

Democracy and legitimacy in Security Council reform: the current debate
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Introduction

The purpose of this work is to discuss the issues of legitimacy and democracy raised in the current debate regarding reform of the United Nations Security Council by looking at the main actors involved, specifically groups of states that advocate that new seats (both permanent and non-permanent) should be created at the Council.

The Council's importance as an institution of the United Nations (UN) cannot be overlooked, simply because it has the means to determine member's rights and obligations, and decide over the use of force against a state or a group of states when it comes to guaranteeing international peace and security, which makes any debate regarding the reform of the Council a highly politicized issue among UN members (both permanent Council members and non-permanent members and non-members) (Brichambaut, 2000, p 275). In addition, the Council decides on the selection of the UN's Secretary General and the creation and mandate of peacekeeping missions among other things.

The theoretical approach used to analyze states campaigns for permanent seats at the Council is the one developed by Ian Hurd (Hurd, 1997, 2002, 2007). In his contribution Hurd emphasizes the symbolic dimension of politics, locating the Council's symbolic dimension, associated with authority and legitimacy. An approach similar to Hurd was also presented by Russett, O'Neil and Sutterlin, according to these three authors the reason why states seek Council's enlargement involves elements of prestige, equality, legitimacy, respect and participation, classified by Russett, O'Neil and Sutterlin as mainly symbolic goals (Russett, O'Neil, Sutterlin, 1997, p 162).

Hurd draws attention to the fact that being a member of the Council is something valued especially for its symbolic properties, conferring status to countries. Hurd's approach considers that a country's presence in the Council is a source of symbolic and not functional power (Hurd, 1997, p 147-148). In his 2002 article, Hurd elaborates a theory of symbolic power and legitimacy for international organizations, by affirming that "politics is the struggle over symbols and the right to use them" and that the symbolic struggle that takes place in domestic politics also takes place in international politics (Hurd, 2002, p 37).

While Hurd (2002) uses his analysis to understand why states seek non-permanent seats at the Council, this paper uses Hurd's approach to understand why states seek permanent seats at the Council, we acknowledge that states motivations in achieving both permanent and non-permanent seats are similar and are related to the symbolic dimension of the Council.

Current bloc positions regarding Council reform

The G-4

The G-4 was established in May 2005 and is composed by India, Germany, Brazil and Japan (until January 2006). The group advocates for a Council with a total of 25 members, the current fifteen and six new permanent seats, two for the African continent, two for Asia, one for Latin America and the Caribbean, one for Western Europe and Others, as well as four non-permanent seats: one for Asia, one for Africa, one for Latin America and the Caribbean and one for Eastern Europe and Others

The G-4 proposal has suffered strong opposition from states that are members of the Uniting for Consensus movement, and the lack of a common African position and fragmentation of the African vote in the General Assembly (a total of 53 of the 192 member states) have diminished the possibilities of the G-4 proposal achieving any success.

In June 2005 it was announced that the G-4 had decided to no longer support that new permanent members should have veto power in exchange for the French support to the group.¹

G-4 member states support model A presented by the High Level Panel on Threats, Challenges and Change. According to Fraser:

The failure of the G-4 can be linked to the wider assertion that the United Nations has fallen victim to being a victim of the member states - so long has the system been used as an outlet for state centric politics that the international community is now using state centric methods to attempt to reform the system (Fraser, 2007, p 14).

As of January 2006, three of the G-4 members (Brazil, India and Germany) presented a draft resolution² asking for : six new permanent seats and four new non-permanent seats. The draft proposed that the countries who would fill the seats would be chosen by a secret vote of the General Assembly in a period of no more than 12 weeks after the approval of the resolution.

Edward Luck points out to the fact that none of the four members of the G-4 have had regional support from its respective regions³.

¹ See http://www.bbc.co.uk/portuguese/reporterbbc/story/2005/07/050714_angela.shtml access in May 22nd, 2007.

² See <http://www.globalpolicy.org/security/reform/cluster1/2006/0106gfour.pdf> access in May 14th, 2007.

³ See http://www.bbc.co.uk/portuguese/reporterbbc/story/2005/06/050608_angelaLuckdtl.shtml access in May 23rd, 2007

Uniting for Consensus

Formerly known as the Coffee Club Group, this group is composed of around twelve states (among them, Argentina, Colombia, Canada, Mexico, Kenya, Algeria, Italy, Spain, South Korea and Pakistan). The group was created after the submission of the Razali proposal regarding Council reform in 1997 and played an important part in blocking any chance of the proposal being voted in the 1997 and 1998 General Assembly sessions, by aligning its interests with those of the Non-Aligned Movement (Bourantonis, 2005, p 82).

