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**Rediscovering the Security Council:
The High-level Panel and Beyond**

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26 February 2005 (revised)

The initial draft was prepared for the Workshop on United Nations Reform, sponsored by the Yale Center for the Study of Globalization, New Haven, Connecticut, 11-12 February 2005. It has been published, along with other papers for the Workshop, by the Center in a volume edited by Ernesto Zedillo, Director of the Center, *Reforming the United Nations for Peace and Security* (New Haven, CT: March 2005), pp. 126-152.

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According to the theory of cognitive dissonance, our minds find it taxing to hold two mutually inconsistent beliefs for a protracted period.¹ The mind seeks to reconcile them over time, if necessary by substantially modifying one of them or by denying its validity altogether in order to relieve the dissonance. Politics, of course, holds innumerable examples of the phenomenon. At the United Nations, there may be no starker case than that of the protracted and polarizing matter of Security Council reform. On the one hand, judging by public statements, it is generally accepted that the Security Council is long overdue for a major overhaul. The calls for its radical reform have come with such frequency, and from so many quarters, as to qualify as common wisdom. The Secretary-General's High-level Panel on Threats, Challenges and Change, joining the chorus, both offered a series of principles to guide Council reform and contended that a decision to enlarge the Council based on these criteria "is now a necessity" (para. 250).² Strong words.

At the same time, however, the Panel asserted that the Council has, since the end of the Cold War, become more effective and more willing to act (para. 246), while remaining the UN body "most capable of organizing action and responding rapidly to new threats" (para. 247). These judgments, like the more disparaging ones noted above, are commonly held around the world body. To relieve the resulting dissonance, it is generally also asserted that, despite its relatively impressive performance, the Council is suffering from some potentially terminal malady. Though we are told that the cure is radical reform, it remains to be asked: what actually ails the UN's most dynamic and effective organ? What remedies are readily available that promise to make a substantial positive difference without risking the body's vital signs? And why did the Panel, after proclaiming the urgency of reforming the Council, offer neither a coherent diagnosis nor a clear treatment plan? If the Panel provided few clues of how to relieve the disabling dissonance that has long plagued attempts to reform the Council, should even more radical remedies or fresh approaches be considered over time to relieve the stress?

Why the Panel rushed to underline the importance and immediacy of a problem for which it was in no position to offer a solution remains something of a mystery. But its failure to square this circle is suggestive of how complex, difficult, and divisive the task of reforming the Council really is once one gets beyond the superficial assertions of consensus on the need to get going. For a dozen years the General Assembly's own open-ended, never-ending working group has toiled on this subject with decidedly modest results.³ Did anyone believe that convening one more blue-ribbon commission of relatively independent figures would provide the magic formula? There must be reasons why the Charter's provisions on the Council have been amended only once in six decades. Surely it must be more than coincidental that many of the questions concerning the Council that are so vociferously debated today also threatened to tear apart the UN's founding conference in San Francisco.

This brief paper seeks to provide some of the historical and political context necessary to understand where the debate over Security Council reform has been and where it is likely to go in the coming months and years. It argues that those calling for substantial reform should clarify both their diagnosis of what is

¹ This classic theory in social psychology was most prominently developed in Leon Festinger, *A Theory of Cognitive Dissonance* (Evanston, IL: Row, Peterson, 1957).

² *A More Secure World: Our Shared Responsibility*, A/59/565, 2 December 2004.

³ On the results of blue-ribbon commissions, see Edward C. Luck, "Blue Ribbon Power: Independent Commissions and UN Reform," *International Studies Perspectives*, April 2000 (vol. 1, no. 1) and "UN Reform Commissions: Is Anyone Listening?," in Ramesh Thakur, Andrew F. Cooper, and John English, *International Commissions and the Power of Ideas* (Tokyo: United Nations University, 2005). For the annual reports of the Open-ended Working Group on the Question of Equitable Representation on and Increase in Membership of the Security Council and Other Matters Related to the Security Council, see A/48 – A/58/47.

wrong with the Council today and how their favored reforms would remedy these failings. It contends that a fuller exploration of the historical context and a keener, more candid, and more searching geopolitical analysis would be a helpful place to start. One would not expect, of course, to find such straightforward assessments in the public statements of those Member States and groups advocating a particular course of action (or inaction). That is the job of independent commentators. The advocates, however, should recognize that the ultimate fate of their pleas will depend not only on their power, popularity, and persuasiveness, but also on the extent to which their proposals appear to coincide with larger historical, political, and strategic dynamics shaping the international system.

The opening section focuses on some of the more prominent criticisms of the current Council, for example that it is insufficiently democratic and representative and that it lacks legitimacy and credibility. A number of glaring gaps are identified between the critiques voiced by the High-level Panel and the solutions it proposes. The second section then looks at these concerns from the perspective of the founders' intentions and expectations, finding that much of what current reformers object to are precisely those provisions and characteristics that the founders thought would insure that the UN's Council would not replicate the mistakes of the League's Council. This comparison then leads in the following section to a consideration both of current prospects for major surgery on the Council and of future possibilities. It argues for a focus in the short run on working methods rather than composition, i.e., on Cluster II issues over Cluster I matters in the rubric of the never-ending working group.

Over the longer-term, however, the paper calls for a reconsideration of some of the schemes for a greater regional role rejected at San Francisco or before. The paper recognizes that an effort to find a place for regional voices in the work of the Council might be construed by some as truly radical reform. On the other hand, it views the prospect of adding more permanent seats at this point as perpetuating the Council's current shortcomings, as putting ever more distance between Turtle Bay and Washington, DC, and as displaying a distinct lack of imagination and innovation. Even a serious discussion of the pros and cons of a more regional approach could offer some fresh perspectives and insights on the tired topic of Council reform. The increasingly sterile and circular debate on expansion offers little to most Member States other than the likelihood of more years of frustrating debate and meager results.

