MARMARA UNIVERSITY
INSTITUTE OF SOCIAL SCIENCES
DEPARTMENT OF POLITICAL SCIENCE AND INTERNATIONAL RELATIONS
MA PROGRAMME OF INTERNATIONAL RELATIONS (ENG.)

THE UNITED NATIONS SECURITY COUNCIL REFORMS
IN A CHANGING WORLD ORDER

Master's Thesis

MEDİNE ÇAĞLAYAN

İSTANBUL, 2007

MARMARA UNIVERSITY
INSTITUTE OF SOCIAL SCIENCES
DEPARTMENT OF POLITICAL SCIENCE AND INTERNATIONAL RELATIONS
MA PROGRAMME OF INTERNATIONAL RELATIONS (ENG.)

THE UNITED NATIONS SECURITY COUNCIL REFORMS IN A CHANGING WORLD ORDER

Master's Thesis

MEDİNE ÇAĞLAYAN

Advisor: Doç. Dr. Gülden Ayman

İSTANBUL, 2007

Marmara Üniversitesi
## Sosyal Bilimler Enstitüsü Müdürlüğü

Tez Onay Belgesi

SİYASET BİLİMİ VE ULUSLAR ARASI İLİŞ. Anabilim Dalı ULUSLARARASI İLİŞKİLER(ING) Bilim Dalı Yüksek Lisans öğrencisi MEDİNE ÇAĞLAYAN nın THE UNİTED NATİONS SECURİTY COUNCİL REFORMS İN A CHANGİNG WORLD ORDER adlı tez çalışması ,Enstitümüz Yönetim Kurulunun 19.07.2007 tarih ve 2007-8/30 sayılı kararıyla oluşturulan jüri tarafından oybirliği/oyçokluğu ile Yüksek Lisans Tezi olarak kabul edilmiştir.

	Öğretim Üyesi Adı Soyadı	İmzası
Tez Savunma Tarihi : 6.18.1.2007		
1) Tez Danışmanı :	DOÇ. DR. GÜLDEN AYMAN	
2) Jüri Üyesi :	YRD. DOÇ.DR. ERHAN DOĞAN	
3) Jüri Üyesi :	YRD. DOÇ.DR. ÇİĞDEM NAS	
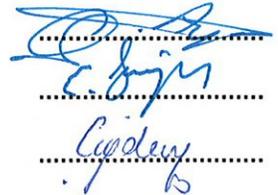
ACKNOWLEDGEMENTS

First and foremost I would like to express my sincere gratitude to my supervisor Gülden Ayman for her valuable contributions and comments on this thesis. I also want to express my gratitude to Çiğdem Nas and Erhan Doğan not only due to their participation in my thesis jury but also their contribution to this thesis. I also want to thank you Professor Emeritus Joseph E. Schwartzberg and Chadwick Alger and Professor Hans Kochler who sent me their valuable books and articles and also suggested helpful improvements.

Further I would like to thank my family for being understanding and providing encouragement, and especially my brother and sister who read and commented on my thesis for their support and assistance.

Lastly, I offer my special thanks to all my friends as well.

<div align="right">

Medine Çağlayan

İstanbul, 2007

</div>

INDEX

ABBREVIATIONS

CTBT	Comprehensive Test Ban Treaty
E-10	Elected Council Members
ECOSOC	United Nations Economic and Social Council
Ed.	Edition
EU	European Union
G-4	The Group of Four
G-77	The Group of 77
GA	General Assembly
GDP	Gross Domestic Product
High Level Panel	the High Level Panel on Threats, Challenges and Change
NATO	the North Atlantic Treaty Organization
NAM	Non Aligned Movement
NGO	Non Governmental Organization
P-5	Permanent Five Council Members
OAU	The Organization of African Unity

Open Ended Working Group The Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and other Matters related to the Security Council

OSCE	The organization for Security and Co-operation in Europe
SC	Security Council
UK	United Kingdom
UN	United Nations
UN Charter	United Nations Charter

UNPROFOR	United Nations Protection Force
UNSC	United Nations Security Council
USA	The United States of America
USSR	Union of Soviet Socialist Republics
Vol.	Volume
WWI	World War I
WWII	World War II

ABSTRACT

Interstate relations are changing so rapidly that many scholars are now asking that states will meet challenges of the new century. With the changing interstate relations, the scholars are debating how these changes have direct impact on the role of the Security Council because the United Nations Security Council is no exception to the general rule that every organization needs periodic reform or reorganization. However, actually little was done about the United Nations reform until the early 1990s, when the end of the Cold War opened up possibilities for change. With the end of the Cold War, the period became different for the work of the Security Council. The differences of the agenda created a demand for significant change in the Security Council. This dramatic change caused many countries to review the pattern of their international relations in general and their participation in the United Nations in particular. This behaviour of the member countries resulted with their insistence on the United Nations reforms. In this respect, the aim of the thesis is the UN reform efforts in the changing world order.

Key words: United Nations, Security Council, international organizations, change, world order, reform

ÖZET

Uluslararası ilişkilere baktığımızda devletlerarası ilişkilerin hızla değiştiğini ve bu değişimin devletlerce nasıl karşılanacağı uluslararası camia tarafından tartışılan en önemli konulardan biri olduğunu görmekteyiz. Hiç şüphesiz uluslarası ilişkilerde yaşanan bu değişim Birleşmiş Milletlere ve bilhassa devletler arası ilişkilerin arenası konumunda olan Güvenlik Konseyi'ne de yansımıştır. Zaten uluslararası organizasyonlar için periyodik değişimler ya da dönemsel reformlar kaçınılmazdır ve Birleşmiş Milletler de bu organizasyonlardan biridir. 1945'lerde kurulmuş bir organizasyon olan Birleşmiş Milletler'de 1990'lara yani Soğuk Savaş'ın sonuna kadar çok az değişiklik yapılmıştır. Fakat Soğuk Savaş'ın sona ermesi artık Birleşmiş Milletlerin değişiminin vaktinin geldiğinin en önemli göstergesidir. Bu büyük değişim uluslararası camiada reform seslerinin artmasına sebep olmuş, hatta birçok ülkenin uluslararası ilişkileri gözden geçirmesine neden olmuştur. Bu noktada, bu tezin amacı uluslararası ilişkilerde Soğuk Savaş'ın sona ermesi ile ortaya çıkan değişim sürecinin Birleşmiş Milletlere yansıması ve bu yansıma neticesinde ortaya çıkan reform çalışmalarıdır.

