority to take action so strongly opposed by a dissident great power that a world war is likely to ensue" (Claude, 1962, p.160).

The origin of the veto power privilege of the Big Five turned P5 can be traced back to the Yalta Conference of 1945 between President Franklin D. Roosevelt of the US, Prime Minister Winston Churchill of Britain and, the General Secretary of the Soviet Union's Communist Party, Joseph Stalin. During the Conference, Stalin requested that the right to veto be given exclusively to them. He pushed for the veto because he was afraid that the other UNSC members would out-vote his representative on most issues and, thus, wanted to protect himself against unfavorable majority votes. In the end, a compromise was reached between the three leaders on how to protect their interest as the victors of the Second World War in the UN (van den Haag and Conrad, 1987 cited in Smith 1993; Bosco, 2009; Egede and Sutch, 2013; Rotivel and d'Alançon 2016).
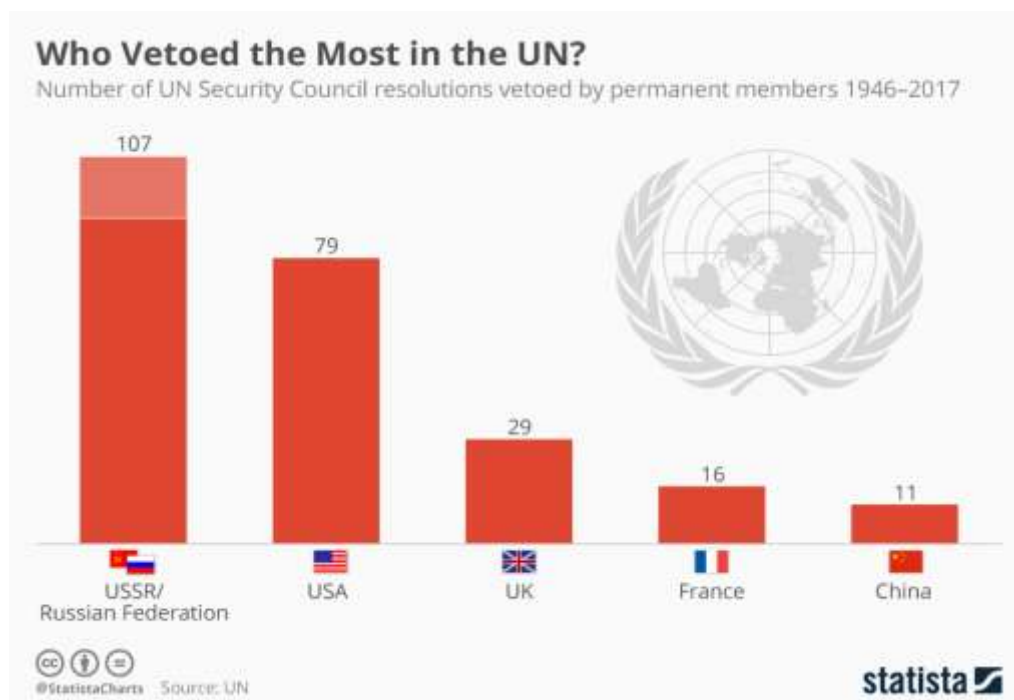
Source: Kessel, I. (2017). Who Vetoed the Most in the UN

Between1946 and 2017, the right to veto has been used 242 times in the parochial interest of the wielders or that of friendly States. No wonder Helen Leigh-Phippard asserted that:

"The history of the Security Council has shown that its permanent members act, not in pursuit of the ideals and aspirations set out in the UN Charter, but in pursuit of their respective national interests" (Leigh-Phippard, 1994, p.168).