As of February 2005, the group launched a position paper⁴ entitled *Uniting for Consensus* which defended that in the matter of Security Council reform, states should seek the broadest possible consensus, and recognized that Council reform should not overshadow other important structural reforms within the UN such as the need to strengthen the General Assembly and the Economic and Social Council, and showing the group's support for the model B presented by the High Level Panel on Threats, Challenges and Change:

They recall that models A and B presented by the High Level Panel represent proposals, but not necessarily final solutions for the reform of the Security Council. The Like-Minded Countries agree that model B, with appropriate improvements, represents the best option for reaching the broadest possible consensus among Member States. Model B is democratic and more flexible, providing for fairer and equitable representation and accountability and preserving the institutional balance among the principal Organs.

6. Among the elements of model B to be further considered by Member States, particular attention should be given to:

- A. Duration of long-term seats.
- B. Number of possible consecutive re-elections.
- C. Question of eligibility for the two-year seats of those elected for long-term seats.
- D. Criteria for elections.
- E. The role of regional groups in nominating candidates for election.
- F. Rotation/elections for seats allocated to regions.
- G. Composition of the regional groups.

As of July 2005, the group called for a Security Council with the existing 5 permanent members and with 20 elected non-permanent members. The non-permanent members would be elected for 2 years mandates, with the possibility of immediate reelection, there would be six seats from Africa, five from Asia, four from Latin America

⁴ The full version of the document can be found at <http://www.globalpolicy.org/security/reform/cluster1/2005/0218likeminded.htm> access in May 14th, 2007.

and the Caribbean, three from Western Europe and Other States and two from Eastern Europe

In a press release after the launching of the G-4 proposal, the representative of Italy criticized the G-4 member states by accusing them of using financial pressure to induce certain states to support their proposal, the Italian accusation was followed by an accusation by the representative of Pakistan who claimed that the G-4 countries were not representative of their respective regions⁵.

African Union

In January 2005, the African Union created a special commission to look at the suggestions presented at the Report of the High Level Panel on Threats, Challenges and Change, this commission failed to reach an agreement of which of the two proposals regarding Council reform should the African Union support, instead the commission noted that the African Union should ask for at least two permanent seats for the African continent with veto rights and other five non-permanent seats. This commission's report was denominated Ezulwini Consensus, because of the town in Swaziland in which the commission met. The African Union then established some criteria for the selection of which states should fill the permanent seats: they should have experience in peacekeeping both in African and worldwide, they should be politically stable, and they should be accepted by all of the other African Union member states as representative of the continent.

By raising attention to the fact that 70% of the issues discussed by the Security Council are related to the African continent (Badji, 2006, p 3), and in an attempt to avoid the marginalization of the continent from the international decision-making institutions, the bloc has adopted a common position regarding the reform of the Council. According to the Sirte Declaration on Reform of The United Nations⁶ dated July 2005, the African Union calls for two permanent seats and five non-permanent seats, with the permanent seats holding veto power. Nonetheless, the bloc has failed to point out which countries would fill the seats, and South Africa, Nigeria, Egypt and Senegal appeared as candidates and the final document of the meeting in Sirte has failed to mention how the permanent representatives would be picked⁷.

In August 2005 a special meeting of the African Union took place in Adis Ababa (Ethiopia) to try to solve the logjam related to which 2 countries would fill the two permanent seats. Egypt, Nigeria and South Africa appeared as strong candidates, but other states showed themselves unsatisfied with the possibility of being left out, this was the case with Algeria, Kenya and Angola. Among the decisions taken in Adis Ababa, the African Union decided to continue to defend that the two new permanent seats for Africa should have veto power.⁸

⁵ See <http://www.un.org/News/Press/docs/2005/ga10371.doc.htm> access in May 25th, 2007.

⁶ See www.iss.co.za/AF/RegORg/unity_to_union/pdfs/au/sirtejul05/sumdeclunref.pdf access in May 3rd, 2007.

⁷ See http://www.bbc.co.uk/portuguese/noticias/story/2005/07/050705_africaro.shtml access in May 23rd, 2007.

⁸ See http://www.bbc.co.uk/portuguese/noticias/story/2005/08/050804_g4africanos.shtml access in May 22nd, 2007.

As of February 2007, during an official visit to Brazil, the President of the African Union Commission Alpha Konaré recognized alongside the Brazilian Foreign Minister that both the G-4 and the African Union shared a common interest in the resumption of debates regarding the reform of the Security Council. The disagreement remains regarding the issue of veto power, which the African Union insists on defending for future permanent members and which the G-4 countries have decided to abandon in order to increase their level of support among member states.⁹

Concluding remarks

According to Wouters and Ruys if more countries are given veto privileges, the harder it will be to create means to restrict its use, the ideal being that each region should be given a veto, but the main obstacle to that proposal is the failure in achieving ideal regional representation even in highly integrated regions such as Europe (Wouters & Ruys, 2005, p 27).

