Legitimacy, Representation, and Accountability: A Proposal for UN Security Council Reform

By Jean Krasno

Since the end of the Cold War and the fiftieth anniversary of the United Nations in 1995, there have been countless discussions and ideas for reforming the UN Security Council, but none has captured the broad support and imagination of the international community or the major powers. Leading up to the September 2005 World Summit at the UN headquarters in New York, the release of several high-level reports and the controversy over war in Iraq rekindled the need to address reform. Secretary-General Kofi Annan called for a renewed effort to reform the Security Council to infuse it with the legitimacy, representation, and accountability it needs to lead the UN and earn the consent necessary from the member states to take action. In the 2000 Millennium Declaration, the General Assembly resolved to intensify its efforts “to achieve a comprehensive reform of the Security Council in all its aspects.” This declaration reflected the view, long held by the majority of states, that the council’s composition needs to change to make it more representative of current geopolitical realities and the international community as a whole.

When the United Nations was created at the end of World War II, it was natural for the Allies to place themselves at the center of a collective security system designed to prevent another world war. At that time the United Nations had fifty-one members. Today it consists of 191 member states, and the balance of military and economic power in the world has changed
dramatically. Once sidelined by Cold War rivalries, the United Nations now has the opportunity to meet the challenges of a complex world by bringing together the ideas and resources of its nearly universal membership to act in the name of peace and security. Yet the Security Council seems out of step, and its legitimacy is in question.

In the General Assembly, each government is represented equally: one country, one vote. But the UN Charter created the Security Council as a much smaller body of eleven members that today includes fifteen states, five permanent veto-bearing members, and ten states elected by the General Assembly for two-year terms. The Security Council was designed to be small enough to meet quickly in an emergency and decide on issues in a timely manner. While General Assembly resolutions are considered recommendations, Security Council decisions are intended to be binding—a tough mandate when the UN has no enforcement capability of its own. Therefore, it is particularly important that the member states, which ultimately must enforce a Security Council mandate, believe that the council legitimately represents their interests. The UN ambassadors that make up the working group on Security Council reform have stated that the Security Council needs to be more representative, while several recent reports have made other suggestions for reforming the Security Council, including proposals to add additional seats and limit the veto power of the permanent members.4

These calls for reform have faced insurmountable obstacles, preventing any movement on the issue. The amendment process set out in the UN Charter requires the concurrence of the five permanent members (P-5) for any change in the structure of the council. Practically speaking, not one of the five would approve any measure that would remove itself from the council or take away the power to veto resolutions. Consequently, any reform will have to maintain the privileged status of the P-5. Most nonpermanent members resent the inequality between their power and that of the P-5, and are not interested in adding any new permanent members to the council or expanding the use of the veto.

Although many nations agree on the need for reform, reaching agreement on any specific proposal has proven difficult. Germany and Japan, which provide a substantial portion of the UN budget, have argued that they should have more say in the decision making process. At the same time, proposals to add permanent seats for geographic regions have also foundered. Although giving permanent seats to India to represent Asia, Brazil to represent Latin America, or South Africa to represent Africa, sounded promising initially, other countries in the regions challenged this proposal, claiming that these
continental giants did not necessarily represent the interests of others in the region. In fact, they might take advantage of their newfound prominence in the Security Council to solidify their local hegemony.

It is time to overcome these stumbling blocks and tackle the issue of reform, bearing in mind the simultaneous goals of legitimacy, representation, accountability, and effectiveness. An important first step is to expand the number of countries on the council to reflect the increased membership in the UN from the original fifty-one to the current 191 members. This expansion would not only represent the increased UN membership, but it would also add a more representative mix of ideas and proposed solutions to address security problems the world faces. This expansion should include countries that have the capacity to implement council decisions, particularly countries that have grown in terms of economic strength and political power in the last few decades. Additionally, there should be representation from the developing world, where human security needs are direst and where many of the conflicts erupt that require Security Council action.

While expansion is necessary, there must also be a balance between the need for greater representation and the need to act efficiently. A body that is too large could be unwieldy, rendering it difficult to make timely decisions. Currently, council membership is distributed through geographic formulas, and economic diversity is largely ignored. This should change. Geography, while important, does not necessarily represent the development and economic interests of member states. A reformed council, therefore, should be representative economically as well as geographically. Including major economic powers, such as Japan and Germany, would provide the council with the greater resources necessary to enhance its ability to respond to crises.5 Several core reforms would yield a new structure that meets all of these important criteria. As a first measure, the Security Council should be expanded. To be more representative, the council should be enlarged from fifteen to twenty-one members, while maintaining the veto privileges of the P-5. The increased number would offer more countries an opportunity to participate and expand representation across a broader array of economic, political, and cultural interests.