During the Cold War, capitalist US and communist USSR, were caught up in an ideological struggle. Thus, they exercised their veto power to prevent each other from dominating the UNSC (Haag and Conrad cited in Smith, 1993). In the post-Cold War era, the US has often cast a negative vote to block resolutions against Israel vis-à-vis Israeli-Palestinian Conflicts, Russia has done the same on the resolution concerning its annexation of Ukraine's Crimea peninsula in 2014, while Russia and China have repeatedly blocked resolutions that would lead to the UN intervention in the Syrian Crisis (2011-?). Categorically, the right to veto has been used to block resolutions on the admission of Member States (e.g. Vietnam admission vetoed by the USSR), sanctions on allies (e.g. economic sanctions on Apartheid South Africa was vetoed by the UK and US in the late 80s); peacekeeping missions to avert a high profile case of mass atrocities (e.g. the Rwanda 1994 genocide intervention vetoed by the US and France), the recommendation of a UN Secretary-General (e.g. Boutros-Boutros Ghali re-election vetoed by the US in 1996) etc.

Actually, the right to veto was given the winners of the Second World War as a trump card or safety valve of their 'vital' interest and most importantly, to ensure their active participation as the world's economic and military heavyweights in the maintenance of global peace and security unlike the Council of the LON that was a 'toothless bull dog' which was unable to preclude WWII owing to the absence or full commitment of the major world powers of the 20th century (e.g. the United States). But over the years, this veto prerogative has been abused, consequently paralysing the Council. Thus, there have been widespread debates whether or not to obviate the controversial veto power from the Charter; limit its use by the P5 and, whether or not the new permanent members should wield such a power.

The five permanent members guard jealously the veto power that they have wielded for more than seven decades now. Though their support for the reform of the UNSC varies, they are all against abolishing the right to veto. To be realistic, stripping the veto power off the P5 is most likely not going to happen. The countries calling for the removal of the right to veto from the Charter might be successful at getting a two-thirds majority vote in the UNGA, but in the end, the ratification of the P5 is needed before it can take effect which obviously they would not do voluntarily. "While it may not make sense to eliminate the veto power if the continuing interest of the most powerful and influential member states in the Organization is to be retained, if not strengthened, it is, at least, absolutely desirable to restrict its scope of application. Doing so is bound to lessen the frequency of political paralysis, immobilization and impotence to which Council had, in the past, been subjected not just because of the dictates of the Cold War but also because of the absence of stipulated ground rules governing and restricting the use of the veto power" (Akindele and Akinterinwa, 1995, p.224).

Regarding limiting the use of the veto power of the P5, there has been one major proposal, which is, the 'French Proposal'.

i.   The French Proposal

France as one of the concerned P5, has been able to come up with a sort of 'code of conduct' on the use of the veto power (Damianou, 2015; Pangburn and Stein, 2015). In 2013, the President of France, François Hollande, in order to avoid the paralysis of the Security Council in the future, proposed that the P5 voluntarily pledge not to use their veto in cases of 'mass crimes'. This voluntary commitment of theirs would not require a change in the UN Charter (Pangburn and Stein, 2015; Permanent Mission of France to the UN, 2018).

8.   The Security Council and Working Methods Reform

While most of the countries calling for the structural reform of the UNSC have been preoccupied with the drafting of proposals for the expansion of the Council, a few Member States of the UN are rather concerned about the overlooked practices in the Council. This concern of theirs about the procedural practices in the Council's chamber is what is called 'working methods'.

Between the call for the enlargement of the Council's seats and the working methods reform of the Council, the latter looks the most promising as the P5 cannot exert their veto power on procedural matters when put to a round of vote. The demand of the said few countries clamouring for working methods reform have been that, the Council be made more transparent (i.e. should have open meetings, deliberation sessions and decision-making process in lieu of closed door meetings), that it be made more flexible and lastly, more accountable for its actions.

