

The Failure of Reform: Crisis at the UNSC?

Written by Adam Groves

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ADAM GROVES, FEB 28 2008

'The UN is like grandpa's fancy car, stripped of its tyres and set up on blocks. As a remembrance of where we came from and where we want to go, we're glad its there, but when we need a ride, we tend to look elsewhere for transportation. UN reform efforts are an attempt to get the car off the blocks and headed down the highway. Julie Mertus, 2005

Reform of the United Nations (UN) is an emotive subject. From the perspective of many, the organisation increasingly reflects an image of world politics that no longer prevails. It ignores the post WWII revival of Germany and Japan; the rise of India and Brazil; and the economic and religious influence of countries such as Saudi Arabia. The privileged status of the permanent five (P-5) on the UN Security Council (UNSC) is not only seen as a Western-centric relic of the past, but worse, a means for the status-quo powers to limit the influence and development of other states. When viewed from this perspective, substantial and far-reaching reform of the UN is essential.

Yet despite Kofi Annan's warning that 'the United Nations is passing through the gravest crisis of its existence' (in Soussan, 2005: 55) and a burst of diplomatic activity at the World Summit in 2005, reform has not been easy to achieve. The desire of the great powers to maintain a firm economic and political hold on the UN sits directly at odds with those countries which want the organisation to be made more representative. When combined with regional rivalries and genuine practical concerns, the result is that sweeping reform appears extremely unlikely. This essay will explore the reasons behind the impasse as well as briefly considering possible alternatives. It will critically analyse the notion that failure to reform represents a 'crisis' at the UN.

The Case[s] for UNSC Reform and the 'Geo-political' Obstacles:

The past two decades have witnessed major reform of the some of the world's key international institutions. Voeten points out that 'the European Union (EU) broadened, deepened, and moved increasingly towards a supranational decision-making structure' whilst 'the international trade system was transformed fundamentally by the replacement of the GATT with the World Trade Organization (WTO)'. Furthermore, it might be argued that the increasing (if not yet universal) support for the International Criminal Court (ICC) and the Kyoto Protocol reflects an

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appetite for institutional solutions to global problems (2005: 1). Yet the institutional structure of the UNSC has changed very little since its inception in 1945, this despite a significant increase in its activities and the importance attached to the organisation[1]. The Global Policy Forum has observed that:

'...the five principal World War II allies [have] clung to their privileged status. They remain 'permanent' and have the power to veto any Council decision. This arrangement makes the Council both undemocratic and ineffective. The veto-wielding permanent members (P-5) prevent many issues from reaching the Council's agenda and they often selfishly bar widely-agreed and much-needed initiatives. Despite the ten elected members, the Security Council remains geographically unbalanced and seriously unrepresentative' (2005).

Whilst these shortcomings of the UNSC are widely acknowledged there is scant agreement as to the solution. Japan, Germany, Brazil and India—collectively known as the 'G-4'—have, in the past, worked together in an attempt to achieve permanent membership. Japan and Germany are the second and third largest contributors to the UN respectively; India has a population similar to that of China and is an established democracy; whilst Brazil would, in many ways, be the obvious candidate to represent Latin America and the Lusophone world. Yet their push for more permanent seats has faced a number of difficulties – these neatly demonstrate some of the 'geo-political' obstacles to UNSC reform.

Changes to the constitutional charter would require the support of two thirds of the General Assembly and ratification from two-thirds of all member states including, crucially, the P-5. As Paul and Nahory observe, 'in spite of public declarations to the contrary, the P-5 are content with the present arrangements and oppose any changes that might dilute or challenge their power or expand their club' (2005). Therefore, until the US, Russia *and* China seriously back a state's calls for permanent membership, there is very little prospect of any major reform to the UNSC. Meanwhile, as aspiring permanent members attempt to curry favour with the P-5 in an effort to gain support for their bids, they must 'abandon (for the time being) alternative reform projects that might be more innovative, lasting and democratic' (ibid).

However, it is not merely the P-5 that obstructs reform. Efforts at expansion are further complicated by regional rivalries. Japan and Germany quickly realised that in order to gain broad support for their bids they would need to back other permanent seats in Asia, Africa and Latin America. Yet each call for a new permanent seat incites a chain of rivalries that makes reform even less attainable. As Paul and Nahory have noted:

'Each additional candidate for permanent status stirs the opposition of its own regional rivals, multiplying the number of opponents. Thus Pakistan opposes India, Argentina and Mexico oppose Brazil, South Korea and China oppose Japan, and Italy opposes Germany – to name only the best-known cases. In Africa, with many candidates in the wings, rivalry has become even more intense. This complex political geometry assures broad opposition and

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guarantees defeat for the aspirants' (2005).