At the same time, the council should shift to a simple majority decision making process. The effectiveness of Security Council decision making will depend on
the number of votes needed to pass a resolution, not necessarily on the size of the whole council. In the current fifteen-member council, nine members are needed to pass a resolution, providing that no veto is cast. Giving up the concept of a supra-majority would provide greater efficiency in a larger council. With a council of twenty-one members, a simple majority of eleven would mean that only two more positive votes would be required, making it only slightly more difficult to pass a measure than it is now. One could argue that a simple majority may not be as powerful a symbol as supra-majority support for a resolution, but a resolution supported by eleven states at least signifies a larger number of supporters in the council than a resolution that receives nine votes in the current council.

The number of permanent seats should remain fixed and veto power should not be expanded. The inclusion of permanent seats with the veto was initially required to keep the major powers in the organization. It was not without controversy. A debate over permanent members and the veto erupted among the fifty countries that came together to finalize the UN Charter in San Francisco in 1945. The twenty-one Latin American nations, joined by Australia and the Philippines, led the resistance to the privileged status of veto-wielding members. They resented the notion of the veto, but in the end knew that there would be no UN Charter without the five major powers. In the final vote on the veto, thirty-three nations supported, two opposed, and fifteen countries abstained. Sixty years later, countries that provide large amounts of resources in support of Security Council decisions but are not permanent members, such as Germany and Japan, have a legitimate complaint. Such “taxation without representation” presents a dilemma, and the UN needs to find alternative ways to grant decision making rights to these countries without creating more permanent seats, something the general membership opposes.

New Forms of Membership

The rotating, nonpermanent members of the Security Council now serve a non-renewable two-year term, and must leave the council for at least one year before they can stand for election again. Alongside these seats, the Security Council should create a category of nonpermanent membership to be held by countries for four years, with the opportunity for reelection. Other members would continue to fill the two-year slots, leaving the council
to allow more members an opportunity to participate. The membership of a reformed council would break down into the current five permanent seats, six four-year renewable seats, and the continuation of the ten two-year, rotating seats. Four-year renewable seats would provide greater continuity and stability in the Security Council. Under this new system, at the end of the four years, a member would have to be re-elected to serve for another four years. The four-year concept would allow some breathing space between campaigning for seats and more time to participate in the council’s decision process. Many countries complain that it takes a full year, half the current term, to learn how the council works and to garner leverage in negotiations. A system based on four-year terms for the nonpermanent members would allow certain countries to be elected and serve indefinitely if a majority of the UN membership continued to support their claim to legitimacy. Some have criticized the idea of four-year renewable seats, saying it would create yet another tier of second-class member states. Yet countries holding the four-year renewable seats would actually have greater legitimacy: they would be democratically elected and held accountable for their actions because they would face future elections.

These new four-year renewable seats could be elected by the current geographic groups or by a new process. The most representative mechanism would consist of elections of semi-permanent members through “economic groupings” of states. Currently, geographic groups of member states select candidates from their regions to nominate for election by the full General Assembly. While geographic distribution is important and has been a cornerstone of the United Nations since its founding, it does not necessarily represent the variety of economic and political interests of countries in a given region. While bloc voting by region occasionally takes place, studies have revealed that voting patterns by members are more likely to demonstrate economic alignments as opposed to geographic kinship. Additionally, a country that might have been considered for a regional seat, such as South Africa, would not be expected to represent all the interests of Africa, nor would Brazil be expected to place the needs of other Latin American states above its own. Basing representation on economic rather than geographic categories would better reflect the distribution of power and interests that are increasingly based on stages of economic development. The 186 nonpermanent members would be grouped through a voluntary process into three categories: highly industrialized nations; middle economies in the developing world; and smaller developing economies.

Countries would be free to assign themselves to whichever group they think best reflects their interests and could change their designation every two
years. In this self-selection, countries would gravitate to the smallest group, hoping to increase their chances of election, but would be under peer pressure to represent themselves accurately. Each of the three groups would elect two countries for the four-year renewable seat. In this way, the smallest countries would only compete with each other for these seats, making sure that they would always be represented on the council. Campaigning for a seat has always been competitive and demanding of time and resources. Geographic considerations would be encouraged, but informally so. The normal two-year rotating seats would continue to be elected in the traditional manner. If member states are not willing to align themselves into three economic groups, the formula could also be applied to the traditional regional group system. In this case, six regional groups would elect one member to the four-year seat.

For the privilege of holding the four-year seat, these members would pay an additional surcharge for peacekeeping much like the permanent members now pay. The surcharge would be based on an ability to pay, with a sliding scale derived from the formula used to determine regular dues to the UN. Therefore, poorer countries would still only pay according to their ability but would be expected to support their decisions on the council with national resources. Peacekeeping troops or other in-kind support might be considered in the calculations. Wealthier countries would pay more and would help to alleviate the burden now held by the United States, which currently pays about 26 percent of all peacekeeping costs. This system would also address the gap created by the loss of revenue when the United States recently reduced its burden for peacekeeping by about 5 percent.