What Ails the Council?

The litany of complaints about the Council has been recited so often as to take on a mantra-like quality. Its membership is archaic, reflecting the world of 1945 rather than of 2005. It is undemocratic and unrepresentative. It is inequitable in its composition, its decision-making rules, and its working methods. It is largely unaccountable and unresponsive to its obligations towards other principal organs, particularly the General Assembly and the Economic and Social Council (ECOSOC). As a result, it lacks credibility and legitimacy, and is shedding legal authority due to selective decision-making, political grandstanding, and a growing unwillingness of its members – especially the all-powerful permanent ones – to act on its decisions, even when taken under Chapter VII of the Charter. More recently, the Council has been said to have assumed an inappropriate semi-legislative and normative role that treads both on the legal authority of the Assembly and on the substantive spheres of competence of the Assembly and ECOSOC.

Basically, the complaints fall into three categories: 1) equity (the most frequent, persistent, and heartfelt concern); 2) effectiveness (voiced less often and at odds with the prevailing sense that, for all its faults, the Council embodies the UN's main claims to making a difference); and 3) turf and prerogatives (insider concerns that do not fit well with charges of ineffectiveness and that do not have much resonance beyond Turtle Bay). The High-level Panel's critiques of the Council, unlike those voiced by most Member

States, put much greater emphasis on effectiveness than equity and skipped turf questions altogether, as follows:⁴

- 1) The paucity of representation from the broad membership diminishes support for Security Council decisions. (para. 245)
- 2) Decisions taken and mandates given have often lacked the essential components of realism, adequate resources and the political determination to see them through. The Secretary-General is frequently holding out a begging bowl to implement Security Council decisions. (para. 245)
- 3) The financial and military contributions to the United Nations of some of the five permanent members are modest compared to their special status, and often the Council's non-permanent members have been unable to make the necessary contribution to the work of the Organization envisaged by the Charter. Even outside the use of a formal veto, the ability of the five permanent members to keep critical issues of peace and security off the Security Council's agenda has further undermined confidence in the body's work. (para. 246)
- 4) It [the Council] has not always been equitable in its actions, nor has it acted consistently or effectively in the face of genocide or other atrocities. This has gravely damaged its credibility. (para. 246)
- 5) The distribution of power among members [has changed]...but the Security Council has been slow to change. (para. 245)

Given this array of disabilities, why has the Council, as the Panel also asserts, become more effective? Are these problems becoming less acute over time, or have other, more robust yet unidentified, factors intervened to more than compensate for any slippage on these fronts? The Panel never explains this discrepancy in its logic.

The first two sets of concerns voiced by the Panel echo those most frequently invoked by Member States. By asserting a direct relationship between equity and the will to implement Council decisions, they offer a powerful pairing of arguments with broad appeal. The Panel, however, presents no evidence – empirical, statistical, anecdotal, or otherwise – to support this claim. If Member States are reluctant, or worse yet refusing, to implement Council decisions because of unhappiness over its composition, then this would contravene their unambiguous obligations under Article 25 and elsewhere in the Charter to carry out its mandates. At the San Francisco founding conference, a number of delegations were unhappy at having lost the battle to expand the Council to fifteen or more at the outset and to restrict the prerogatives of the five permanent members, yet none of them conditioned their participation in and support for the Organization as a result.

Likewise, while similar claims of lagging enthusiasm were made before the first expansion of the Council in 1965, evidence has yet to be produced that any revitalization of support for Council mandates followed. It would seem to be reasonable to posit, instead, that the degree to which a Member State strives to carry out a Council decision has more to do with the substantive content of that decision and its consistency with perceived national interests and domestic support than with which states happened to be on the Council at the time of the decision. In other words, it would seem as counter-intuitive for a state to turn

⁴ Please note that the Panel did not number its concerns, nor list them in this order. They are presented in this manner here for the sake of clarifying and analyzing their assumptions.

its back on a favorable outcome as to embrace an unfavorable one for reasons of process over substance. Surely there is some connection between perceptions of equity and assumptions about legitimacy and authority, but *when* these act and the *degree of pull* they exert remain to be seen.

The final three items on the Panel's list of complaints raise similarly elusive and/or troubling questions. The third point, that some of the five permanent members (P-5) have failed to carry their weight, is beyond dispute. It points to the question of responsibility, rather than representation. And, as argued below, appears to this author, at least, to be getting much closer to the Council's core disability. The Panel, however, once again fails to even hint at what might be done to mobilize the will and capacity of all of the P-5 behind the efforts to implement Council decisions. So much, as well, for the contention that participation in Council decision-making leads, with any degree of automaticity, to active support for its resolutions and decisions. Perversely, after devoting so much energy and lively prose to contending that permanent seats do not necessarily produce permanent commitment, the Panel then turns around and presents, in Model A, a plan for six more permanent seats. Here, the gap between analysis and assertion is glaringly wide even by UN standards.

The Panel's fourth concern – that the Council has not acted in a consistent and equitable manner – seems to be heard with similar frequency and sincerity in the General Assembly Hall and in introductory international relations courses. Students who are new to the murky ways of international affairs are prone to assert that states and international bodies should act with a precision and consistency that is rarely, if ever, found in real life (not to mention in political life). Sophisticated diplomats, who normally place a premium on flexibility and subtlety in negotiation, often call for rigid guidelines, rules, principles, and constraints for a Council they cannot predict or control. Even the Charter requires the Council to discharge its awesome duties “in accordance with the Purposes and Principles of the United Nations” (Article 24 (2)). Surely support will ebb for Council decisions seen as arbitrary or unprincipled. Fair enough, but should the Council, anymore than individual national foreign policies, be held to a strict standard of consistency and equity in its actions and, if so, how would that be measured and assessed, and by whom? Are any two crises, or the geopolitics surrounding them, alike?

