

DPSHMUN'17

Committee: United Nations Security Council

Agenda: Discussing possible reforms in the Security Council



INTRODUCTION:

The United Nations Security Council (UNSC) is one of the principal organs of the United Nations. According to article 24 of the UN Charter, the foundational treaty of the United Nations, the UN Member States have conferred the primary responsibility of maintenance of international peace and security to the Security Council and have agreed that this body, in order to carry on this duty, acts on their behalf. The Member States have agreed to accept and carry out the decisions of the Security Council through article 25 of the Charter 1. While other organs of the United Nations can only make recommendations to governments, the UNSC is the only organ capable of issuing resolutions that are legally binding on all Member States. In order to fulfil its responsibility of maintaining international peace and security and when faced with a conflict, the first action of the Council is to recommend to the parties that they reach agreement through peaceful means. It may appoint special representatives, may ask the Secretary-General to appoint special representatives, and may set some principles for the peaceful settlement of the conflict. When a dispute leads to fighting, the UNSC will try to bring it to an end as soon as possible. It can do so by issuing ceasefire directives, sending UN peacekeeping forces or eventually deciding on enforcement actions such as economic sanctions or collective military action. The Council's other responsibilities include recommending the admission of new members and the appointment of the Secretary-General to the General Assembly of the United Nations (UNGA). Together with the UNGA, it is responsible for electing the judges of International Court of Justice.

Established in 1946, the UNSC currently has fifteen members. The People's Republic of China, France, the Russian Federation, the United Kingdom and the United States of America are the five permanent members of this body and the holders of veto power.

The other ten members of the Security Council are non-permanent. They are elected by the General Assembly through majority vote to take on a two-year term. On the first of January each year, five new nonpermanent members start their term. To ensure better regional representation, non-permanent members are elected from different regional groups. The African Group has three representatives, the Western European and Others Group (WEOG), the Latin American and Caribbean Group (GRULAC), and the Asian Group each has two representatives and the Eastern European Group has one representative. Also one member of the Council should be an Arab country which can be chosen from the Asian or African groups. According to the Charter, nonpermanent members are not eligible for immediate re-election once they finish their two-year term.

The Veto Power:

The United Nations Security Council "power of veto" refers to the veto power wielded solely by the five permanent members of the United Nations Security Council (China, France, Russia, United Kingdom, and United States), enabling them to prevent the adoption of any "substantive" resolution. Abstention or absence from the vote by a permanent member does not prevent a draft resolution from being adopted. However, the veto power does not apply to "procedural" votes, as determined by the permanent members themselves. The permanent members can vote against a "procedural" draft resolution without blocking its adoption by the Council. A negative vote by a permanent member will also block the selection of a Secretary-General, although this is a "recommendation" to the General Assembly rather than a Resolution. This means that one country can vote against a resolution irrespective of its international acceptance and benefit.

The problem of the veto cuts across the enlargement issue, the most fundamental question addressing its continued existence. Since the veto has often been used indiscriminately by the members of the P5 to further their own national interests, often at the expense of the collective, there have been vociferous calls from inside and outside the UN for its abolition. Understandably, the P5 has resisted such demands and the Charter empowers it to quash any such move. However, the end of the Cold War has seen a marked reduction in the number of times the veto has been used, convincing many member states to suggest voluntary ways of limiting its effect.

Possible Reforms:

There is widespread consensus that any expansion of the Council's permanent membership must include Japan and Germany, as the second and third largest financial contributors to the UN respectively, after the US. However, this would increase domination of the Council by Northern industrialized states and, in particular, the inclusion of Germany would give Europe three permanent seats. Moreover, there is also broad support for extending permanent membership to states from Asia, Africa and Latin America. The Non Aligned Movement (NAM), which accounts for two thirds of the UN membership, has stated that any such expansion must include two seats for Africa. Thus, inclusive of Germany and Japan, this category could be enlarged by six places. However, the P5 would be likely to reject such a proposal on the grounds that it would make the Council unwieldy. Moreover, other states have questioned whether financial contributions to the UN were a valid basis for permanent membership. The Foreign Minister of Mexico famously told the General Assembly that, if this were the case, then a permanent seat should be awarded to CNN boss Ted Turner, who has given \$1 billion to the UN.