Article 30 of the UN Charter clearly states that the Council has the right to adopt its own rules of procedure. Thus, the P5 have frowned at calls for working methods reform by none Council members as any issue on its working methods fall within its jurisdiction. Nevertheless, two groups of countries have consistently been hammering on the working methods reform of the UNSC.

i.   S-5 Plan

The Small Five (S-5) countries – Costa Rica, Jordan, Liechtenstein, Singapore and Switzerland is a group of lightweights calling for the working methods reform of the UNSC. In March 17, 2006, they presented their draft resolution A/60/L.49 to the UNGA. In this draft resolution, they called for closer cooperation of the Council members with other UN members, enhanced consultations with troop contributing countries (TCC) for the UN peacekeeping missions and, restrictions on the use of the veto power by the P5 in cases of mass atrocities. In addition to the latter, they demanded that any of the P5 that exercises its right to veto a substantive matter should explain why it did so. In May 2012, the S-5 drafted and submitted another proposal A/66/L.42/Rev.2 containing 20 recommendations to the UNGA on the UNSC relationship with the UNGA and other organs, the use of the veto

among other things. But on the 16th of May, 2012, they withdrew this draft resolution from the UNGA (Cox, 2009; Volger, 2012, Nadin, 2016).

ii.   Accountability, Transparency and Coherence (ACT)

The Accountability, Transparency and Coherence (ACT) was formed on the 2nd of May, 2013. Made up of 22 States, this trans-regional group since it was formed, has also been calling for a change in the Security Council's working methods in order to make it more accountable and transparent (Nadin, 2014, 2016; Romania Ministry of Foreign Affairs, 2016, Switzerland Federal Department of Foreign Affairs, 2017).

Concluding Remarks

There is no iota of doubt anywhere in the world that the UN is a relic of the 20th century geopolitics. Ever since then, reforming the anachronistic UN in general and the UNSC in particular is urgently needed for it to mirror the current geopolitical reality and most importantly, tackle effectively and legitimately the diverse global security challenges of the 21st century – nuclear weapon development, terrorism, climate change, zoonotic diseases etc. Unfortunately, this much desired overhaul of the Council by a rewrite of different sections of the UN Charter is most likely not going to happen anytime soon due to the few world powers in the Council that are bent on protecting their controversial veto power, the endless debate on changing the Council's frozen composition and not to forget, the selection of a workable plan from the conflicting UNSC reform proposals in the UNGA, which at the moment, has reached a cul-de-sac. Should this persist, the countries of the world are bound to suffer greatly sooner than later for having an archaic UNSC maintain international peace and security in the 21st century.

Recommendations

Reforming the UNSC is not a once and for all event. It should be carried out from time-to-time as international reality changes. Concerning the second round of the UNSC reform that looks somewhat elusive, the following recommendations should be considered:

i)   The idea of a Member State having a 'permanent seat' for life in the UNSC should be scrapped. In place of this should be that a Member State would remain a permanent member as long as it is an established or emerging world power to reckon with on the international scene;

ii)   The permanent seat category should be enlarged from 5 to 10 and, distributed to the five regional blocs in the UN, each getting 2 permanent seats. It would then be left to these blocs to elect 2 Member States respectively to occupy their seats for a uniform number of years (minimum of 5, maximum of 10 years) with or without immediate re-election. By this, the Council would retain its small size for swift decision-making as well as achieve more representation of the broad geographical regions of the world;

iii)   The eligibility criteria for the aspirants of the proposed additional permanent seats in the UNSC should be based on the distinctiveness of these countries from the Northern and Southern Hemisphere. The Global North should produce permanent members primarily on the basis of their military might and immense financial contribution to the UN budget, while

those from the Global South should be based on their population size and troop contribution for UN peacekeeping missions;

iv) The right of the permanent members to veto the resolutions of the Council on substantive matters should be retained in a reformed UNSC. However, the scope of its use should be limited in cases of war crimes;

v) The groups of countries with similar and feasible draft proposal on the enlargement of the UNSC should work together towards harmonising the content of their proposal. They should when necessary, make a compromise in that regard.

References

[1] Aepler, P. (2016). Reforming the United Nations Security Council: Assessing Principal Actors and Selected Reform Proposals. A Paper Presented at ECPR Graduate Student Conference, Tartu, Estonia, July 13.

[2] Afoaku, O. G. & Ukaga, O. (2001). United Nations Security Council Reform: A Critical Analysis of Enlargement Options. *Journal of Third World Studies* 18(2), pp. 149-169.

