

# Is the UN Security Council Fit for Purpose?

Written by Giovanni Pinelli

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GIOVANNI PINELLI, MAR 14 2012

Born in 1945 as one of the key organs of the United Nations, responsible for maintaining international peace and security (UN Charter: art. 24.1), the United Nations Security Council (UNSC) has recently been facing a rising torrent of international criticism over its alleged inability to deal with the security challenges of our time. The nature of security threats, it is argued, has been constantly changing since the end of the Cold War, nevertheless the UNSC has been *de facto* unable to respond to them. In the report *In Larger Freedom* (2005: 78), the former UN Secretary-General, Kofi Annan, argued that modern-day threats include not only war and conflict but also:

*Civil violence, organized crime, terrorism and weapons of mass destruction. They also include poverty, deadly infectious disease and environmental degradation.*

Following this preliminary consideration, the focus will shift towards the institutional weaknesses of the Security Council – with a particular emphasis on its membership and powers – to show how these have affected the body's legitimacy and effectiveness, ultimately turning it into the prime locus of power politics. As a result of this analysis, it will be concluded that although substantive and substantial reform would be essential to close the Council's democratic deficit and to make it more geopolitically representative, it would not change much in a fundamentally state-centric world.

When it was first conceived in 1945, the United Nations Security Council was mainly concerned with military threats to, or breaches of, the peace. In the aftermath of two World Wars, in other words, 'collective security' (understood as the maintenance of peace and stability in the world) was grounded in the idea of "saving succeeding generations from the scourge of war" (Preamble, UN Charter). Nearly seventy years later, as Sheehan (2008) observes, the character of war has profoundly changed and inter-state conflicts no longer constitute a major security threat. Research conducted by the Department of Peace and Conflict Research at Uppsala University (2010) shows that whilst the frequency of inter-state war has been in sharp decline since 1946, intra-state wars have seen a consistent increase since then. In addition to war and conflict, other important issues feature in today's international security agenda, including: terrorism, nuclear programmes, humanitarianism, poverty, HIV/AIDS and environmental degradation. This evolving security threat landscape, however, has not been paralleled by a significant transformation of the Security Council, whose membership and powers do not mirror the complexity of the 21<sup>st</sup> century world order.

With regard to the membership of the Council, art. 23 of the UN Charter distinguishes between permanent and non-permanent members. As to the five veto-holding permanent members, it has been observed that their membership "reflects the power relations of 1945, not 2004" (*New York Times*, 7 December 2004). The issue of geopolitical representation in the UNSC is of particular complexity as it brings into question the legitimacy, the effectiveness and the democratic nature of the body. In its 2004 report *A More Secure World* (¶ 244-260) the High-Level Panel envisaged the need to reform the composition of the Security Council in order to broaden the consensus on today's security threats proposing two alternative models, both of which would involve expanding the membership of the Council and distributing the new seats between four main regional areas (namely: "Africa", "Asia and Pacific", "Europe" and "Americas"). These proposals, not surprisingly, have raised many doubts among internationalists. Firstly, it should be noted (Blum 2005: 648) that if the UNSC were to be reshaped, amending the UN Charter would be a *sine qua non*. The amendment procedure laid out in art. 108, requires – among other things – the consent of the

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permanent five, whose veto power:

*Has been and remains an obstacle to reform both because of the P-5's vested interests in preserving power and because no provision in the charter requires them to relinquish this right. (Weiss 2003: 151)*

If the P-5's exercise of their veto power annihilates the likelihood of any reform being carried out, what has yet to be proven is that expanding the UNSC would result in its improved efficiency and effectiveness. Indeed, a study conducted by B. O'Neill in 1996 (p. 236) suggests that not only granting more seats to non-veto-holding states may diminish their power to influence the Council's decision-making, but also that adding new veto players is likely to slow down the security machinery – depending on how ideologically close these new players are to the existing veto holders.

The High-Level Panel also seems to endorse an old, yet alive, Westphalian idea of the world order which does not reflect the complexity of our century. As Schrijver (2007: 134) points out, in a “multi-actor world” where not only states but also regional organizations – as e.g. the EU or the African Union – play a fundamental role in the international arena, it would be inconceivable to draw a reform plan of the Security Council which does not involve the membership of these organizations. Yet, the Panel fails to acknowledge the importance of regional associations, whose inclusion in the UNSC would perhaps reinforce the provisions of art. 52.2 of the Charter, in turn allowing the said organizations to pursue their common security policies more effectively (Schrijver 2007: 135).

Whilst the present structure of the Security Council neglects the complexity of today's geopolitics, its powers have increased since the end of the Cold War, though in a very peculiar way. In this regard, it should be noted that the UN Charter not only recognizes the UNSC as the main institution responsible for the maintenance of world peace and security (art.24), but it also gives it wide discretion to “determine the existence of any threat to the peace, breach of the peace, or act of aggression” and accordingly decide the best measures for responding to them (art.39). If an expansive interpretation of Article 39 has allowed the Security Council to extend its security umbrella to cover new security issues such as WMD, terrorism and humanitarianism (Yamashita 2007: 554-555), other issues such as poverty and hunger, HIV/AIDS and climate change are yet to be addressed by the body – although there is much evidence supporting the thesis that these issues may amount to threats to the world peace.