Anahtar sözcükler: Birleşmiş Milletler, Güvenlik Konseyi, uluslar arası organizasyonlar, değişim, dünya düzeni, reform

1. INTRODUCTION

Reforming the United Nations Security Council is not a new issue in international agenda. It has emerged as one of the most important issue in the United Nations agenda, in international debates and media for about more than one decade because the world has changed overwhelmingly and fundamentally in both good and bad ways from the birth of the United Nations. As interstate relations are changing so rapidly especially in the last decades that many scholars are now asking how states will meet challenges of a new century. These new realities and challenges have brought corresponding new expectations for action and new standards of conduct in national and international affairs. As the Council became more important after the Cold War, many countries asserted their dissatisfaction.

From the emergence of the United Nations to the end of the Cold War, which is almost four decades, the Council has functioned in an entirely different atmosphere. The slow but seemingly irrevocable drift into the Cold War has had a paralyzing effect on the Council. Major changes in the international system, such as liberation wars, peaceful decolonization, and increasing North-South divides did not change the way the Cold War impacted the Council.

However, starting in the end of the 1980s with the impact of détente, the Security Council began to return to its origin. It has been an organ that would function when the great powers cooperated. For the first time, the Council could function as originally intended in the United Nations Charter to correct the League of Nations' deficiencies.

These significant changes in the Security Council objectives, decisions and working methods with the alterations in its role, conflict agenda, its actions and approaches to new threats to security should not be regarded as a surprise after more than sixty years of its history. The Cold War confrontation between two dangerous blocs surrendered to the world dominated by rogue states and non states actors. This shift in the distribution of

power with the emergence of new challenges and threats means that the context within which the UN operates since 1945 have changed.

The end of the Cold War launched a different period for the work of the Security Council. The political context surrounding the Security Council underwent a major change. The period when the Security Council was a place for superpower rivalry has finished and the situation of Security Council has changed significantly. The Council has recently been far more active than in the past when the US- Soviet rivalry and disputes led to many paralyzing vetoes. The council has recently dispatched more military peacekeeping missions than in its first forty five years. The Council begun to intervene civil conflicts more than it had in the past and the developing countries have become very concerned about their relative lack of power to control such interventions by the Council.

On the other hand, with the increasing role of the Security Council in peacekeeping operations, the United States has blocked several resolutions regarding to the situation in Middle East and has prevented UN intervention in Israel Palestine conflict. The recent inability to reach consensus within the Council for a second resolution on Iraq also highlights the problem of objective intervention and mediation on behalf of the United Nations when core national interests are at stake. More important, the recent Iraq crisis that resulted in American intervention on Iraq without the consent of Security Council members stresses the shortcomings of the Security Council and demonstrates the necessity of reforms.

This study is primarily based on directly UN publications and UN Resolutions because they are primary and most reliable resources. Additionally, the analysis of the Charter is very important to evaluate the structural problems of the UN. On the other hand, especially the book, **The UN Security Council: From the Cold War to the 21st Century,** edited by David Malone and the book, **The Once and Future Security Council,** edited by Bruce Russett were very crucial during the analysis of underlying reasons and general pictures of the reforms. Joseph Schwartzberg's book, **Universal Regional Representation as a Basis for Security Council Reform,** was very useful in

developing statistical data. Lastly, Ingo Winkelmann's study, **Bringing The Security Council into a New Era,** was very helpful to summarize the previous reform efforts.

The first chapter includes the theoretical context of the thesis. The departure point of the chapter is the relationship between the fundamental changes in the world orders and the establishment or revitalization of the international organizations. In this respect, this chapter examines the changing world order in the post Cold War order and focuses on the changing role of the United Nations. However, first of all, it is necessary to mention the biggest changes we have experienced in the 20th century, the World War I and World War II. Both of the fundamental changes brought the necessity of designing the following international orders with regard to victorious powers' desires and making a peaceful settlement which guaranteed the governance of the victorious powers in the international order. However, the breakdown of Cold War order is considered as a fundamental change, there has not been enough arrangement for designing the international order. In this respect, the fundamental changes after the Cold War era and the response of the United Nations to these changes will be discussed. These changes that took place over the years since the end of the World War II are inconceivable. The threats have changed, relations have changed and also privileges have changed. However, although the United Nations is the mirror of the power structures of the international system, it does not reflect the contemporary power structure of the new world order.

The second chapter starts with the very brief summary of the history of the United Nations and Security Council in order to examine the reasons which make the Security Council a paramount and most important organ of the United Nations with the pressure of international agenda. The main point of this chapter is the functions and power of the Council with the membership and the voting system of the Council. The relationship within the Security Council in theoretical and practical perspective is the focal point to analyze the following chapters that the UN Security Council is the representative body acting on behalf of the whole UN members. In this respect the importance of the term 'permanent membership' and the concept which comes with the permanent membership 'veto right' are going to be defined in order to familiarize with its conceptual framework.

The third chapter addresses the question why the UN Security Council should be reformed. Several requirements for the restructuring of the Security Council are going to be evaluated in this section. The first one is the need for mobilizing greater resources for the UN especially for the activities in peace building. Most states want a Security Council that organizes the necessary financial, military and diplomatic support from all states to implement its decisions effectively.

The second deficiency is the unfair and inequitable representation in the Security Council. In other words, one of the strongest arguments in favour of reform is the Security Council's undemocratic representation in its structure. The composition of the Security Council could not reflect the population growth and the contribution to the Council. Discrepancies among UN member states not only in population and contribution to the Council but also in economic power are enormous and much greater today than when the organization was formed. The one nation one vote rule is premised on the idea of the 'sovereign equality of nations'. Deriving from the 1648 Treaty of Westphalia, that idea is now essentially an obsolescent legal function. Although third World regions constitute the eighty percent of the world population, eighty percent of the Security Council are European origin or from Europe. The representation issue brings another question to the agenda of the Council whether the expanded Council could be efficient and also effective.