[3] Akinbobola, A. (2015). 'International Organisation' in Anifowose, R. & Enemuo, F. C. (eds) *Element of Politics,* 2nd Edition. Lagos: Sam Iroanusi Publications.

[4] Akindele, R. A. (2000). 'Reorganization and Reform of the UN: The Problems of the Veto Power, Expansion of Membership of the Security Council and Nigeria's Quest for a Permanent Seat on the Council' in Akindele, R. A. & Ate B. E. (eds). *Selected Readings on Nigerian Foreign Policy and International Relations*. NIIA Enlightenment Course Series, Vol. 1, No. 1. Ibadan: Vantage Publishers.

[5] Akindele, R. A. & Akinterinwa, B. A. (1995). 'Reform of the United Nations: Towards Greater Effectiveness, Enhanced Legitimacy Profile and Equitable Regionally Balanced Membership in an Enlarged UN Security Council' in Obiozor, G. & Ajala, A. (eds) *Africa and the United Nations,* Lagos: NIIA Press.

[6] Alene, N. M. (2015). Reforming the UN Security Council – Challenges and Prospects. *Basic Research Journal of Social and Political Science*, Vol. 3(4) pp. 65-76.

[7] Aneke, C. C. (2012). The Struggle for a Permanent Seat at the Security Council: A Critical Assessment of the Contestants in 2012. Unpublished M.Sc Thesis, University of Nigeria.

[8] Aral, B. (2017). Time to Reform the United Nations, *The New Turkey,* available online at http://thenewturkey.org/time-to-reform… (Accessed April 23, 2018).

[9] Bosco, D. (2009). Think Again: The U.N. Security Council. Foreign Policy available online at foreignpolicy.com/…/think-again-the-u-n… (Accessed May 14, 2018).

[10] Bourantonis, D. (1998). Reform of the UN Security Council and the Non-Aligned States. *International Peacekeeping*. Vol. 5, No. 1, pp. 89-109.

[11] Bourantonis, D. (2005). *The History and Politics of UN Security Council Reform*. London and New York: Routledge Taylor & Francis Group.

[12] Blum, Y. Z. (2005). Proposals for UN Security Council Reform. *The American Journal of International Law,* Vol. 99, pp. 632-649.

[13] Butler, R. (2012). Reform of the United Nations Security Council. *Penn State Journal of Law & International Affairs*, Vol. 1, No 1, pp. 23-39.

[14] Charter of the United Nations (1945).

[15] Claude, I. (1962). *Power and International Relations*. New York: Random House.

[16] Cox, B. (2009). United Nations Security Council Reform: Collected Proposals and Possible Consequences. *South Carolina Journal of International law and business,* Vol. 6:89, pp. 89-128.

[17] Damianou, A. (2015). Three Necessary Reforms for the UN Security Council Legitimacy, *Global Risk Insights* available online at http://globalriskinsights.com/.../three-... (Accessed April 22, 2018).

[18] Davis, R. (2010). An Unrealistic Proposal: An Argument against the Enlargement of the United National Security Council. *International Affairs Review*, the Elliot School of International Affairs, Gorge Washington University, Vol. XIX, No. 1, pp. 19-41.

[19] Deo, N. (2015). Modi in America: Is the UN Security Council's Reform Motion too Little too Late? Available online at http://qz.com/.../is-th-un-security... (Accessed April 21, 2018).

[20] Deudney, D. & Maull, H. W. (2011). Europe's Veto's Power: Britain, France, the United States, and the Reform of the UN Security Council. *Transatlantic Academy,* Paper Series, pp.1-18.

[21] DW (2017). Will the UN Security Council Ever be Reformed? Available online at www.dw.com/en/will-the-un-security-council-ever-be-reformed/a-41045697 (Accessed April 23, 2018).

[22] Economist (2005). UN Security Council Reforms – Curb your Enthusiasm: A Useful Proposal and an American Rebuff available online at www.economist.com/node/4064932 (Accessed April, 21, 2018).