The UK has proposed offering permanent seats to Germany and Japan and regional seats to Africa, Latin America and Asia. In this way, the political weight of Germany and Japan would be recognized and geographical representation in the Council would be improved. Arguments in favor of such a compromise include that the membership of other UN bodies already rotates on a regional basis, such as the western group in ECOSOC, where member states simply take turns. However, arguments against include that the precise modality for election has not been specified in the case of the rotating seats for the Security Council, nor is it clear whether each region would have to elect states in the same way. There are also political problems. First, the NAM would be likely to oppose this proposal as it provides for only one African seat. Second, there are suggestions that, for reasons of fairness, all of the permanent seats should be occupied on a rotating regional basis. Indeed, Ambassador Fulci in 1998 suggested the establishment of a European seat. However, none of the P5 are likely to agree to such a proposal and the Brazilian representative in 1998 warned that there was a risk that such a trend could lead to the establishment of a United Regions as opposed to a United Nations.

In response to the lack of movement on the veto and permanent membership, the NAM has also focused on what it refers to as its 'fallback position' of enlarging the non-permanent membership from ten to twenty-one. This is a good deal more than any of the P5 have proposed. The UK and USA both support the creation of four new non-permanent seats for the Asian, African, Latin American and Eastern European groups. More importantly, the US and Russia have both told the Working Group that they are unwilling to discuss any reform issues outside the quantitative parameters of 21 Council members in total. However, the P5 are perhaps more likely to move on this issue than either the veto or the permanent membership.

The Council currently includes ten non-permanent members and five permanent Members (P5) who hold veto power, consisting of the post-World War II powers of the United Kingdom, United States, China, USSR (now Russian Federation) and China.

In order to enhance regional representation, there is consensus that the council must be enlarged to improve the current makeup, giving more weight to regions such as Africa, the Asia-Pacific and Latin America/Caribbean states, especially when most agenda issues center on these regions. While an enlarged Council should address any democratic deficit and improve multilateralism, a modest increase has been preferred by P5 members (22-25 total membership) to ensure it remains effective and does not descend into a talk shop unable to act quickly.

Flaws of the Security Council and Reform Proposals

The United Nations Security Council is not perfect. The fundamental flaws of this organ have led to many calls for reform from the majority of the UN Member States. The relations between the Security Council and the General Assembly are strained and it is not just because the Council is an exclusive club of fifteen members that does not necessarily act according to the best interests of the majority of the United Nations members. As Robert Hill pointed out, the fact that this club is able to pass binding resolutions whilst the resolutions of the GA with 193 members are not legally binding and the belief of many UN members that the UNSC is increasingly expanding its mandate are other contributing factors to this uncomfortable relationship.

The first and only reform of the Security Council happened in 1965 when the number of non-permanent members increased. The main reason for this reform was that the number of the UN Member States had more than doubled and had increased from 51 to 114. Since that reform, the number of the UN Member States has increased substantially again especially because after the fall of the Soviet Union many new members joined the UN. Today, the United Nations has 193 members. The imbalance between the number of the GA and the UNSC members has made the UNSC very exclusive and has formed one of the main flaws of this Council. The size of the Council is not reflective of the UN's growing membership and is at odds with the contents of Article 2 of the Charter; namely the "principle of the sovereign equality of all...Members'. It is why many countries are advocating for an increase in the number of the Security Council permanent and non-permanent members. The regional representation of the Council has attracted much criticism as well. The UNSC has two Western European permanent members while Africa, the second most populous continent and South America have no permanent representatives. Several proposals on different categories of reform (size, veto, regional representation, categories of membership, and working methods) have been developed during the years. The proposal for the enlargement of the Security Council, either by addition of permanent or non-permanent members, has gained relative headway. Germany and Japan, two of the main contributors to the UN programs, along with India (second most populous country) and Brazil formed a group called the G4 in order to lobby collectively and support each other's bid to get permanent membership in the Security Council. On the other hand, some countries who oppose the G4's bid, mainly because of regional political rivalries and because of concern about their own position if their neighbor or rival were to get a permanent seat at the Council, formed an opposition group called the "Uniting for Consensus".

Lastly it has been suggested that that the G20 members can be suitable candidates for the UNSC membership as they represent more than 65% of the world's population and their combined GDPs a great percentage of the total world's GDP. John Langmore, in particular, strongly opposed it on the grounds that the G20 members, although well-selected in terms of relative economic power, involvement in trade and regional representation, are selected not elected. Therefore, their permanent inclusion to the Council would not only make the Council unmanageable, it would make it more undemocratic since the smaller and poorer countries with no prospect of joining the G20 cannot have access to the Council and cannot have any representation. Moreover, the G20's functions and policies have recently attracted lots of criticism especially because many UN Member States consider the UN as the principal mechanism for global economic governance.