What is in question is whether the Security Council can long endure if its structure remains constant or whether it would retain the efficiency and effectiveness on which its authority also depends if it enlarges? Obviously there is a trade-off between representativeness and efficiency of the Council hence, a reasonable balance must be found. However, the adequate involvement of the Security Council is necessary for the legitimacy of the Council's decisions.

The working methods of the Security Council have been always controversial since its foundation. The main reason is the informal consultations closed to all non Council

members sometimes with non permanent members. That is why it is called as one of the most conservative institutions in the world today particularly in its working methods and procedure. The lack of transparency in the working methods and decision making procedure is the other deficiency which is demonstrated as the reason of the reform demands by UN members.

In the forth chapter, the historical perspective of reform efforts is going to be studied. The timetable of the reform efforts is going to be analyzed in three historical periods. While the historical process of reforms is being reviewed, the theoretical classification of reform efforts with regard their demands are going to be established to form a framework for the future studies. Since the establishment of the Security Council, UN member states and past secretaries-general have repeatedly attempted to reform the organization. These reform efforts tend to be cyclical, with member states considering waves of new reform proposals every five to ten years.

First section is the background of reform efforts starting with the foundation of the Security Council and includes the whole Cold War. The reason of classification is what the major historical points of Cold War that contributed to the evolution of the Security Council and reform efforts. Observing the Security Council and its functions, power, problems and restructuring efforts without the Cold War effects is impossible.

The following period includes the recent reform efforts that are starting with the end of the Cold War to 1997. The importance of this period is that the Council has started to operate in an entirely different atmosphere. The dynamics which new world order brought increased the necessity of reforming the Council because the balance of power has changed that German and Japan pressure has increased for the permanent membership. In the fiftieth anniversary of the United Nations, the reform issue was evaluated and most of the countries demonstrated their desires for reforms. However, the main step for conceptualizing the reform efforts was the works of Open Ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and other Matters Related to the Security Council. Razali Plan is the

product of the Open Ended Working Group and a turning point for the future of reform efforts, because the plan includes a framework proposal for restricting the Council.

The last period is the contemporary reform efforts with the leading role of the Secretary General's High Level Panel on Threats, Challenges and Change with leading role of Kofi Annan that he insisted on the necessity for the reforms and took the initiative as a Secretary General of the United Nations.

In the fifth chapter, reform efforts and reform proposals are going to be emphasized with a theoretical approach. The main deficiency of the Security Council reform studies is the lack of maintaining a theoretical perspective for reform proposals for the future evaluations. In this chapter, I am going to try to establish a framework of reform proposal and compare each of them. This chapter questions whether the reform proposals should provide any new permanent members or not. There is no consensus between the countries about the membership expansion and limitation or elimination of the permanent members' veto right or spreading out the right to the future permanent members. According to the interests of states, states came together and constitute a group. The contrary group of the G-4 is Coffee Club or with official name Uniting for Consensus. The leading states are the regional competitors of the G-4 States that they do not want their permanent membership. The aim of the Uniting for Consensus is to create additional non permanent seats with new type of permanent membership and limitation of veto power. The variations of Model A and Model B, Green and Blue Models are going to be evaluated in details with the interest groups.

In the last chapter, why Security Council has failed to reform itself will be discussed. I will try to classify the obstacles and explain three of them. This chapter addresses the question whether the UN could reform itself or it will be remain the same. In this respect, the main obstacles will be discussed. The questions are what are the functions of the membership issue and veto right and what will be the role of the US in the process of UN reforms?

2. THEORETICAL FRAMEWORK: THE CHANGING WORLD ORDER AND THE UNITED NATIONS SYSTEM

The end of the Cold War resulted in the dissolution of many economic, military and political organizations. The organizations who could survive faced some serious problems regarding their functions, structure and mission. The United Nations has not been dissolved in the post Cold War era, but its structure, functions and missions have received many criticisms. In this respect, the restructuring of the UN system is one of the most important issues of the world politics.[1]

The basic purpose of this part is to examine the effects of the end of the Cold War on the international system in general and the United Nations in particular. While examining the end of the Cold War, it is necessary to look at the Cold War system to see the change of circumstances after the Cold War era and the inadequacy of the existing UN system to deal with a variety of problems posed by this totally different world orders.

The fall of the Berlin Wall in October 1989 symbolized the end of the Cold War which had polarized the world order. Since the end of the World War II, there had been two competing superpowers and the Wall reflects the physical, philosophical, economic and political division between East and West thus its fall symbolized a new era. This collapse of communism in the German Democratic Republic with Czechoslovakia, Romania, Bulgaria, Hungary and Poland brought about the dissolution of the USSR, which was one of the superpower of the Cold War.[2] Since the collapse of communism in Eastern Europe, disintegration of USSR and the dissolution of Warsaw Pact led the two opposing blocs people have been trying to understand the ramifications of this epoch making events and to anticipate future implications.

As a matter of fact, the end of the Cold War is one of the major events which have caused transformation of interactions in political structure. These major events have had a direct

---

[1] Hüseyin Emiroğlu, "Soğuk Savaş sonrası Birleşmiş Milletler: İşlevi-Sorunları", **C.Ü. İktisadi ve İdari Bilimler Dergisi**, vol.2, 2006, p.59
[2] Keith Philip Lepor, "Introduction",in Keith Philip Lepor (ed), **After the Cold War**, Texas: University of Texas Press, 1997, p.xxiv

impact on the nature and working of the international politics. After these major events, international political system was restructured and redefined in the transition period to the new era. The new orders began with Westphalia Conference after Thirty Years Wars between 1618 and 1648; Vienna Conference after the Napoleonic Wars between 1792 and 1814; Paris Peace Conference after WWI between 1914 and 1918 and lastly the Cold War order after 1939-1945 could be considered as examples.