[23] Egede, E. & Sutch, P. (2013). *The Politics of International Law and International Justice*. Edinburgh: Edinburgh University Press.

[24] Fassbender, B. (1998). *UN Security Council Reform and the Right of Veto: A Constitutional Review*. The Hague: Kluwer Law International.

[25] Fidler, D. P. (1996). Caught Between Traditions: The Security Council in Philosophical Conundrum. *Michigan Journal of International Law*, Vol. 17:411, pp. 411-453.

[26] Freiesleben, J. (2008). Reform of the Security Council in *Managing Change at the United Nations.*Center for UN Reform Education available online at www.centerforunreform.org/?q=node/308 (Accessed June 11, 2018).

[27] Gardiner, N. & Spring, B. (2003). Reform the United Nations. *The Heritage Foundation* available online at https://www.heritage.org/global-politics/report/reform-the-united-nations (Accessed May 13, 2018).

[28] Goldstein, J. S. & Pevehouse, J. C. (2011). *International Relations*, 9th edition. Pearson.

[29] Guardian (2013). Reforming the UN Security Council available online at http://www.theguardian.com/.../un-... (Accessed April 23, 2018).

[30] Harper, K. (1995). Does the United Nations Security Council have the Competence to Act as a Court and Legislature?. *New York University Journal of International Law and Politics*, Vol. 27, No. 1, pp. 103-107.

[31] Hartwig, R. (2008). 'Squaring the Circle: A Regional/Economic Proposal for Reform of the United Nations Security Council' in Weyel, V. (ed.). The Quest for Regional Representations: Reforming the United Nations Security Council. *Dag Hammarskjöld Foundation,* Occasional Paper Series, Critical Current No, 4, pp. 4-75.

[32] Hindell, K. (1990). The UN Security Council I: Filling the Gaps. *The World Today*, Vol. 46, No. 12.

[33] Hoffmann, W. (2006a). Competing Model: A Security Council with 20 Members. *Center for UN Reform Education* available online at www.centerforunreform.org/?q=node/52 (Accessed May, 27, 2018).

[34] Hoffmann, W. (2006b). Model Duo: Could 'Dual Seating' Break the deadlock on Security Council Reform?. *Center for UN Reform Education* available online at www.centerforunreform.org/?q=node/57 (Accessed May 26, 2018).

[35] Hoffmann, W. & Ariyoruk, A. (2005). Security Council Reform Models: Models A and B, Italian (Regional) Proposal, Blue and Green Models and A New Model C. *Center for U.N. Reform Education*, Special Paper No. 4, pp. 1-10.

[36] International Strategic Analysis (2017). Reforming the United Nations Security Council available online at www.isa-world/news/?tx... (Accessed April 22, 2018).

[37] Jacobson, H. (1984). *Networks of Interdenpdency*. New York: Knopf.

[38] Kao, A. & Lee, S. S. (2008). Fixing International Security: Reforming the Security Council. *Cornell International Affairs*, Vol. 1, No. 2.

[39] Kegley, C. (2008). *World Politics: Trends and Transformation, 2007-2008*. Cengage Learning.

[40] Kessel, I. (2017). Who Vetoed the Most in the UN. *Statista* available online at https://www.statista.com/.../un-security-... (Accessed May 28, 2018).

[41] Khan, A. H. (2015). UNSC's Expansion: Prospects for Change and Implications for the Regions and the World. Unpublished M.A Thesis, Naval Postgraduate School, California.

[42] Knight, A. W. (2013). Is There A New Theory of International Relations?, *Caribbean Journal of International Relations & Diplomacy,* Vol. 1, No. 2, pp. 21-39.

[43] Krasno, J. (2006). Legitimacy, Representation, and Accountability: A Proposal for UN Security Council Reform. *Yale Journal of International Affairs*, pp. 93-100.

[44] Kugel, A. (2009). Reform of the Security Council - A New Approach?. *Friedrich Ebert Stiftung* (FES), Briefing Paper 12, pp. 1-8.