This dynamic is evidenced by the activity of a strong grouping of states called 'Uniting for Consensus' (UFC) which, led by Pakistan and Italy, has actively opposed the plans of the G-4. Munir Akram, Pakistani ambassador to the UN, condemned 'the seekers of special privileges and power [who] masquerade as the champions of the weak and disadvantaged' (BBC, 2005). Instead, the UFC proposes expanding 'the Council to 25 seats, with 10 new non-permanent members who would be elected for two-year terms, with the possibility of immediate re-election' (Okouma, 2007).

The G-4 and UFC had submitted draft resolutions proposing their respective reforms in July 2005 at the World Summit, but neither proposal (nor a third African proposal which sought more radical reform even than the G-4) garnered the required two thirds support. To resolve the impasse, an open-ended Working Group was formed to consult all parties and make an accurate 'assessment on the state of play' (ibid). Their report was submitted on 19th April 2007 and, based on its recommendations, proposals have been made for an 'intermediary arrangement', which 'entails the creation of a category of membership not currently provided for under the Charter' (ibid). This would aim to 'find the broadest agreement possible, [covering] the expansion of the membership of the Security Council, the procedure for the election of its members and the exercise of the veto, as well as working methods' (ibid).

However, the transitional approach has also divided opinion. Many believe 'it simply postpones for decades the reform of the Council'. *The representatives of Djibouti, Mauritius and Jamaica have all urged the states not to 'postpone till tomorrow what you can do today' (ibid)*. Together with the representative of Cuba, they argue that the intermediary arrangement 'contains the seeds of the perpetuation of an historical injustice to Africa, the only continent without a permanent seat on the Council' (Okouma, 2007). Whilst many legitimate cases for reform have been put forward, there appears to be deep geo-political divisions which will need to be reconciled if progress is to be made. Yet these are not the only obstacles to overcome.

The Case for Limiting Reform: Real Problems Manipulated by Realist Thinking

A number of arguments can be put forward in opposition to the reforms as they are currently conceived. As will now be shown, they risk entrenching and reinforcing existing problems; paralysing the UN at worst and rendering it cumbersome and inefficient at best; and they may not even provide better representation.

Former Dutch ambassador to the UN, Peter Van Walsum, once suggested that the P-5 might better be known as

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the H-5 (or Hereditary Five) in an effort to highlight the paradox of their status as leaders of an organisation that aspires to democracy (Crossette, 1999). As Paul and Nahory note, 'like 'president for life', permanent membership sets the stage for future anomalies and provides no avenue for normal evolution as [the] status and power [of states] rises and declines in the international system' (2005). If 'the present five permanent members already burden the Council heavily' then 'ten or eleven permanents would make matters much worse. Their presence would block future reform and make limitation or outright elimination of permanency far more difficult' (ibid). Thus, the reforms, as they currently stand, would risk merely entrenching and reinforcing current problems over the long-term.

From the perspective of efficiency the reforms are also questionable. Already, the Council is prevented from addressing important issues of peace and security by the threat or use of vetoes. Paul and Nahory assert that 'five or six new permanent members [with vetoes] would exclude many more matters. Indeed, eleven permanents might exclude virtually all topics from the Council's agenda, making effective Council action all but impossible' (2005). As Deen has noted, the veto is likely to be an increasing cause of tension in coming years anyway (2007). Offers by candidates not to use their veto for a period of time merely delays the inevitable, and as permanent members they would still be able to wield their influence in a myriad of other ways:

'They insist on the right to control certain high-ranking UN posts and to name the tenants in those posts (or at least have a large influence over who among their nationals may occupy them). They intervene regularly in the workings of the Secretariat and disproportionately influence the wording of reports and the shaping of initiatives. They insist on the right to have one of their nationals sit as a judge in the World Court, so that their interests will be represented there. And they even have their own private lounges at UN headquarters' (Paul and Nahory, 2005).

Thus, at worst, increasing the number of UNSC permanent members could paralyse the organisation.

However, even if new members were non-permanent, enlargement is likely to result in a more unwieldy and cumbersome setup. 'With fifteen members, the Council is already past the outer limit of the size-efficiency range for an executive body with such big responsibilities'. In consequence, 'negotiations are laborious' and 'consultations with capitals, time zone differences, and multiple languages add to the burden. Ten or eleven new members would create a hopelessly awkward and inefficient institution' (Paul and Nahory, 2005). Former ambassadors to the UN concur. Peter van Walsum asserts: 'no one can seriously believe a council with 24 members can be more effective than one with 15, but it has become politically incorrect to point this out' (2005).

Finally, not only do the reforms risk entrenching existing problems and creating new inefficiencies, they might not even be an effective route to better representation. More members means more *national* interests; 'such members

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only weakly “represent” their region or state-type (poor, island, small, etc.), since there is no system of accountability’. Paul and Nahory continue:

‘If they are large regional hegemony, they may seek to increase their hegemony at the expense of other regional states. If they are states involved in civil conflict, they may seek to block Council remedial action (Rwanda notoriously sat on the Council during the genocide) with negative effects on many neighbours. And if they are small and weak states, they may be exposed to great power pressure, bowing often to threats or blandishments and voting according to the interests of the mighty, not the interests of regional neighbours and friends’ (2005).