Modelski developed a theoretical framework for the relationship between major wars and world orders. From his point of view, world politics should be analyzed in an evolutionary context. He developed a historical cycle that each cycle exhibits a particular nation-state in an ascending and descending phase in the context of evolutionary world politics. These include city states and empires, global wars and alliances, the nation-state system, global leadership and world organization. One world power emerges from that conflict in an advantageous position and organizes the world even as the struggle still goes on and then formalizes its position in the global layer in the peace settlement. The exercise of strong political leadership is essential to the creation of a stable international and political order. At the conclusion of great war or hegemonic wars, the victorious power or powers have redistributed territory, forged alliances and taken other measures to ensure the stability of international balance of power, invariably of course, the measures taken have been favorable to the interests of the great powers. Rules, institutions and regimes to govern international economic, diplomatic and other activities are also formulated. It is important that political leaders ensure that other nations and, most certainly other major powers, regard these rules or regimes as fair and legitimate with the help of international organizations.[3]

In short, from the historical point of view, the victorious states seek to redesign the world order after a great war and peaceful settlements are the legitimizing tools of the status quo in this world order. In this context, if it is necessary to give a case in point, Westphalian order was established by the leading powers of the Thirty Years War, Napoleonic wars

---

[3] George Modelski, "The Long Cycle of Global Politics and Nation-State", **Comparative Studies in Society and History 20**, no.2, April 1978, p.214-35 cited in Paul R.Viotti and Mark V. Kauppi, p.59-60

ended with the Congress of Vienna, the victorious states of World War I established the League of Nations order with Paris Conference and the United Nations order was established by the victorious states of World War II. However, although the Cold War could be considered as a major war and the end of it was a fundamental change in the international political system, the victorious powers of this system did nothing for the restructuring of this system and no arrangement has been made in the international political order. Although there is a demand from the countries like Germany and Japan which are the major contributors of the UN and two of the G-7 countries, India and Brazil which are developing regional powers and especially from the third world countries for the improvement of the UN system, there were not enough attempts for the United Nations reforms.

2.1. The United Nations during the Cold War

After the end of the World War II, international politics centered on the Cold War and the ultimate threat of a nuclear holocaust. The origins of the Cold War are based on rivalries and ideological perceptions. During the Cold War, there had been two competing superpowers, the US and the USSR who had almost different ideologies and had equal nuclear powers.[4]

Almost from the beginning, instead of being centered in the end of the Cold War, some milestones of the Cold War are crucial to understand the changes in the international political environment. The first and the most important feature of the Cold War were based relations between the superpowers as the centers of antagonistic military alliances. This network was governed by what might be called as 'nuclear regime'. Within the framework of their hostile relations, the behavior of the superpowers became guided by rules and procedures to further their common interest in preventing the outbreak of a nuclear conflict. The rules were broadly three; to maintain a balance between NATO and Warsaw Pact alliances, to limit their competition outside of Europe by largely operating through proxies and avoiding direct confrontation and to prevent spread of nuclear

---

[4] Gülden Ayman, **Neo Realist bir Perspektiften Soğuk Savaş Sonrası Yunan Dış Politikası: Güç, Tehdit ve İttfaklar**, Ankara:Ankara Üniversitesi Basımevi, 2001, p.6

weapons not only among their allies but also outside the European theatre. These rules largely shaped the policies of deterrence followed by the US and the USSR, the conduct of arms control talks and their political relations with their allies.[5]

As far the United Nations, first of all, it is a creature of the nation-state system which was created in 1945 in the aftermath of the World War II. In this sense and from the view of Modelski, the victorious powers of the World War II who emerged from the conflict in an advantageous position could organize the world. In this respect, Allied Powers of the World War II, Soviet Union, the US and Britain, came together and established the post war order. At that point, the victorious powers of the World War II believed that a stronger world organization was necessary, one with a Security Council that had the authority to take binding decisions to oppose calculated aggression and cope with other threats to peace. The main purpose of the organization was determined, as mentioned in the UN Charter, was to save succeeding generations from the scourge of war. Furthermore, the UN Charter guaranteed the supremacy of the superpowers by giving them the leadership of the UN in peace and security matters.

Due to the dynamics of the Cold War, which mentioned above, especially the bipolar world order governed by the bloc politics prevented the UN to perform its primary goal to maintain peace and security because it was almost impossible to obtain a consensus amongst its five members which is a prerequisite for activating the Security Council to take decision. Although the Security Council reflects the power configuration of the World War II and the UN Charter needs unanimity among the permanent members of the Council, the Soviet Union's establishing the communist bloc ended the big power cooperation which post World War II order had been predicated. Therefore, rising Great Power disunity in the aftermath of World War II made the Security Council operates problematic.

---

[5] Gene M. Lyons, "Competing visions: Proposals for UN Reform" in Chadwick F. Alger, Gene M. Lyons and John E. Terent (ed), **The United Nations System: the Policies of Member States**, Tokyo: United Nations University Press, 1995, p.75

The only exception which the great power unanimity was obtained to fulfill its functions outlined in Chapter VII of the Charter although the Soviet Union was boycotting the Council, was the Korean issue in 1950. This Soviet boycott of the Soviet Union permitted the adoption of three crucial resolutions during the next two weeks.[6]

On the one hand the Korean case can be described as a collective security operation, on the other hand the unified force that fought in Korea formally sponsored by the UN is appeared to contradict the assumption expressed in the UN Charter that collective security could not be safely or successfully undertaken against, or in opposition to the will of, one or more permanent members of the Security Council. The UN's involvement in the suppression of the North Korean aggression was clearly opposed and sharply denounced by the Soviet Union and communist government of mainland China. However, mentioned above, the Soviet Union was boycotting the Council and China had not gained a seat in the Council therefore the veto was not used to prevent the Council from initiating collective action.[7]

The Korean War is very important to see the efficiency of the UN in a collective action led by the US. The major criticism against Korea, as a practice in collective security, revolved around the fact that the USA used the UN for its own purposes although unanimity among the great powers did not exist because of the absence of the Soviet Union. Furthermore, it was the first time during the Cold War which the Council was able to attempt a case militarily and it was the most important one during the Cold War.