[45] Kuzma, A. J. (1998). Reform of the United Nations' Security Council. Published LL.B Thesis, University of Otago.

[46] Langmore, J. (2008). A Step Towards Security Council Reform. *Nautilus Institute for Security and Sustainability* available online at https://nautilus.org/apsnet/a-step-towards-security-council-reform/ (Accessed May 13, 2018).

[47] Lau, O. (2003). United Nations Security Council Expansion: The Efficacy of Small States under Bipolarity and Uni-Multipolarlity.

[48] Law Explorer (2016). Reform and Challenges: The Future of the United Nations available online https://lawexplorers.com/reform-and-... (Accessed, April 24, 2018).

[49] Leigh-Phippard, H. (1994). Remaking the Security Council: The Options. *The World Today*, Vol. 50, Nos.8-9, pp. 167-172.

[50] Lewis, P. (1997). U.N. Panel Proposes Expanding Security Council to 23 Members. *The New York Times* available online at mobile.nytimes.com/.../un-panel-propose... (Accessed May 15, 2018).

[51] Luck, E. C. (2003). Reforming the United Nations: Lessons from a History in Progress. *International Relations Studies and the United Nations Occasional Papers,* No. 1, pp. 1-74.

[52] Mathur, S. (2005). *Voting for the Veto: India in a Reformed UN*. London: The Foreign Policy Centre.

[53] McDonald, K. & Patrick, S. M. (2010). UN Security Council Enlargement and US Interests. *Council on Foreign Relations* (CFR), Council Special Report No. 59, pp. 1-59.

[54] Mikhailtchenko, M. (2004). Reform of the Security Council and its Implications for Global Peace and Security. *Journal of Military and Strategic Studies*, Vol. 7, Iss. 1, pp. 1-13.

[55] Mishra, A. (2014). Reforming the United Nations Security Council. *Indian Defence Review* (IRA) available online at www.indiandefencereview.com/.../... (Accessed, April 22, 2018).

[56] Murali, M.; Raja, N. K. K.; Palanisamy, K.; Sunderaraman, G. (2004). *Political Science*. Chennai: Tamilnadu Textbook Corporation.

[57] Murphy, S. D. (1994). The Security Council, Legitimacy, and the Concept of Collective Security after the Cold War. *Columbia Journal of International Law*, Vol. 32, No 2, pp. 201-288.

[58] Nadin, P. (2014). United Nations Security Council Reform, *Our World* available online at https://ourworld.unu.edu/.../united-nation... (Accessed April 25, 2018).

[59] Nadin, P. (2016). *UN Security Council Reform*. London and New York: Routledge Taylor & Francis Group.

[60] Nicol, A. (2006). The "Democratisation" of the United Nations: A Critique of the UN Reform Agenda. *FJHP*, Vol. 23, pp. 1-15.

[61] Oche, O. (2013). 'Origin, Growth and Development of International Relations' in Hassan A. Saliu, H. A. & Aremu, F. A. (eds). *Introduction to International Relations*, Ibadan: College Press and Publishers Limited.

[62] Ogunnoiki, A. O. (2017a). Federalism as a Political Ideology and System of Government. *International Journal of Advanced Academic Research* (IJAAR), Vol. 3, Is. 9, pp. 52-80.

[63] Ogunnoiki, A. O. (2017b). State Transformation and the Rise of China as a World Power: A Discourse on the Realist Paradigm. *The International Journal of Humanities and Social Studies* (IJHSS), Vol. 5, Is. 6, pp. 76-83.

[64] Ogunnoiki, A. O. (2018). China as a Rising Power and Her Growing Assertiveness in the South China Sea. *International Journal of Advanced Academic Research* (IJAAR), Vol. 4, Is. 2, pp. 156-184.

[65] Pangburn, A. & Stein, S. (2015). The State of Security Council Reform. *Social Science Research Council* (SSRC), pp. 1-15.