Here, again, the Panel neither offers any clue how this shortcoming could be addressed nor suggests how its formulas for expanding the Council would help. Like so much other reform rhetoric, this assertion suffers from a distinct lack of a political and historical framework. In essence, proposals for guidelines, rules, or principles to channel Council decision-making seek to take, to some degree, the politics out of the work of the Council. For the sake of consistency, equity, and predictability, they would ask the world's foremost inter-governmental decision-making body to take on more of a machine-like quality, as the disembodied voice of principles developed elsewhere and/or earlier. As discussed in the next section, that is hardly the model the founders had in mind. They sought maximum flexibility for the P-5, so that they could consider each emerging threat individually, consult among themselves and with the other members of the Council on the possibilities for joint action, and decide whether and how to respond individually and collectively. They had witnessed, in the failings of the League, how pointless and debilitating it was for the League's Council to try to place its deliberations and declarations above the realities of the politics and capacities of the day, whether within or among fully sovereign states. Indeed, this complaint by the Panel seems inconsistent with its previous one on the lack of will of the P-5 (and others) to implement the Council's decisions. Would implementation improve if key members of the Council felt compelled by rules rather than by interests or norms to vote for particular mandates and resolutions?

The final of the Panel's five points, on the evolving distribution of power, has the most profound implications for the reform exercise, perhaps even for the Council's future prospects. The Panel, like the Secretary-General and so many others, was quick to acknowledge both that the way the Council looks and works should be affected by changes in geopolitics and that the Council has been resistant to radical

change from its earliest days. But, like the others, the Panel specified neither how the global balance of power has shifted nor what changes in the Council should follow from that analysis. Do the differences between Models A and B, for instance, reflect distinct interpretations of how the distribution of power and capacity has evolved? If not, then how significant a factor should this be in plans to reshape the Council? There are a multitude of indices concerning the capacity of states, with each leading to a distinct set of hierarchies. The power potential of a state, of course, may not automatically be translated into usable capacity, national will, or a willingness to put valuable national assets at the service of the UN or its Security Council. In terms of the contributions of the current P-5 to the UN's peace and security efforts, for example, it is commonly perceived that the United Kingdom and France tend to punch above their weight class and China and Russia below theirs.

No doubt it sounds good to assert, as so many have, that the composition of the Council should be modernized to better reflect the contemporary distribution of power in the world. But what does that mean in practice? What are contemporary power realities? For aspirants to permanent membership, this notion seems to equate roughly with the desire for an increasingly multi-polar distribution of power, one that would justify having additional permanent members, especially from the developing world.⁵ But in the military sphere, at least, power and capacity seem to be increasingly concentrated in the hands of one country, the United States, making the world look more unipolar. Economic capacity is no doubt more evenly distributed, but the US still possesses a GDP some two and a half times larger than the next Member State, Japan.⁶ True, the European Union (EU) has an aggregate economy larger than that of the US, but in political and security affairs the EU countries seem to want as many voices on the Council as possible. Indeed, if the EU were willing to be represented by a single permanent seat on the Council, then the latter's reform would be a far simpler matter.

As long as such wide disparities in power persist, it will be extremely difficult to redesign international decision-making rules and bodies on a multilateral basis that is widely accepted as both fair and realistic. In essence, Council reformers are seeking to fit a unipolar world into a multipolar architecture. Something would have to give. Indeed the rhetoric about new power realities is so far from the actual situation on the ground as to make cynical observers wonder whether it is little more than a ruse to obscure a quite different agenda, one that seeks not to reflect power relationships but to reverse them. The timing of the escalating calls for radical reform from the Secretary-General and others – in the post-Iraq debate period – is suggestive.

Many in Washington, D.C., and elsewhere, perceive that one of the prime motivations behind the current drive to expand the Council and the number of permanent members is a desire to dilute American influence within the world body. The current talk of enhancing the multilateral, democratic, and representative character of the Council through expansion is reminiscent of the pleas during the debates over the use of force in Iraq for organizing the Council as a multilateral counterweight to US power in the world outside. This changing political context will no doubt make Washington markedly more skeptical of Council reform this time round than it was during the last drive in the mid-1990s. Yes, times are changing, but in a direction that promises to make major enlargement harder, not easier, to achieve.

⁵ For those nostalgic for a return to a more multipolar world order, it is worth recalling that the last time there was anything close to a multipolar distribution of power in the world was in the 1930s. That hardly proved to be a stable situation or a promising precedent.

⁶ World Bank, *World Development Indicators* database, September 2004, www.worldbank.org/data/databytopic/GDP.pdf. According to these figures, the total GDP of the US in 2003 was \$10.882 trillion and that of Japan was \$4.326 trillion (both US\$).

Founding Intentions and Expectations

The High-level Panel tried to present a balanced sense of the founders' intent, as follows:

It [the Council] was created to be not just a representative but a responsible body, one that had the capacity for decisive action. . . . Article 23 of the Charter of the United Nations established that membership in the Council as a whole was explicitly linked not just to geographical balance but also to contributions to maintaining peace and security. (para. 244)

This is a distorted picture, however, because the founders were not concerned about “balancing” such matters. Indeed, their emphasis on performance, on credibility in threatening Chapter VII enforcement measures, and on the unity of the great powers was so pronounced that they did not hesitate to bully or dismiss delegations with other ideas at the San Francisco founding conference.⁷ Basically, the other delegations were presented by the Big-Three (then Four, then Five) with a *fait accompli* worked out by them at the restricted preparatory meetings at Dumbarton Oaks and at various wartime conferences. At several points in San Francisco, representatives of the Big-Three made it known that they would prefer no world body to one with the equitable but feckless properties of the League of Nations.