As far as poverty and hunger are concerned, there are at least two main reasons why they should be considered as two of the biggest security threats of our time. The first, obvious reason is that they result in massive human deaths. The Food and Agriculture Organization (FAO) estimated that the total number of undernourished people in the world reached 925 million in 2010, 98 per cent of which comes from developing countries (FAO 2010: 8). These data are even more frightening if the effects of poverty and malnutrition on children are analyzed: indeed, figures provided by the United Nations (2010a: 1) suggest that poverty and hunger kill nearly 9 million children under five each year. What is more, it should be underlined that poverty and under-development also increase the potential for instability and intra-state conflict. During an ‘atypical’ meeting of the Security Council held early this year, the Brazilian Foreign Minister observed that:

*Nine of the 10 countries with the lowest Human Development Indicators have experienced conflict in the last 20 years. (UN 2010b)*

Despite the wealth of evidence suggesting otherwise, during the same meeting it was made clear that development issues do not fall within the competencies of the UNSC, but within those of the General Assembly and the Economic and Social Council (ECOSOC); and, surprising as it is, the absence of UNSC resolutions directly dealing with poverty seems to confirm so.

Combating poverty and malnutrition is only one of the challenges of our century, as stressed in the *UN Millennium Declaration* (2000). To this, in fact, should be added the devastating effects of pandemic diseases such as HIV/AIDS. A study carried out in 2010 by UNAIDS (pp. 178-207) reveals that in the same year around 32 million people were suffering from HIV and that 1.8 million people died of it. The atrocious impact that this disease has each year on human life could be compared to that of a silent genocide; and again, the response given by the international

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community has been insufficient. The first UNSC resolution (S/RES/1308, 2000) addressing HIV/AIDS was only adopted in 2000, by which year:

*The number of deaths per year from HIV/AIDS in Africa had outstripped the number of battle deaths in all the civil wars fought in the 1990s. (In Larger Freedom, 2005: 25)*

Besides being late, the Council's resolution only dealt with the issue of HIV from the perspective of the "the international peacekeeping personnel" (S/RES/1308, 2000: p.2), calling for more co-operation between the international institutions entitled to deal with the matter. The second and final UNSC resolution (S/RES/1983, 2011) on HIV/AIDS was adopted in June 2011: here, the Council encourages "the inclusion of prevention, treatment, care and support" (S/RES/1983, 2011: p.1) in its peacekeeping missions. Again, the level of burden-sharing between UN institutions in this domain has proven to be unequal, and the efforts made by the Security Council are largely overshadowed by those of other institutions such as the General Assembly, ECOSOC and UNAIDS, i.e. the Joint UN Programme on AIDS.

In addition to poverty and HIV, one of the biggest issues the world has to confront nowadays is climate change. Research conducted by the *Intergovernmental Panel on Climate Change* (2007: 48-52) suggests that if the level of greenhouse gas concentrations were to remain unchanged, its impact on the earth planet would be catastrophic, especially on those regions such as South America, Africa and Asia: in brief, people's health, access to food and water supplies would be in danger. Despite the commitments made in Kyoto, industrialized countries have showed to be disappointingly unconcerned about this issue and the slowness of the international community in dealing with it largely reflects this claim. The recognition that climate change may amount to a threat to international peace and security was only brought to the Security Council in July 2011, when President of Nauru, Marcus Stephen addressed the UN body stating that the impact of climate change is "as great as nuclear proliferation or terrorism" (SC/10332). However – during the same meeting – countries such as Russia, India and Brazil expressed reservations about getting the UNSC involved, leading to the Council's paralysis and inability to respond to the mentioned issue despite the acknowledgment that in the long-run it could exacerbate existing security threats (SC/10332).

The failure of the Security Council to deal with environmental issues as a result of internal power-politics dynamics implicitly brings into question the legitimacy of the body. As Forsythe (2000: 62) puts it:

*If major states [...] did not see their narrow interests threatened, or believed a conflict resided in another's sphere of influence, the Council might not be activated.*

This consideration lies at the heart of all claims about the Security Council's need to redesign its membership and powers. As to the membership, it has been shown that at present it does not reflect the diversity of the 21<sup>st</sup> century geopolitical order. Despite several proposals to reform it, agreements have yet to be reached because of the P-5's involvement in the amendment of the UN Charter. As to its powers, it is evident that the end of the Cold War initiated a new security era, one that involves non-military threats such as poverty, HIV/AIDS and environmental degradation. Evidence abounds to support the thesis that these issues constitute security threats, falling under the provisions of Article 24.1, and that they need to be addressed if the UNSC's credibility to pursue collective security is to fit for the 21<sup>st</sup> century.

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