



The G20 at the Leader's Level

## The L20 and UN Reform

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### **Takeo Uchida, Some Considerations on the UN Security Council Reform**

#### **L20 Project Meeting Briefing Note**

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#### **1. The proposals and debates**

The report *A More Secure World: Our Shared Responsibility* by the panel of the eminent persons on threats, challenges and change published in December 2004, and the Secretary-General's report *In Larger Freedom: Towards Development, Security and Human Rights for All* presented in March 2005 have been scrupulously examined and commented upon by policy-makers, practitioners, and researchers to prepare their positions for the planned summit of the General Assembly in September 2005. The Member States did express their preliminary views on the SG's report in early April and continue to do so more in detail cluster by cluster. Secretary-General Kofi Annan urges the Member States to determine their positions to his recommendations before the summit so that the decisions could be taken then without further delay, if necessary by voting.

The debates on the report to-date have helped identify some areas of general agreements and disagreements. For instance, the proposals to establish a peace-building commission and a human rights council have received more endorsements than reservations. Several delegations spoke on behalf of regional and other groups including the NAM, G-77, EU, and AU. Their pronouncements are, however, still very provisional subject to further consultations with respective member countries of the groups.

Mr. Annan has expressed his view that the reform of the UN is not complete without that of the Security Council. Indeed, the crucial issue of reform is that of the enlargement and composition of the Security Council for which little consensus has emerged, or rather the debates have signified wide divergent views among the Member States. It is only natural that this issue is more controversial as the Member States find in the Security Council their national stakes and interests. The high-level panel itself was not able to arrive at a consensus proposal and instead has proposed models A and B. The Secretary-General himself felt obliged to present the panel's options without choosing one over the other. On the one hand, the so-called G4 composed of Brazil, India, Germany and Japan that aspires to be permanent members has been coordinating their efforts to realize model A<sup>i</sup>. The group for uniting for consensus, or the coffee club, on the other hand, is working for model B to be adopted. A large number of countries appear to fall in between these two groups, some supporting model A and others model B, but not with equal zeal and determination of the G4 and the uniting for consensus group<sup>ii</sup>. China, Russia, and the United States have voiced disagreement to setting the deadline of September 2005 for the reform proposal by the SG<sup>iv</sup>.

## 2. Additional criteria

Against the above backdrop, this brief tries to spell out several considerations to be made and their implications for the Security Council reform. They partly overlap with, but are additional to, what SG has described in his report (paragraph 169<sup>v</sup>).

- (1) Global public goods: The UN is a global public institution serving the entire humankind and shall be a “center of harmonizing the actions” of various actors, states and non-states.
- (2) Democracy: In today’s democracies, parliamentary and executive members are elected by people, and hold no “permanent” office.
- (3) Globalization: In an increasingly globalized world, regional distribution of the seats in the Council should be modified or at least include a new global constituency.
- (4) Feasibility: Any reform idea has to be realizable in the current geopolitical context. The Charter requires for its amendment the ratification by 2/3 of Member States including all the P5.
- (5) Power with responsibility: The criteria for new members of the Council, either permanent or non-permanent, described by the SG should equally apply to the existing permanent and non-permanent members on the Council.

## 3. Implications and suggestions

- (1) As global public goods: The UN itself can be regarded as intermediate global public good<sup>vi</sup>. The Security Council reform should be thus effectuated in order to make the Council better suited to the challenges of humanity in the 21<sup>st</sup> century, leaving aside the considerations of narrowly perceived national interests. The challenges call for solidarity of mankind to provide global public goods such as healthy environment, social development, and peace in all parts of the world. The UN was founded in 1945 for the sake of peace among the United Nations. The UN today must respond to the changed situation in 2005 and beyond as a unique and universal global public policy making institution.
- (2) Democracy: The present Charter provisions for the permanent members and the rights to veto were already controversial and criticized by many countries at the United Nations Conference on International Organization in San Francisco in April-June 1945<sup>vii</sup>. The Charter reflects the political reality at that time. In a more democratic world of today, should the UN observe the democratic principle of periodic election of its office holders or should it elect or designate additional permanent members just once for all? The principle of democracy clearly favors model B rather than model A. We could contemplate a possible model C that would have 18 (8 additional) non-permanent members whose term could be either 3 years (6 members elected every year) or 6 years (3 members elected every year) and are eligible for re-election with (or without) limits.
- (3) Globalization: The present five geographical electoral regions might have good reasons when they were instituted. Considering the fundamental political changes since the end of the cold war and the accompanying globalization process, however, we may seize an opportunity to establish a global constituency from which some members could be elected to the Council. A possible scenario will be to have additional 8 members for the global electoral constituency while 10 members could be elected from the present geographical groupings.
- (4) Feasibility: There exists a solid consensus that the Council has to be enlarged to allow wider representation of the Member States. What divides them is whether there should be additional permanent members or not, and who should occupy such seats. As discussed above in term of democracy, it would be easier and more realistic for the Member States to agree to the increase of non-permanent seats. A possible deadlock over which countries should occupy the six additional permanent positions as proposed in model A will betray the expectations of the majority of countries and peoples for the Security Council reform. Any enlargement of the Council would by itself provide the UN with much needed legitimacy of the Council.