If we consider the Korean War as an exception, the general picture of the United Nations Security Council during the Cold War is that it was a paralyzed organ because of the bipolar character of the world led by the two opposing blocs. When the number of vetoes has been cast in the Security Council is analyzed, the consequence demonstrates how the Security Council during the Cold War paralyzed. In the 44 years of the Council from 1946-1990, the number of vetoes has been cast is 279, 124 of them were from the USSR

---

[6] A.LeRoy Bennet and James K.Oliver, **International Organizations: Principles and Issues**, New Jersey: Prentice Hall,2002, p.164
[7] Inis Claude, **Power and International Relations**, New York: Random House, 1962, p.166

and 82 of them were from the US.[8] Additionally, between 1945 and 1990, the recommendation to use force against North Korea as well as economic and military sanctions against Southern Rhodesia and South Africa, respectively formed the only occasions during which the Council endorsed enforcement measures under Chapter VII of the Charter in response to a breach of or a threat to international peace.[9]

In this respect, the UN failed to perform its roles for the maintenance of international peace and security during the Cold War. It had been out of the most important problems and events because the Security Council deadlocked and could not perform its function due to the veto to stop the resolutions against their national interests from both side of the bipolar world.

2.2. The End of the Cold War and the United Nations

The dissolution of the USSR in 1991 finally brought about an end to the Cold War, which had lasted almost fifty years. Challenges which caused the end of the Cold War had been set in motion years earlier as mentioned above. It means that this event which would come to change the world could not happen over night.[10]

In the late 1970s and 1980s, the international arena saw a considerably changing world. The world witnessed dramatic events such as energy crises and military realms. In 1980s, however, although the US and Soviet Union found themselves in a political and ideological conflict, they share a powerful interest in avoiding nuclear war. Moreover, they also share certain economic interests and both countries have numerous economic conflicts with their political and economic allies. On the one hand, the position of the US is challenged economically bay Japan, Western Europe and especially Germany while the military and political challenge comes principally from the Soviet Union.[11] For example,

---

[8] Hüseyin Emiroğlu, p. 61
[9] Erika De Wett, **The Chapter VII Powers of the United Nations Security Council during the Cold War**, Oxford: Hart Publishing 2004, p.1
[10] "The Security Council" available at: www.cimun.com/BGPapers/2007/SC.pdf (12 June 2007)
[11] Robert Gilpin, **War and Change in World Politics,** Cambridge: Cambridge University Press, 1981,p.238-9

Japan began to show a new activism in the UN. The 1980s were the years of Japan's rapid rise as a major contributor of the UN system.

Since the end of the World War II, there had been two competing superpowers and with the collapse of communism, people have been trying to understand the consequences of this. Although, from the mid 1980s major developments occurred in world politics that changed significantly international political environment, the first and most important ramification of the end of the Cold War was the dissolution of the USSR. Its impact was more than dissolution of any country because it was one of the superpower and the leading power of the communist bloc. Therefore, the end of the Cold War brought the victory of the western capitalism and the US.

In this context, as every victorious state of a war, the intention of the US which was the world's great power at that time, to exercise global leadership with a view to managing or governing the international system. Furthermore, the US states new principles which would be valid in the new era because the US which declared itself as the victor of the Cold War needs a symbol to show the end of the bipolar world order. It is important because the Cold War is very different from the wars such as World War I and World War II. That is to say the end of the Cold War is almost different from the end of the World War I and World War II because the victorious powers of the Cold War could not come together and punish the communist bloc or after the elimination of the Soviet threat, they could not define a new threat which would make them establish a new alliance against a new enemy. Furthermore, the Security Council which includes the victorious powers of the World War II and reflects the power configuration of it still continues to function with the membership of Russia, as the successor of the Soviet Union, defeated power of the Cold War.

Actually, in general, the organizations like the League of Nations or United Nations are established after the great wars and are structured according to the needs of the victorious countries. The fears and experiences of the war are generally considered in the structuring process of the organization. For example, in the UN Charter, the enemy clauses in Article

53 and 107 contain special provisions relating to the members of the Axis in World War II (Germany and Japan). It means that one of the primary aims of the UN Charter was left without a clear definition. That is to say, from the neorealist perspective, the definition of 'ally' and 'enemy' and their distinction is almost different from the Cold War[12] and it should be redefined. In this respect, the international environment surrounding the UN in 1990s was full of uncertainties. Furthermore, instead the responsibility of determining what is considered as a threat to international peace and security was left to the Security Council as bestowed upon it by Article 39. Leaving peace and security, undefined caused the flexibility of defining it according to the particular world circumstances of the time. Former Secretary General Boutros Boutros-Ghali described the situation of UN in the post Cold War era:

> "In the altered context of today's world, the definition of security is no longer limited to questions of land and weapons. It now includes economic well being, environmental sustainability, and human rights protection; the relationship between international peace and security and development has become undeniable."[13]

This statement of Boutros-Ghali implicated the birth of humanitarian trend with the end of the Cold War. In this respect, the issues such as aids, poverty and the environment have come to the forefront on the UN agenda.

On the other hand, these challenges emerged with the end of the Cold War era brought the transformation of international organizations, such as UN and NATO, and was forced to find new ways of legitimizing their cohesive international roles. Since the situation and conditions that lead to the founding of NATO have ceased or significantly disappeared with the end of the Cold War and the necessity for it has become questionable. Walter Goldstein describes the situation as the 'quiet' days of European politics have suddenly ended. That long peace for Europe known as Cold War has scrambled to a turmoil of

---

[12] Gülden Ayman, p.10

[13] A/48/935, An Agenda for Development Report of the Secretary-General, 6 May 1994 available at: http://www.un.org/Docs/SG/agdev.html (19 July 2007)

economic upheaval, nationalist stress and political unpredictability.[14] Moreover, Warsaw Pact has disintegrated because the superpower alliances have been completely transformed. Therefore, NATO started to revise its mandate so that among new other functions, it can complement UN peacekeeping and assist in providing the capacity for enforcing security agreements. A new European security system will have to take into account a united Germany a more autonomous European component in NATO, a series of cooperative relations between NATO and the states of former Warsaw Pact.