Also, one of the main challenges regarding Council reform remains the fact that it remains politically impossible to separate the question of how the Council should be enlarged from the question of which countries should become new members (Fassbender, 2005, p 396).

The ideal proposal for Council reform would be one that would make it large enough to the point that it would be representative of the entire UN membership and small enough to be efficient in its decision-making:

Por que no se reformo el Consejo ? Simplesmente porque es un tema que afecta la distribución del poder mundial. La verdad (...) es que si revisamos la historia, el poder mundial sólo se ha modificado como resultado de grandes cataclismos geopolíticos, guerras, sobre-extensión de imperios y decadencia económica y tecnológica. Las grandes potencias no se eligen, nacen de la historia (Rivero, 2006, p 1)

Among the benefits of adding new members to the Council one can include according to Geldenhuys the fact that issues examined by the Council could be looked in a more careful way, instead of decisions being rushed. Also, new members could form a new source of information to the Council and greater regional representation could provide the Council with a broader knowledge of an specific region (Geldenhuys, 1996, p 58).

When it comes to the different Security Council reform proposals presented here Erik Voeten affirms that:

Fundamental reform of the UNSC is a problem of coordination: if the rest of the world agreed on a single proposal, it would be

⁹ See http://www.bbc.co.uk/portuguese/reporterbbc/story/2007/02/070228_africadb.shtml access in May 22nd, 2007

very difficult to refuse for the five veto powers, as long as the proposal remained within some boundaries that maintain the utility of the UNSC to the permanent members (Voeten, 2006, p 8)

As regarding states that present themselves as candidates, the increase in international prestige for these countries appears as the main element that justifies their campaigns, according to different analysis. According to Trent:

For most states, most of the time, the United Nations is primarily an instrument of foreign policy to protect interests, enhance influence, or achieve specific goals. Few states (if any) have a coherent United Nations policy in which the United Nations is seen as an object into itself. Even middle powers support the United Nations because it is in their interest to do so (Trent, 1995, p 466).

O'Neill points to the fact that "A non-veto seat in the Security Council might confer prestige, information, and involvement with decisions, but is not something to seek for pure voting power" (O'Neill, 1997, p 65), and that with an increase in the number of permanent seats without veto power, the P-5 would have a larger number of states to seek support in the Council. As for Hurd

The Security Council is a prominent body with restricted membership. The symbolic rewards to membership should not be discounted in discussions of reform, and may in themselves be sufficient reason to attempt to change the formal composition of the Council (Hurd, 1997, p 139).

We should recognize that membership is likely valued for its symbolic rather substantive properties. Like membership in the Group of Seven, a Security Council seat is a scarce international resource that confers immense status. In this respect, it may be important for domestic reasons that a government be able to show its formal inclusion in such an important international forum (Hurd, 1997, p 149).

In regarding prestige gain motivations one must look at the warning pointed out by Drifte in his analysis of the Japanese campaign for a permanent seat:

While prestige is a powerful motivation for aspiring to permanent Security Council membership, it demands careful handling. Showing too much concern for matters of prestige and status would throw a bad light on the legitimacy of the claimant (Drifte, 2000, p 97).

Russet, O'Neil & Sutterlin call attention to the fact that if some states call for themselves a position of power as a permanent member of the Security Council, they should act in a way that the power they might achieve benefits the community of states as whole not then individually (Russet, O'Neil and Sutterlin, 1997, p 21).

The question of Security Council reform has been one of the most complex issues that UN member states have debated on, to the point that Madeleine Albright recognized in 2003 that no aspect of the UN was as explored and studied with so little concrete results and achievements as Council reform (Kern, 2005, p 5).

In conclusion, when looking at the issues of Security Council reform we must bear in mind the argument raised by Sotomayor. According to this author, a Council that reflects regional power balances may become a problematic one because criteria that only values power capacities may favor countries with those capacities, but that are unable to use them at the UN's service, in the same way a Council that includes countries that contribute troops and funding to the UN, but don't have power capacities brings up the argument of lack of legitimacy and of regional representation (Sotomayor, 2006, p 45).

The expansion in terms of number of seats in the Council must be approached in a cautious way, since an increase in permanent seats might lead to more issues being removed from the Council's agenda, meaning a shortening and not an increase in actions taken under the auspices of the United Nations. Even by creating larger representation for developing countries in the Council, this expansion may not necessarily lead to issues of interest to these countries being debated in the Council (Boulden, 2006, 9).

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