(5) Power with responsibility: The UN General Assembly should review the role of the permanent members especially their obligations to contribute further to the UN “financially, militarily and diplomatically”. The original idea of responsibility of the permanent members for the maintenance of international peace and security has eroded and is now perceived by others more as privileges and prerogatives than responsibility. The P5 should take such perception seriously and demonstrate that they exercise their due responsibility and act on behalf of the entire world, and not only for their national interest. In terms of financing the expenses of the Organization, for instance, they should accept to pay certain minimum (e.g. 4% - 5%) according to the principle of “responsibility to pay” in addition to the capacity to pay basis. The Committee on Contributions may devise a floor for assessed contributions for the P5. Diplomatically, the veto should be used with restraint and those who resort to it should be held accountable not only to the Security Council but to the larger global society. In this connection, we may recall Article 6 of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) that stipulates the responsibility of the nuclear weapons powers to seriously engage in nuclear disarmament negotiation.

#### **4. The role of L20**

Several regional groupings have expressed and will continue to express their views on the SG’s proposal. While important and influential, their views are based on the concerns and interests of particular world regions. L20 consisting of both developed and developing countries should formulate a more global perspectives that could mitigate the conflicting views and encourage a consensus foundation for the Security Council reform. The above considerations hopefully help such endeavor by the leaders of 20 countries, beyond their borders<sup>viii</sup>.

<sup>i</sup> Kofi Annan, "In Larger Freedom: Decision Time at the UN," *Foreign Affairs*, May/June 2005, p. 73.

<sup>ii</sup> The Asahi Newspaper of 28 April 2005 reports that 88 countries have expressed support for Japan's entry to the Security Council as a permanent member. (Source: The Ministry of Foreign Affairs, Japan)

<sup>iii</sup> The Asahi Newspaper reported on 4 May 2005 that a proposal was submitted to the President of the General Assembly by Italy to double the number of the non-permanent members of the Council, to be allotted to the regional groupings of Asia (3), Africa (3), Central and South America (2), Western Europe (1), and Eastern Europe (1). It is not clear how many countries supported this proposal.

<sup>iv</sup> China and the United States stated their opposition to setting artificial time limits in their remarks at the plenary debate on the item of the General Assembly on 7-9 April, while Russia so stated later as reported in the Asahi Newspaper of 29 April 2005.

<sup>v</sup> Supporting the position of the high-level panel, the SG states that the Security Council reform should include the following:

- (a) They should, in honouring Article 23 of the Charter, increase the involvement in decision-making of those who contribute most to the United Nations financially, militarily and diplomatically, especially in terms of contributions to United Nations assessed budgets, participation in mandated peace operations, contributions to voluntary activities in support of the United Nations objectives and mandates. Among developed countries, achieving or making substantial progress towards internationally agreed level of 0.7 per cent of GNP for ODA should be considered an important criterion of contributions;
- (b) They should bring into the decision-making process countries more representative of the broader membership, especially of the developing world;
- (c) They should not impair the effectiveness of the Security Council;
- (d) They should increase the democratic and accountable nature of the body.

<sup>vi</sup> Inge Kaul, et al., eds., *Global Public Goods: International Cooperation in the 21<sup>st</sup> Century*, Oxford University Press, 1999.

<sup>vii</sup> For instance, Australian delegate, Dr. Evatt, eloquently presented a case for a restricted use of veto. Cf. The United Nations Conference on International Organization, Doc. 1149 (English) III/11, June 22 1945, pages 19-27. The Brazilian delegate asserted that "his Delegation was firmly opposed in principle to granting any "veto" power to the permanent members of the Security Council, and accordingly supported in principle those amendments limiting that right, especially the Australian amendment." Op.cit. Doc. 457 (Eng., Fr.) III/1/21 May 20, 1945, p. 352.

<sup>viii</sup> Cf. Paul Martin, A Global Answers to Global Problems: The Case for a New Leaders' Forum," *Foreign Affairs*, May/June 2005, pp.2-6.