The 1990s started with George Bush's announcement that a new world order had been created. In this new order he envisioned partnerships between nations, an increase in democracy, prosperity and peace where brutality will go unrewarded and aggression will meet collective resistance. It was expected that the post Cold War era bring peace and stability, however the end of the Cold War created new problems.[15] For example, Yugoslavia was regarded as important geo-strategic place in the Cold War. With the disappearance of the Soviet Union, Moscow lost its capability and Washington lost its geopolitical rationale for sustaining such regimes because the states such as Yugoslavia held together one superpower or the other.[16] When external supports and pressures were removed, not surprisingly, they began to disintegrate. Their disintegration, especially in Yugoslavia, brought about ethnic or religious conflicts. The Cold War equilibrium maintained under the nuclear confrontation certainly did not permit the outbreak of regional conflicts. However, the revolutionary changes that have been taking place in Eastern Europe and former Soviet Union and East West relations generally have led to the thawing of long-suppressed ethnic conflicts and nationalist sentiments which had been frozen in place by nearly fifty years of Cold War.

Most of the existing wars were proxy conflicts of the Cold War, one side was supported and armed by the Soviet bloc and the other was supported and armed by the West. With

---

[14] Walter Goldstein, **Security in Europe: the role of Europe after the Cold War**, London: Brasseys, 1994, p. xi
[15] "The Security Council" available at: www.cimun.com/BGPapers/2007/SC.pdf (12 June 2007)
[16] James F. Dobbins, "America's Role in Nation-Building From Germany to Iraq", Heinrich Böll Stiftung, 2003, available at:
http://www.boell.de/downloads/demokratiefoerderung/dobbins_americas_role.pdf (20 July 2007)

the dissolution of the Soviet bloc, East and West were no longer competing for the allegiance of the Third World Countries. The proxy was thus lost their raison d'etre and the protagonists could no longer rely on the former patrons for financial, military and political supports.[17] Most of the conflicts emerged in Africa happened like this. Not surprisingly, the end of the Cold War opened new horizons for the operations of the Security Council with the changes in international order.

2.3. The United Nations in the Post Cold War Order

It is a fact that there is a relationship between the world orders and major wars as mentioned above referred to Modelski. Every world order is generally built up by the victors of the great wars. In this century, the victors of the World War I and World War II had a chance to build up the order in which they would govern. In this context, international organizations are the legitimizing tools of the victorious powers to function the rules of the new order. We are now living through the third time in this century. The end of the great struggle that the global rivalry between to camps concentrated on two superpowers brought us to this moment.

The US, which is the remaining superpower of the Cold War, declared itself as the victorious power of the Cold War. However, the Cold War is totally different from the World War I and World War II therefore the victor of it is almost different form the victor of World War II and the defeating power of the Cold War is different form the defeating power of the World War II. In this respect, the US needs a symbol to show the end of the bipolar world order and to impose itself as the superpower of the world. This symbol was the Iraq-Kuwait conflict. Indeed, Iraq's invasion of Kuwait was an opportunity for the international community and especially for the US to test United Nations in the new era.

---

[17] Sir Marrack Goulding, The end of the Cold War: Peacekeeping's New Dawn, Keynote Speech, International Conference on United Nations History, Sapparo: Hokkeido University, 20 December 2003,p.3 available at: www.global-g.jp/paper/3-05.pdf (19 July 2007)

At that point, the Gulf War was seen as the first case to show the new willingness among the superpowers to cooperate for the maintenance of the world peace and stop aggressor states through the collective security. At a turning point of the world history, an almost unanimous agreement was achieved towards taking collective measures. This collective response to the Iraq's aggression to Kuwait strengthened the hopes for the future role of the UN in maintaining international peace and security. Resolution 678 which passed under Chapter VII of the UN Charter was taken as authorizing tool of the various air and land assaults on Iraq to force it withdraw from Kuwait. On the one hand, according to some observers, the post Cold War era was a chance for the Security Council to perform its original role as it was designed in the UN Charter. On the other hand, the military operation against Iraq did not qualify as a collective security action for many observers. Even though the US' led coalition was supposed to act on behalf of the UN, the UN Security Council could not be able to control the US and the coalition therefore it failed to perform any supervisory role.

However, at the end of the Gulf War UN coalition's victory increased the prestige of UN; the US has been the only remaining superpower. While President Bush announced the new world order, he stated that the UN finally could fulfill the historic mission of its founder[18] but a renaissance period in the years following the end of the Cold War and increased with the success in Gulf War ended with the emerging conflict in the Balkans.

2.3.1. The United Nations in Bosnia and Kosovo

The new international order caused new challenges and new types of threats. The new challenges and new types of threats in different periods caused the organization to seek new ways to overcome them. For example, with the end of the Cold War, many intra-state conflicts which took the form of ethnic conflicts and civil wars broke up in different parts of the world. Nationalism and ethnic conflict resurged especially in the formerly authoritarian, communist dominated governments. The main reason lies in the bipolar politics of the Cold War and huge rivalry between superpowers. This ethnic or religious

---

[18] "President George Bush announcing war against Iraq", 16 January 1991, available at: http://www.historyplace.com/speeches/bush-war.htm (20 July 2007)

conflict did not emerge in one night. Most of them are historical conflicts which were overshadowed during the Cold War by the USSR and the US. The disintegration of Yugoslavia has been the most dramatic and complex one. This resulted with new demands with self determination and new generation of civil wars especially in Yugoslavia. A new kind of operations under the name of humanitarian interventions has started. The limited, divided and reactive nature of the response by international community to the disintegration of Yugoslavia provides the essential backdrop against which the history of UN operations in the Balkans must be viewed.[19]

Just before the violence in Bosnia, a report commissioned by the Council and Boutros Ghali 'An Agenda for Peace' states that the organization must never be crippled as it was in the Cold War era that has now passed. That kind of optimism rested crucially on the belief that the Security Council, no longer at the mercy of East-West rivalry, would finally be assuming the role envisaged for it. It was a belief that was reinforced by the Council's response to Iraq invasion of Kuwait in 1990. That case however was unique: one state had invaded and annexed another; it could hardly be more clear-cut. The issue of Bosnia as the Council agreed on this was very different.[20]

The UN involvement in Yugoslavia began with the Security Council Resolution. It included a general and complete embargo on all deliveries of weapons and military equipment to Yugoslavia. The issues raised by the unravelling of Yugoslavia go to the heart of the nature of the international order international law touching the questions of self determination, individual and group rights and the exercise of limits of sovereignty. In fact, the UN hesitated whether it should intervene or not. Then, Security Council accepted the Secretary General's proposal for peacekeeping operation and UN protection force (UNPROFOR) established in 1992.