The new world body was not organized to be universal, democratic, or representative. None of those words – or concepts – appears in the Charter, despite appeals to those ends by numerous parties at San Francisco. Sovereign equality is included as a principle, not a voting rule, and does not even appear in Chapter IV on the General Assembly, nor in Chapter II on membership. At San Francisco, it was agreed that sovereign equality is a legal, not political, term referring to equal status under international law, not to rights of voting or representation.⁸ There is nothing in the Charter about one Member State representing other ones, whether in the Security Council or in any other inter-governmental body. The founders understood that to give the pretense of a democratic or representative quality to UN organs, including the Assembly, would be tantamount to suggesting that the new organization would have a legislative or supra-national character that would be both unintended and inappropriate for this stage in the evolution of the nation-state system. The founders would object, this author is confident, to the much-favored rhetoric these days about making the Security Council, of all bodies, more democratic, representative, and equitable. Without direct representation of the people, the UN cannot be democratic. With it, a parallel system of accountability and sovereignty would arise that would weaken the Member States individually and the inter-governmental system collectively.

At San Francisco, the major powers rejected various proposed schemes for regional representation on the Council (a topic addressed in greater detail below). The five permanent members are simply named in the Charter, of course, with no rationale given for their selection. Earlier, the US had insisted on including China, something London and Moscow were less enthusiastic about, in part as an Asian counterweight to Soviet ambitions or a revival of Japan. But this geopolitical and strategic logic hardly amounted to an attempt to achieve geographical balance. The High-level Panel's summary of the criteria for non-permanent membership enumerated in Article 23(1) is simply inaccurate and misleading. After listing the five permanent members, 23(1) reads:

⁷ For an insight into the thinking of US President Franklin Delano Roosevelt see Forrest Davis, “Roosevelt's World Blueprint,” *The Saturday Evening Post*, April 10, 1943.

⁸ Ruth B. Russell, *A History of the United Nations Charter: The Role of the United States 1940-1945* (Washington, D.C.: The Brookings Institution, 1958), p. 672.

The General Assembly shall elect ten other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.

In essence, it mentions three criteria, giving pride of place to contributions (1) “to the maintenance of international peace and security” and (2) “to the other purposes of the Organization.” Though some delegations at San Francisco favored alternative language about geographical balance or representation, the Big Three insisted, successfully, on the awkward closing phrase “also to equitable geographical distribution.”⁹ The insistence on the term “distribution” is particularly telling. While “representation” suggests a bottom-up approach to choosing Council members, “distribution” implies a top-down phenomenon and perhaps even a somewhat arbitrary selection process. The pivotal role that regional groups have come to assume in putting forward formal candidates for election to the Council is not based on any language in the Charter, of course, but rather on a series of procedural decisions by the General Assembly, as confirmed by subsequent practice.

At San Francisco, as today, the most powerful arguments against the founding conception of the Council contended that its restrictive nature would soon undermine the legitimacy of the enterprise. It would come to be seen as a small club of the powerful that could easily trample the rights and violate the sovereignty of smaller states, which were given little say in its choices and actions. Though assessments of the Council’s performance obviously vary, sixty years later it is evident that the more dire predictions about declining legitimacy have not come to pass. Perhaps it is coincidental, but it is striking that the increasing clamor for enlarging the Council has coincided with the most active phase in the Council’s history. The year the Assembly’s never-ending working group on Council reform was launched, 1993, happened to be the peak year for Council resolutions (93) and statements (88) and for blue helmets deployed (78,500). The latter represented a five-fold growth from two years before, a period in which the number of formal meetings of the Council had more than tripled. That year the Council passed more Chapter VII resolutions than in its first 44 years, and only a single veto had been cast in three years.¹⁰ Hyperactivity may not always equate with effectiveness, of course, but it hardly sounds as if reform was being undertaken as a way of revitalizing an archaic and moribund body. Indeed, it would appear, instead, that the renewal and reactivation of the Council with the end of the Cold War had made it a much more attractive and influential place with which more Member States would value an affiliation. And, yes, perceptions of equity, representativeness, and fairness matter more for an active than an inactive Council.

In this context, it needs to be asked: does legitimacy flow primarily from process or from results?¹¹ Surely it helps if both flow in the same direction, i.e., right process happens to lead to effective results. But, given a choice, there is no doubt that the founders would have privileged results over process. The prevailing view, at that point, was that the structure and functioning of the League had mistakenly placed equity above power, condemning the body to fruitless dithering in the face of axis aggression. The

⁹ *Documents of the United Nations Conference on International Organization, San Francisco, 1945*, vol. 11, (New York: United Nations Information Organizations, 1945), p. 289-292; Russell, op. cit., pp. 648-650.

¹⁰ These statistics are largely drawn from the website of the Global Policy Forum, www.globalpolicy.org/security/data/index.htm.

¹¹ For a fuller discussion of this relationship, seen from a US perspective, see Edward C. Luck, “The United States, International Organization, and the Quest for Legitimacy,” in Stewart Patrick and Shepard Forman, eds., *Multilateralism and US Foreign Policy* (Boulder, CO: Lynne Rienner for the Center on International Cooperation, 2001), pp. 47-74.

founders were determined that the new world body would be different, structured to avoid the failings of its predecessor. In April 1946, a year after the convening of the San Francisco conference, the League's Assembly held its final session, in part to reflect on these differences, as captured by the following excerpt from a book manuscript in preparation by this author:

Other than overseeing the transfer of the League's functions, activities, and assets to its successor, the main business conducted in the grand Palais des Nations in Geneva that Spring was some revealing soul searching about what had gone wrong with their beloved League and what could go right under the new architecture. Four themes stood out, all related to the special features of the new Security Council. One, the new Council included all of the major powers and, in particular, would serve to embed American power and dynamism in the new structure. Two, the most powerful states were given special rights and responsibilities concerning the maintenance of international peace and security. Three, the new Council was to be of limited size, without what the Dutch delegate labeled the "exaggerated equality between great and small Powers" that characterized the consensus rule in the League's Council. The latter reached its greatest girth – double its initial eight members – in 1934, on the eve of the World War it was supposed to prevent. And four, the new Council had the authority to enforce its decisions, while its members had the capacity – and the experience – to crush aggressors through the collective use of force if necessary. The Council, in short, was to be the centerpiece of the boldest attempt yet to institutionalize collective security.¹²

In light of this historical experience, as well as of the results of earlier reform efforts, the relationship between the size of a body and its legitimacy would seem to bear further reflection. As ECOSOC has been enlarged not once, but twice, from 18 to 27 to 54, has it become more legitimate? Has the expansion of the Human Rights Commission brought it growing respect? The savaging of its performance by the High-level Panel suggests not. Same with the Geneva-based Committee on Disarmament. Indeed, there seems to be a well-established pattern around the UN system by which inter-governmental organs are enlarged to the point that their loss of effectiveness becomes so obvious that their credibility and even relevance come into question. And if size matters so much, should we conclude that the General Assembly is the most legitimate, credible, and authoritative of the principal organs?

Current Prospects, Future Possibilities

As of this writing, four contenders for permanent status – Brazil, Germany, India, and Japan – have declared their intentions and are working together to try to amass two-thirds support in the General Assembly for a Charter amendment roughly along the lines of the High-level Panel's Model A. Some of them have acknowledged privately that semi-permanent arrangements, à la Model B, would not be acceptable to them. While predicting the course of events in the General Assembly is a risky enterprise, there are a number of reasons to believe that their effort will fall short.¹³

¹² League of Nations, *The League Hands Over* (Geneva: 1946), pp. 32-33, 46, 51, and 59. For a useful summary of the experience of the League's Council without analysis or editorial comment, see League of Nations, *The Council of the League of Nations: Composition, Competence, Procedure* (Geneva, 1938).

¹³ For an insightful analysis of the prospects for Security Council expansion at this point, based on a survey of UN practitioners and analysts, see Thomas G. Weiss, *Overcoming the Security Council Reform Impasse: The Implausible versus the Plausible*, Occasional Paper No. 14 (New York and Berlin: Friedrich-Ebert-Stiftung, January 2005).

- One, at this point, the African group cannot agree on candidates to fill the two permanent seats allocated to Africa under Model A. Without solid African support, it is inconceivable that any package could succeed in the Assembly.
- Two, none of the four aspirants have the support of their regional group and each faces the determined opposition of at least one significant power in their region. Their claims to be candidates to represent their neighbors on the Council, therefore, ring hollow. Historically, of course, the most acute and persistent rivalries and security challenges have arisen among neighbors.
- Three, adding another layer of permanent members, even without veto power, goes against the grain of the most prevalent criticisms of the existing system. There has long been resistance to the notion of adding a third category of Council membership.
- Four, a substantial portion of UN members would gain little from either model, both of which would privilege a rather thin layer of relatively powerful states. More than a quarter of all Member States have never served on the Council, and most Member States are convinced that their opportunities to serve on the Council would come no more often under Model A, or possibly under Model B for that matter. In an organization of 191 Member States, incremental increases in the girth of the Council do little, if anything, for the bulk of the membership.
- Five, in the last major drive for Council expansion, led by Assembly President Razali Ismael in 1996-7, two-thirds of the Member States had privately indicated support for a plan similar to Model A and yet only a handful stood up for it publicly when it was presented to the never-ending working group.¹⁴ Though the so-called “coffee club” states had mounted an effective drive to derail the Razali plan, on the whole the political conditions for moving forward seemed much better then than now. The sobering experience of the Razali venture has led many veteran diplomats and observers to discount the prospects for success under less favorable conditions today. In particular, there is reason to believe that some of the Permanent Members, China and the United States in particular, are markedly less enthusiastic this time around.

Finally, the aspirants had hoped for a significant boost with the publication of the High-level Panel’s report. Yet, in some respects, the report has proven to be anti-climactic, perhaps even a setback for the campaign. For one thing, as detailed above, the case for expansion is argued with little conviction, enthusiasm, or logic in the text. If anything, it seems to be laying the case for no more permanent seats. For another, the failure of the experts to agree on a single formula has underlined how difficult this task can be. If sixteen hand-picked panelists could not agree on one model, it is sometimes asked, how could 191 deeply divided and sovereign Member States be expected to reach anything close to a consensus?

These sober considerations raise doubts about the original mandate and timing of the High-level Panel exercise. The Secretary-General and his advisors appear to have conceived of this venture during the summer of 2003 in the wake of the highly divisive and ultimately indecisive debates in the Security Council over the use of force in Iraq. According to a raft of surveys, public confidence in the world body had tumbled in developing and developed countries alike.¹⁵ “Events have shaken the international system” ominously warned the Secretary-General. If the UN’s principal organs – beginning with the

¹⁴ This author was enlisted by President Razali to work closely with him on designing his plan.

¹⁵ For example, see *View of a Changing World 2003*, <http://people-press.org/reports/display.php3?ReportID=185>.

Security Council – “are to regain their authority, they may need radical reform.”¹⁶ The High-level Panel, he told the Assembly, would develop both a keener understanding of the changing nature of threats to international peace and security – a task they and their talented staff accomplished quite persuasively – and a blueprint for recasting the world body’s architecture accordingly. Did the latter half of their mandate make sense, should it have included the contentious inter-governmental issue of Security Council reform, and should the group have been given such a dramatic send-off as if the future of the world body rested in its hands? As this author and others at the time predicted, its suggestions on Security Council reform would end up gaining the most attention, eclipsing its fresher and potentially more consequential proposals in other areas, such as post-conflict peacebuilding, terrorism, and weapons of mass destruction. This is unfortunate, because, as noted above, its Security Council recommendations suffer from the same malady that afflicted the group’s initial mandate: the lack of a historical and political context.