[66] Permanent Mission of France to the UN (2018). France and the UN Reform available online at http://onu.delegfrance.org/France-and-th... (Accessed April 23, 2018).

[67] Permanent Mission of Thailand to the United Nations (2015). Reform of the United Nations: The Reform of the Security Council available online at www.thaiembassy.org/unmissionnewyork/.../54456-The-reform-of-the-Security-Coun... (Accessed May 10, 2018).

[68] Romania Ministry of Foreign Affairs (2016). Reform of the UN Security Council available online at https://www.mao.ro/en/node/16885 (Accessed April 23, 2018).

[69] Rothwell, S. (2013). Security Council Reform: Why it Matters and why it's not Happening. *Open Democracy* available online at http://www.opendemocracy.net/... (Accessed April 22, 2018).

[70] Rotivel, A. & d'Alançon, F. (2016). Time to Reform the UN Veto Power, *LaCroix International* available online at https://international.la-croix.com/news/time-to-reform-the-un-veto-power/4394 (Accessed May 13, 2018).

[71] Saxena, M. (2015). Reform or Perish?: Evaluating the Case for United Nations Security Council Reform, *South Asia News Review*, available online at www.southasianews.com/.../reform-or-perish-evaluating-the-case-for-reformin...(Accessed April 21, 2018).

[72] Schwartzberg, J. E. (2004). *Revitalizing the United Nations: Reform through Weighted Voting*. New York and The Hague: Institute for Global Policy, World Federalist Movement.

[73] Smith, M. D. (1993). Expanding Permanent Membership in the UN Security Council: Opening a Pandora's Box or Needed Change?. *Dickson Journal of International Law*, Vol. 12, No. 1, pp. 173-193.

[74] Spies, Y. K. (2008). The Multilateral Maze and (South) Africa's Quest for Permanent United Nations Security Council Representation. University of Pretoria available online at https://repository.up.ac.za/handle/2263/6308 (Accessed May 31, 2018).

[75] Starke, J. G. (1984). *Introduction to International Law*, 9th edition. London: Butterworths.

[76] Switzerland Federal Department of Foreign Affairs (2017). Reform of the United Nations-Admin.ch available online at https://www.eda.admin.ch/eda/en/home/foreign.../international.../un/.../un-reform.html (Accessed April 23, 2018).

[77] Takeuchi, T. (2016). Japan's Quest for UN Security Council Reform Going Nowhere. *East Asia Forum* available online at www.eastasiaforum.orn/.../japans-quest-f... (Accessed May 13, 2018).

[78] Tharoor, S. (2011). Security Council Reform: Past, Present and Future [Full Text]. *Carnegie Council for Ethnics in International Affairs*, Vol. 25.4, available online at https://www.carnegiecouncil.org...› ... › Essay [Full Text] (Accessed May 11, 2018).

[79] Uwimana, I N. (2006). The United Nations Security Council Reform: Myth or Reality? An African Analysis. Published M.Sc Thesis, University of Zimbabwe available online at https://www.memoireonline.com › ... › Relations Internationales (Accessed May, 11, 2018).

[80] Volger, H. (2012). Five Lightweights Fight to Reform the Security Council. *PassBlue*, available online at www.passblue.com/.../five-lightweights-... (Accessed May 13, 2018).

[81] Walters, F. P. (1952). *A History of the League of Nations*. London: Oxford University Press.

[82] Weiss, T. G. (2003). The Illusion of UN Security Council Reform. *The Washington Quarterly 26* (4), pp. 147–161.

[83] Whitehead, L. (2002). *Democratisation-Theory and Experience*. Oxford: Oxford University Press.

[84] Winkelmann, I. (1997). Bring the Security Council into a New Era – Recent Developments in the Discussion on the Reform of the Security Council. *Max Planck Yearbook of United Nations Law*, pp. 35-90.

[85] Wouters, J. & Ruys, T. (2005). Security Council Reform: A New Veto for a New Century. *Institute for International Law*, Working Paper No. 78, pp. 1-35.