The UN couldn't act effective because there was a division among the Security Council members and they could not create unproductive means to resolve the conflict. The

---

[19] Mats Berdal, "Bosnia", in David Malone**, The UN Security Council: From the Cold War to the 21st Century**, Boulder: Lynne Rienner Publishers, 2004, p.454
[20] Ibid, p.463

national interests of states limited the UN enforcement role in Yugoslavia. This process eroded the credibility of the UN. Only the inclusion of NATO could stop the Serbian aggression. 1994 saw the first use of force by NATO in its history with the UN authorization. On 28 February 1994, two American F-16s shot down four Serbian military aircrafting violating the no fly zone over Bosnia. The NATO action, enforcing the UN resolution 816, marked the first implementation of a UN/NATO ultimatum in the former Yugoslavia. [21]The Security Council's handling of war in Bosnia between 1992 and 1995 remains one of the most controversial of all its efforts to deal with the violent conflict in the international system after the Cold War but it was not the only one because the UN operations in Rwanda and Somalia failed. Not only it was a failure of the UN, but also it was a failure of the International Community as Boutros-Ghali stated in his speech.[22]

At last many people argue that UN needs reforms to remedy some of its newly appeared problems. The Council can not or should not continue to be regarded as a pre-eminent forum. Therefore, the Open Ended Working Group and Razali Plan tried to do this. The timing of the reform efforts could not be considered as a surprise because in general reform of the international security architecture is an issue to be addressed which tends to be driven by crises[23]. How the World War I made possible the creation of the League of Nations, its failure to prevent a World War II resulted in the establishment of the United Nations, the end of the Cold War caused a crisis in the UN and left a long-term effect on the international order.

At that point, Razali Plan is important in terms of establishing a base for the future reform proposals but it could not be successful because after Bosnian failure of the Council, we have witnessed a gradual erosion of the system of collective security as enshrined in Chapter VII of the UN Charter. Firstly, the Bosnian War, unfortunately, was not the last conflict broke out in the former Yugoslavia. The Kosovo conflict and the events of 2003

---

[21] Patricia Chilton, Otfried Nassauer, Dan Plesch and Jamie Patten, **NATO, Peacekeeping, and the United Nations**, BASIC Report 94.1, Washington and London: BASIC, 1994, p. 1

[22] Ibid, p.463

[23] Simon Chesterman, "Reforming the United Nations: Legitimacy, Effectiveness, and Power After Iraq",**Singapore Year Book of International Law**, Vol. 10,2006, p.59

has rooted in 2001 have almost crumbled the system. The tragic events of September 11 in 2001 caused the Afghanistan War of 2001 which has been authorized by the Security Council. The US has invoked Article 51 of the UN Charter enshrining the right of self defence.

Although the NATO intervention in Kosovo was took place in 1999, the first UN resolution about Kosovo was in 1993 when the Security Council asked the former Federal Republic of Yugoslavia to consider its refusal to permit the Conference on Security and Cooperation in Europe to continue its monitoring activities Kosovo with other places.[24] Later in the fall of 1994, the General Assembly condemned the violation of human rights of ethnic Albanian Kosovars by Serbs and demanded that such repression end (resolution 49/204).[25] On March 1998, resolution 1160 imposed a new weapons embargo on the Former Republic of Yugoslavia. Although the resolution 1199 in 1998 threatened to take further action and additional measures to maintain and restore peace and stability in region, peace and stability were not restored because of the Russian objection. At this point, the reason of the Russian objection was not to intervene the internal affairs of one state.[26] Lastly, in 1999 NATO agreed the use of air strikes in Kosovo if required.[27] On March 24, NATO commenced air strikes, which were to continue seventy seven days. After bombing campaign by NATO the Serbian forces finally withdrew from Kosovo.

The role of Russia during this process was its objection about the NATO intervention. It argues that political processes have not been exhausted and has voiced its categorical opposition to military action. Furthermore, according to Russia, NATO has cited humanitarian grounds as its legal basis for the proposed military action, although the status of this position in international law is open to dispute.

At that point, the role of NATO in both conflicts in Bosnia and Kosovo is very significant. Although the thesis departure is not the role of NATO in UN Peacekeeping

---

[24] Resolution 855, 9 August 1993, available at: www.un.org/peace/kosovo/93sc**855**.htm (20 July 2007)
[25] Paul Heinbecker, "Kosovo" in David Malone (ed), **The UN Security Council: From the Cold War to the 21st Century**, Boulder: Lynne Rienner Publishers, 2004, p.539
[26] Ahmet Davutoğlu, **Stratejik Derinlik**, İstanbul: Küre Yayınları, 2001, p:310
[27] Paul Heinbecker, p. 541

operations and will not be emphasized later, it is essential to anticipate the future role of the UN Security Council because conflicts in the Balkans provided NATO the opportunity to play its new role as the provider of regional peace and stability. Furthermore, persisting conflict in Kosovo would undermine NATO's credibility as the guarantor of peace and stability in the Balkans, and U.S. credibility as one of the leaders of NATO. Moreover, NATO intervention without UN authorization bypassed the UN Security Council and indicated an important shift in the structure of international security. The war over Kosovo has been generally recognised as a crucial point in the gradual evolution of a new set of international norms and accompanying reform of international security arrangements.

Stanley Hoffman asserts that the Kosovo crisis highlighted the central flaw of the current architecture of world governance that 'it is the Security Council that is the legitimate authority and that regional bodies can only act with the Security Council's consent'.[28] This NATO intervention of Kosovo laid the groundwork for the American invasion of Iraq in terms of legal necessities because regional arrangement including NATO may intervene in respect of international peace and security with the authorization of UN Security Council.(Article 53) However, NATO intervention to Kosovo were never authorized by the Security Council because of Russian objection. This is the argument of why Washington and London have favoured "coalitions of the willing" before the Iraq invasion because with the power of veto, Russia, China or as in the last example France can limit or prevent it.