In looking to an institutional fix for what ailed the Security Council, the Secretary-General made a fundamental misjudgment. The divisions over Iraq did not reflect an institutional malaise but a political one. Having misdiagnosed the source of the illness, the Secretary-General and his panel are advocating a course of treatment that promises to make matters worse. While the wounds over the Iraq debate are still festering and the degree of mutual trust among the Council members remains at a low ebb is hardly the most propitious moment to try to negotiate a major expansion of its membership and the addition of more permanent members. It is as if the Secretary-General, on seeing that his house was on fire, declared that this was a good time to redecorate. Indeed, all the fuss about Security Council expansion has distracted attention from understanding and addressing the core political differences that remain unresolved. Some of these outstanding issues, such as on the use of force, are raised gingerly in other parts of the report, almost as an invitation to begin the overdue political dialogue.

The divisions over Iraq do cast a shadow over the Council’s future, but it is not because there are too few permanent members. Would a Council with 11 permanent members or with 24 members in all have reached a consensus on the use of force in Iraq? Indeed, on what important issues would decisions or actions by the Council have been different? The disagreements in the Council are not a factor of its size but of the fact that the most powerful member sees things, including the proper place of the Council, in a manner that is quite distinct from the perspective of many of the other members. If efforts to expand the Council are seen in Washington or elsewhere as attempts to dilute its influence within the Council – and this perception is already widely held – then the future could indeed begin to look quite bleak. The misdiagnosis of what ails the Council could well transform the charges of its irrelevance into a self-fulfilling prophecy. The old adage about the wisdom of letting sleeping dogs lie seems apt at this point.

None of this, of course, offers much nourishment to those rising powers that are frustrated by the lack of progress in finding them a more regular place at the Council table. Some of them – though surely not all – have reasonable individual claims based on years of service to the UN system. They find little solace in the observation that the founders purposely gave special rights and responsibilities to a few on a permanent basis and set the bar to Charter amendment very high. They understandably ask, if not now, when? If not this, what? Should this reform round fail – and, in terms of what they are asking for, this seems very likely – they might usefully begin to question whether expansion is, in fact, the best way to proceed in the future. There are ample reasons to believe that that road is going to remain both bumpy and meandering for years to come. For a dozen years or more, Council expansion, particularly of permanent members, has proven to be an acutely divisive, even polarizing, issue among the Member States. That remains the case today and for the foreseeable future.

¹⁶ Press conference, SG/SM/8855, September 8, 2003.

Two alternatives, neither of which would foreclose enlargement as a future option, are worth exploring at this juncture. The first – working methods – offers fewer political obstacles and promises much quicker delivery. The second – revisiting earlier notions of regional participation in the work of the Council – implies a radical conceptual shift, requires much more concerted analysis, but could offer fresh promise for producing a Council that is more effective and enjoys greater legitimacy.

Unfortunately, the High-level Panel had little to say about working methods other than to praise the “many informal improvements [that] have been made to the transparency and accountability of the Security Council’s deliberations and decision-making procedures” and to urge continuing consultations with troop-contributing countries (para. 258). For most Member States, however, it is through enhancements in working methods that they are most likely to see any tangible benefits from the reform process. Indeed, if the Council is expanded to twenty-four or more members, it is very likely that the original permanent members would be even more inclined to consult among themselves informally and away from Council chambers. The experience of elected members, which tend to feel marginalized by such practices now, is likely to become even less satisfying. So movement on Cluster I without progress on Cluster II could lead to further unhappiness down the line.

The Razali Plan put great emphasis on Cluster II measures – in fact, it went substantially farther than this author would have preferred – while the current emphasis on Cluster I steps threatens to suck much of the political air out of efforts to reform working methods. Should the aspirants acquire permanent seats, their interest in opening up Council processes and procedures could well ebb. As the old political adage puts it, where one stands depends on where one sits. Oddly enough, the High-level Panel did not even address the question of how many affirmative votes would be needed under the proposed 24-member Council to pass a non-procedural resolution. Razali, recognizing that where this hurdle is set is a key factor in determining the influence wielded by the elected members, considered several different formulas in this regard. He ended up proposing 15 of 24 (63 percent, a slightly higher hurdle than the current 60 percent or 9 of 15).

On the other hand, the Panel’s innovative proposal for a Peacebuilding Commission is suggestive of ways in which the Council could involve other organs and the wider membership more fully in its work. It is not a matter of adding members and expanding voting privileges, but rather of engaging in wider consultations, more frequent and sustained joint undertakings, such as the fact-finding missions cosponsored by the Security Council and ECOSOC, and seeking the voice and expertise of other bodies and Member States more regularly on an as-needed basis. As the Panel rightly noted, there has been considerable progress on these and other measures to enhance access, transparency, and accountability.¹⁷ There is a strong foundation on which to build.

In this context, it is worth recalling that much of the critical work of the Council is carried out by its subsidiary bodies. Usually chaired by elected members, governed by consensus rules, and acting as committees of the whole, these groups address everything from individual sanction regimes, to counter-terrorism, to specific crisis situations, to the future of peacekeeping. Their number has grown to eighteen and they boast larger and more substantive secretariats than the Council as a whole. Their work, however, tends to be more opaque and far less known than that of the parent body. No doubt that is among the reasons why the oil-for-food scandal was allowed to percolate along in the deliberations of the 661 Committee for so many years with little public or official attention beyond fairly narrow circles.

¹⁷ For a brief summary of some of these measures see Edward C. Luck, “Reforming the United Nations: Lessons from a History in Progress,” Occasional Paper Series (New Haven, CT: Academic Council on the United Nations System, 2003), pp. 13-14, and footnotes 35 and 36.