The two seats from the industrialized countries could be filled by Germany and Japan, which can afford to help out with the costs, but they could only hold these seats if they were able to win election every four years. They would be accountable for their actions to the broad membership in the assembly. Other members such as the Nordic countries, which have a strong record in providing peacekeeping troops, or G8 members Italy or Canada could challenge them. Far from being second-class seats, these new positions on the council would have the prestige of being elected, affording them legitimacy rather than simply representing the legacy of World War II.
Prospects for Reform

A recent high-level panel report commissioned by Secretary-General Annan on United Nations reform released in December 2004, *A More Secure World: Our Shared Responsibility*, took up the idea of a four-year seat in one of its two proposals for Security Council reform. The report’s “Model A” plan suggested adding six new permanent seats, without a veto, and three new two-year nonpermanent seats. Its “Model B” plan called for creating a new category of eight four-year renewable term seats. Soon after the report’s publication, Brazil, Germany, India, and Japan formed the “Group of Four” (G-4) and agreed to seek permanent seats as a group without requesting the veto. As part of their proposal, they also agreed they would seek to establish a review process in fifteen years to assess the new arrangement. In reaction to the G-4 proposal, Italy, Mexico, Spain, Argentina, Pakistan, Costa Rica, and others formed another group, calling themselves the “Coffee Club,” to support Model B, with its four-year renewable seats. Yet another group weighed in by early fall 2005, during the UN’s sixtieth anniversary summit. Left out of the G-4 proposal, the African Group, with fifty-four members, proposed six new permanent seats to include two from Africa, with the veto.

In mid-November 2005, the General Assembly met to hear a full debate on Security Council reform. To pass a resolution on reform, the General Assembly would need a two-thirds majority, or 127 votes from the 191 members. After assembly approval, the Security Council—with the unanimous support of the P-5—would also need to pass the measure. However, changing the Security Council also requires amending the UN Charter, which would ultimately require member state ratification. In the General Assembly, the African Group cannot do it alone, and the G-4 would need all fifty-four African votes and more to reach 127. China has been working to thwart any Security Council reform that might give Japan permanent Security Council membership. China’s strategy has been to divide the African Group so neither proposal for new permanent seats can achieve the needed 127 votes. China can always veto the proposal in the Security Council, but it would prefer not to act as such a visible spoiler. That leaves the “Coffee Club” and Model B as realistic possibilities.

By the end of 2005, the General Assembly was still deadlocked, but many members were claiming the issue was still alive. Indian Ambassador Nirupam Sen said, “It would be a grave error for those who think that Security Council reform will go away. They believe it would be like the Cheshire cat, where you have the smile without the cat, but they will find that the cat has nine lives.” A member of the Indian delegation explained that the G-4 proposal was not that different from the four-year seat with no veto. The
fifteen-year review would ostensibly be a fifteen-year renewable seat with no veto. A four- or even six-year renewable seat might be the one idea that could break the logjam. Perhaps this new vision for a more relevant and legitimate Security Council will not only rekindle a serious debate on council reform but also strengthen the resolve to reach a final decision.

This proposed system of reform would reinvigorate the council and provide greater representation through a more democratic and accountable process. A more representative council would give the UN greater legitimacy, yet keep the council small enough to be efficient, and maintain a manageable majority threshold to enact measures. The larger council would provide greater support, and the surcharge on semi-permanent members would add to the resources for the implementation of council decisions. The United Nations is the only international organization with universal membership devoted to security issues. Now is the time to find ways to enhance the UN’s ability to implement global collective security as the founders had intended and to combine world resources for multilateral solutions to the challenges ahead. [1]

NOTES

1 Two United Nations reports were released in the year leading up to the summit. The first was released in December 2004, titled *A More Secure World: Our Shared Responsibility, a Report of the High-level Panel on Threats, Challenges and Change* (hereafter *A More Secure World*). The panel consisted of prominent international leaders such as Gro Harlem Brundtland (Norway), Gareth Evans (Australia), Anand Panyarachun (Thailand), and others. The second document was released as a report. See *In Larger Freedom: towards development, security and human rights for all*, Report of the Secretary-General, New York, March 2005 (hereafter *In Larger Freedom*).


3 *In Larger Freedom*, 42.

4 See UN document: A/AC 247/1997/CRP8


6 While there were fifty-one original members of the UN, only fifty were present in San Francisco. Poland was allowed to sign as an original member later.


9 Ibid., 81.

10 UN General Assembly meetings attendees, interviews with author, 10-11 November 2005.


12 Ibid.