In sum then, there appears to be genuine problems with further expanding the UNSC. However, rather than actively looking for alternative solutions the great powers have sought to manipulate the arguments for their own ends. A Realist politick has prevailed. Thus, the Bush administration has fervently fought against inefficiency and waste in the burgeoning organisation. Ostensibly a noble cause, the aggressive approach taken has caused deep suspicion and cynicism; Washington is not primarily concerned with the welfare of the United Nations but with shaping an organisation that is malleable to US interests. As Department of State Undersecretary for Political Affairs, Nichols Burns, declared in 2005, ‘UN Reform is one of the most important issues facing the United States. It is an essential tool for the successful management and implementation of United States foreign policy’.

In this context, Amir Taheri observes ‘a growing consensus’ that unless the UN’s most powerful members are able to authentically cooperate on the issue, the organisation ‘is unlikely to recover its former status as an instrument of international will’ (2004). How then, might these problems be overcome – and if they are not, what are the consequences for the UN?

What are the Options? A Crisis at the UN?

Nico Schrijer has recently suggested two possible alternatives to the current reform plans. Firstly, membership could be extended to regional bodies and secondly, working practices could be altered. Membership of the UNSC could be drastically changed by allowing ‘relevant regional associations, such as the European Union, the African Union, the Organisation of the Islamic Conference, the Association of South-East Asian Nations and the Organisation of American States’ (2007: 134-135). Schrijer suggests that:

‘This could well be a proper way to give more substance to the two criteria of Article 23 – i.e. effectiveness and representativeness – and perhaps also give more impetus to the provisions of Article 52(2) requiring the member states to make every effort to achieve pacific settlement of local disputes through or by regional arrangements before referring them to the Security Council. In their turn, regional associations could then be expected to deepen their common security and foreign policy in order to ensure their representativeness for the region concerned as well as the effectiveness of the Council’ (ibid: 135).

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In the short-term, such sweeping reform is unlikely however, and perhaps also unnecessary. Schrijer points out that 'much can be gained' by simply 'improving transparency and accountability... for example, by improving the working methods of the Council and institutionalising the co-operation of the Council with other principal UN organs as well as by strengthening the consultation with other relevant actors' (ibid). Indeed, moves are already underway to take such measures and 'in view of the little chance for institutional change in the near future, such initiatives not requiring any amendments of the Charter may well prove to be the only feasible avenues in the years ahead' (ibid).

Would failure to achieve sweeping reforms represent a crisis that the UN would be 'unlikely to recover' from, as figures such as Taheri (2004) and Annan (in Soussan, 2005: 55) have claimed? Williams has written that the 2005 summit was 'given a millenarian tinge' which suggested exactly that. The implication was 'that the success or failure of the reforms [would] make or break the organisation' (2005). Yet, as we have seen, none of the proposed reforms gained two thirds of the vote and the issue rumbles on; India, Japan, Germany and Brazil continue to seek membership (although co-operation between them has taken a backseat to their individual claims) and the UFC continues to campaign against expansion on the G-4's terms.

There is no crisis however. 'The United Nations will survive – because most of its members, and indeed most of the world's people, want it to' (Williams, 2005). Or, put less positively, 'despite its fallen reputation and its many failures, the U.N.'s future is perfectly viable because no one has a good alternative to propose' (Rieff, 2006). Thus, whilst the Realist politick of the P-5, regional rivalries and genuine practical problems conspired to prevent 'the sweeping and fundamental reform' that Annan had called for in 2005, the process of reform will continue in more gradual and subtle ways. As Mertus summarises:

'United Nations reform is not occurring at a single moment in time; rather, it is a process that has been underway since the establishment of the organisation... one that occurs more quietly and on a daily basis as UN staffers, through their work in the field, continually give meaning to the UN's collective governance' (2005)

Conclusion:

Despite a burst of diplomatic activity at the 2005 World Summit, reform of the UN has made little progress. Furthermore, the Realist politick of the P-5, regional rivalries and genuine practical problems mean that fundamental changes to the UNSC are unlikely in the near future. Yet the failure of reform at one point does not signal a crisis at the UN, but rather is one stage in an ongoing process. The obstacles facing UN reform will not, in the near future, be swept away during a single conference or vote. Indeed, despite the strong case that can be made for reform, it is questionable whether such an all-encompassing development would be desirable. Rather, subtle institutional

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changes provide a route to improving the transparency and accountability of the organisation within its existing constitution; these may pave the way for more extensive reforms in the future.

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[1] The important consequences of the US/UK's failure to gain UN authorisation for the 2003 invasion of Iraq, for example, stands in stark contrast to the use of force in the Cold War, where the UN's stance had little bearing on states' positions.

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Written by: Adam Groves
Written at: Oxford University
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About the author:

Adam Groves has an MSc in Global Governance and Diplomacy from Oxford University and a BSc in International Relations from the University of Wales, Aberystwyth. Adam co-founded the website in November 2007.