The rationale for reconsidering the advantages and disadvantages of a regional approach is more subtle, beyond the earlier point that the drive to add permanent or even non-permanent seats appears to have entered a cul-de-sac. The argument begins with the notion of responsibility. As the High-level Panel notes, “the founders of the United Nations conferred primary responsibility on the Security Council for the maintenance of international peace and security” (para. 244). Collective responsibility, or shared responsibility as the sub-title of their report expresses it, however, has a way of inviting free-riding, as each partner looks to the others to take the lead in potentially risky or costly situations. Too infrequently do Council members appreciate that their responsibilities only begin with the passage of a resolution or the authorization of a peace operation or sanctions regime.

The five permanent members were granted special privileges because they were also supposed to take on special responsibilities and shoulder extra burdens. As acknowledged earlier, their performance in this regard – whether measured individually or collectively – has been uneven, though hardly negligible. The task of enhancing the performance of the Council as a whole ought to begin with giving individual members, particularly but not solely the permanent ones, a greater sense of responsibility for at least some portion of the Council’s broad agenda. Such a division of labor might be along functional, historical, or regional lines. Presumably it could be worked out through informal and evolving understandings among the members, led by the permanent ones. In peacekeeping, peacebuilding, and conflict resolution, the notion of lead nation(s) has become well developed and widely accepted through the years.

Any serious reform of the Council, therefore, should focus not just on the overall shape and size of the Council, but importantly also on how to encourage the sense of individual responsibility assumed by each member. It is not inherently obvious that this grows as the Council gets larger. Would one in twenty-four feel a keener sense of responsibility than one in fifteen? In fact, as the Council expands, so too would the temptations and opportunities for free riding. Such seemed to be the case with the League’s Council, as noted above. More recently, in the tragic case of the Council-declared safe havens in Bosnia-Herzegovina, some relatively small and distant elected members pushed the Council to assume responsibilities that they were incapable of meeting and others were unwilling to assume except on paper. In the case of Rwanda, neither the permanent nor non-permanent members distinguished themselves. During the Council’s debilitating debate over the use of force in Iraq, the elected members did little either to break the deadlock or to offer a promising alternative. The Council’s most conspicuous failures, in other words, appear to be collective ones.

Today, are there eleven countries – actual or potential permanent members – that could reasonably be considered to have global reach and influence on political and security matters? Many would contend, instead, that the United States is the last global power. It alone has developed and retained the capacity to deploy and maintain significant military assets throughout the world (though, of course, its capacity is limited and its will selective). UN peace operations, from the Balkans to Africa to East Timor, have had to rely heavily on regional powers and arrangements, sometimes with but often without direct participation by Council members. The Council, in that sense, is largely populated with regional players on its global stage, i.e., with countries more eager to take part in decision-making than in high-cost, high-risk operations in the field. These asymmetries in capacity and interest call for, if anything, a movement away from permanent membership – i.e., away from the assumption of permanent and global commitments by individual states – and towards a more variable and flexible architecture for the Council. They also argue for a preliminary reconsideration of some of the regional participation schemes voiced by some US and British officials prior to San Francisco or by many other delegations there.

In early thinking (1942-3) about post-war organization, leading figures in Washington and London contemplated a global security body with regional pacts or groups under its overarching political umbrella. US Under-Secretary of State Sumner Welles was known as an early advocate for such an

approach.¹⁸ Prime Minister Winston Churchill went so far as to call in a March 1943 radio address for a United Nations, headed by the US, USSR, and United Kingdom, with a Council of Europe and a Council of Asia to deal with post-war conflicts in those regions.¹⁹ These views did not, in the end, win the day. They gave way, well before the convening of the Dumbarton Oaks preparatory conferences, to an emphasis on a strong, centralized, global body with enforcement powers. Nevertheless, these themes continued to emerge from time to time, particularly within the US delegation at San Francisco.²⁰

There, the Latin American representatives, worried about vetoes by distant powers over collective security measures within the region, were especially vocal about preserving regional cooperation on security matters. They even sounded enthusiastic about preserving Monroe Doctrine barriers to external intervention in the hemisphere.²¹ The addition of Article 51 quelled their diplomatic rebellion, taking some of the steam out of parallel drives by Egypt, the Philippines, and other smaller countries to expand the Council in part by including regional voices.²² The Egyptian proposal, though not accepted, had the provocative notion that the Council really was composed of two kinds of states: the permanent members, which were to have global responsibilities, and the elected members, which were to have regional ones. How the Council would decide to address regional problems would be determined, in part, through consultations with or among the countries of the region. While a Member State from a given region elected to a two-year term on the Council would not get formal instructions from its neighbors, it would be expected to try to insure that the concerns of the states of the region would be heard in Council deliberations.²³ In a sense, they would act as two-way conveyor belts of information and ideas between the regional and global levels of decision-making. While fully sovereign Member States would continue to serve on the Council in their individual national capacities, there would be a well-established assumption that they were to do their best to insure that the voices and concerns of their neighbors would be heard in the work of the Council.

In a similar spirit, in 1992 Toby Gati and I put forward two suggestions for Council reform. The more immediate and conventional one called for an expansion from 15 to 20 members – along the lines eventually advocated by the Clinton Administration – but we also floated the idea of a regional voice as a possible future option, made more feasible by the end of the East-West rivalry in the developing world. In our words,

¹⁸ Russell, op. cit., pp. 98-99, Townsend Hoopes and Douglas Brinkley, *FDR and the Creation of the U.N.* (New Haven: Yale University Press, 1997), pp. 50-51, 68-69, 193.

¹⁹ Russell, op. cit., p. 105.

²⁰ In his account of the founding conference, Stephen Schlesinger gives a colorful rendition of some of these disputes within the US delegation. *Act of Creation: The Founding of the United Nations* (Boulder, CO: Westview Press, 2003).

²¹ Townsend Hoopes and Douglas Brinkley, op. cit., pp. 192-198 and Thomas M. Campbell, *Masquerade Peace: America's UN Policy, 1944-1945* (Tallahassee, Florida: Florida State University Press, 1973), pp. 164-175.

²² "Small States Denied Voice In Policing of World," *Washington Post*, May 13, 1945, James B. Reston, "Delegates of U.S. Map Plan to Keep Regional Powers," *The New York Times*, May 13, 1945, and Eugene Griffin, "Votes to Limit Security Group to 11 Countries," *Chicago Daily Tribune*, May 13, 1945.

²³ *Documents of the United Nations Conference on International Organization*, op. cit., vol. 11, p. 291, "Egyptians Seek Larger Councils," *The New York Times*, April 25, 1945, and "Small Nations Seek to Expand Security Council Membership," *The Washington Post*, April 29, 1945.

Over the longer term, a more radical restructuring of the Security Council might be contemplated. Although the whole structure of the UN is based on the member state system, the growth of regionalism is likely to persist in both the economic and security realms. With the end of the global competition between the United States and the USSR, international politics are increasingly defined in regional terms, especially on security issues, and here the biggest problems are local, not global. This suggests two steps, one simple and short term, the other complex, controversial, and long term. The easy part is for the five permanent members to expand consultations within their respective regions on the major issues that are before the council or likely to arise in the foreseeable future. To a certain extent this has already taken place within the European Community (EC) and among the G-7, but the process should be regularized. Over time, if the sense of regional identity grows and regional organizations begin to assume a larger security role, the UN Charter might be amended to give a voice and possibly a veto to each major region (North America, Latin America, Western Europe, East Central Europe, Africa, East Asia, and South Asia) on UN intervention in that area. The current permanent members would retain permanent seats, at least in the near term.²⁴

In retrospect, this sounds like a rather rash and premature notion, not unlike other ambitious and underdeveloped ideas that were floated during the heady days following the end of the Cold War. In particular, the possibility of a regional veto over Council action in the area – something some Latin American delegations called for in San Francisco – seems particularly unhelpful. On the other hand, our analysis did anticipate the patterns of global-regional cooperation that have come to define much of the day-to-day business of the Security Council.

The biggest roadblocks to Security Council expansion continue to arise within regions. Their persistence suggests that the task of gaining anything close to a consensus on enlarging the Council will not be accomplished anytime soon. Over the years, some members of the Council, permanent or elected, have simply been much better than others about consulting with their regional groups and then trying to forward the interests and priorities of their neighbors whenever possible. That uneven experience has created hesitations about endorsing the candidacies of Member States that have appointed themselves as “representatives” of their regions. On the other hand, Article 52 underlines that the peaceful resolution of security problems at the local or regional level was seen by the founders as the first recourse, before bringing them to the Council and global attention. So establishing regional and sub-regional consultative mechanisms, in some cases in conjunction with or through standing arrangements or organizations, has long been understood as an essential building block for an effective global system for the maintenance of international peace and security.

In some regions, these consultative and even decision-making processes are well developed and extend to matters before the Council. In other regions, there is a long way to go and political conditions are far from favorable. Both ends of this spectrum pose challenges for efforts to modernize the Council for a twenty-first century that is likely to feature enhanced regional as much as global cooperation. On the one hand, it makes little sense to add to the number of permanent European seats – Model A calls for four of them – if the European Union and Constitution continue to proclaim the goal of a single foreign and military policy. Indeed, the “conveyor belt” model noted above is already practiced within the EU. On the other hand, the claim that certain regions are under-represented on the Council rings hollow if there is no consensus or even convergence within those regions on what country or countries could best “represent” the others in the region. Once consultative processes and practices are better established within these regions, reform of the Council to take these concerns into account could more readily be

²⁴ Edward C. Luck and Toby Trister Gati, “Whose Collective Security?,” *The Washington Quarterly*, vol. 15, no. 2 (Spring 1992), pp. 47-48.

contemplated. To create more permanent or even rotating seats on the Council before working out such regional processes, however, would be tantamount to putting the cart before the horse.

Providing a greater regional voice in the work of the Council could be accomplished in several ways. One relatively simple step would be to expand and regularize Council consultations with troop-contributing countries, many of which now come from within the region in crisis, and with those regional and sub-regional groups that have carried an increasing share of the peacekeeping burden over the past decade. To a considerable extent, Council practice has moved in this direction in recent years as a natural way of bridging the gap between those who write mandates and those who carry them out.

Likewise, while the notion of regional representation was suppressed at San Francisco for good reasons, the General Assembly has often specified how many states from each region should be on the Council (or on other inter-governmental bodies). The extent to which those states, once elected to the Council, are obligated to give voice to the concerns of their neighbors, however, has not been addressed by the Assembly. While the question of regional representation would require a Charter amendment, and in this author's view remains a bridge too far, the Assembly could take up the more subtle but critical Cluster II issue of how elected members – not to mention the permanent ones – should relate to their regional groups once they are on the Council. The matter of enhancing regional voices on the Council need not, and past practice suggests that it should not, entail Charter amendment.

Perhaps the first step towards giving a more regional perspective to the work of the Council would be a lessons-learned, best-practices exercise concerning ways in which members of the Council through the years have tried to mesh their global and regional responsibilities. What has and has not worked, and why? At what points does it become particularly awkward to fulfill one's national responsibilities and one's regional expectations? Resolving or easing some of these dilemmas could be an essential first step toward cutting the Gordian knot of Security Council reform. If pursued together with further Cluster II, working method, reform steps, one might find that old, 1945 model coming to look more and more like one well-suited to the challenges – and opportunities – of the twenty-first century.