After two American-led operations in the past few years, caused the change of the local regime. The American-led NATO intervention in Kosovo caused the fall of the Milosevic's regime, and the American-led UN intervention in Afghanistan caused the fall

---

[28] Stanley Hoffman, Foreword, in Pierre Martin and Mark R. Brawley (ed), **Alliance Politics, Kosovo, and NATO's War: Alliance Force or Forced Allies?** New York: Palgrave MacMillan, 2001, p.ix cited by David Chandler, "Kosovo and remaking of international relations", **The Global Review of Ethnopolitics**, Vol. 1, no. 4, June 2002, 110-118, available at:
www.ethnopolitics.org/ethnopolitics/archive/volume_I/issue_4/chandler.pdf (19 July 2007)

of the Taliban regime. Moreover, Bush wanted the United Nations to legitimate also the US-led multilateral action of war to eliminate the regime of Saddam Hussein

2.3.2. The Iraqi Case in 2003

The global war on terror has become the unifying formula of this effective departure from the post-war system of collective security. The US defined the "terror" a threat to international security and decided to act unilaterally to defend its national interests and security without the need of Security Council authorization as happened in 2003 in Iraq. The non-authorization of the use of force against Iraq in 2003 is the most recent case because the US had to rely on unilateral measures in order to implement its agenda. With the Iraq war of 2003, the notion 'preventive war' has introduced to the international agenda which is alien to collective security and modern international law in general.[29] The doctrine of 'preventive war' announced and practiced by the United States, the attack on Iraq by the United States supported by a number of countries described as the 'coalition of the willing', and unilateral actions taken with respect to a number of international conventions.

The Kellogg-Briand Pact condemned recourse to war and renounced war as an instrument of national policy, and that the United Nations Charter, which was concluded "to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind", requires that all members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations. The new Bush doctrine of 'preventive war' which was published in the National Security Strategy in September 2002 contemplates attacking a state in the absence of specific evidence of a pending attack. This doctrine marks a departure from the prohibition of the use of force under international law, starting from the Kellogg-Briand pact, the establishment of the Nuremberg Charter, the conclusion of the United

---

[29] Hans Kochler, "The United Nations Organization and Global Power Politics: The Antagonism between Power and Law and the Future of World Order", **Chinese Journal of International Law**, Vol.5, no.2, 2006, p.330

Nations Charter and the establishment of the International Criminal Court, and marks a return to a readiness to use force in international relations.[30]

Following the publication of that doctrine, the United States, together with United Kingdom, Australia and other States, launched an attack on Iraq, having failed to gain approval of the Security Council under Chapter VII. Many international lawyers believe that attack was illegal and amounted to a war of aggression.

The Security Council could not able to prevent or condemn or stop the aggression against Iraq by a United States coalition. Furthermore, the Council recognized the specific authorities and obligations of the United States and allies as occupying powers under unified command thus legitimizing the facts resulting from a war aggression that had been waged without authorization of the Council.

 However, in resolution 1546 adopted on 8 June 2004, the Security Council has gone one decisive step further by welcoming the supposed end of occupation on 30 June 2004. Thus the Security Council has served a useful role in providing multilateral cover for a situation which was brought about by the unilateral action of the US.[31] The speech of George W. Bush on 19 November 2003 is very important to see the future of the United Nations:

> "The credibility of the U.N. depends on a willingness to keep its word and to act when action is required. America and Great Britain have done, and will do, all in their power to prevent the United Nations from solemnly choosing its own irrelevance and inviting the fate of the League of Nations. It's not enough to meet the dangers of the world with resolutions; we must meet those dangers with resolve."[32]

---

[30]Duncan E. J. Currie, "'Preventive War' and International Law After Iraq", 22 May 2003, available at: http://www.globelaw.com/Iraq/Preventive_war_after_iraq.htm (15 June 2007)
[31] Hans Kochler, p.333
[32] President Bush Discusses Iraq Policy at Whitehall Palace in London,19 November 2003, available at: http://www.whitehouse.gov/news/releases/2003/11/20031119-1.html (15 June 2007)

Finally, it should be considered that the UN and especially its most important organ, Security Council, is a mirror of the principles and evolving power structure of the post Cold War order. Moreover, it is still predominantly a locale for power politics. However, the dramatic contrast between the international community looking towards the Security Council in the Gulf War and a Security Council in 2003 during the American invasion of Iraq is puzzling. While George Bush stated that UN finally could fulfill the historic mission of its founder in the beginning of 1990s, George W. Bush warned the international community that the UN would invite the fate of the League of Nations.

3. THE HISTORICAL BACKGROUND AND INSTITUTIONAL FRAMEWORK

3.1. The Security Council in Historical Perspective

While World War I led to the formation of the League of Nations, World War II led to the establishment of the United Nations. In both case; all states, people and scholars tried to develop methods of maintaining peace and stability as soon as the war ended.[33] They were hoping to create a structure that would transform international relations in the post-war world.

During the period 1940-1943, the pressures for a post-war organization of a regional or decentralized nature seemed dominant. During these years, President Franklin Delano Roosevelt supported a decentralized system of agencies for non security matters and advocated 'great power' responsibility for curbing aggression.[34]

Franklin Roosevelt suggested the Declaration of United Nations which was held in 1942 and in this declaration the term 'United Nations' was first used. The declaration in January 1, 1942 was accepted as the first step in the evolution of the United Nations. The representatives of 20 nations were in the San Francisco Conference and accepted the declaration.

On October 30, 1943, the foreign ministers of the USSR and the United Nations, Secretary of State Hull and Chinese Ambassador of Soviet Union came together in Moscow and declared their efforts for establishing an international organization:

> "The four governments recognize the necessity of establishing at the earliest practicable
> date a general international organization, based on the principle of the sovereign equality

---

[33] A.LeRoy Bennet and James K.Oliver**, International   Organizations: Principles and Issues**, New Jersey: Prentice Hall,2002, p.46
[34] Ibid,p:49

of all peace loving states, and open to membership by all such states, large and small for

the maintenance of international peace and security.[35]

In the fall of 1944, the present basic features of the United Nations as an international organization were laid out in Dumbarton Oaks Conference. It brought about substantial agreement on the major elements of a plan for an international organization. The final document was published on October 9, 1944.

The participants of Dumbarton Oaks concentrated their efforts on the security provisions of the emerging Charter. The dominance of great powers in the war effort was to be carried over into the peace maintenance measures for the post-war period. The central organ for this purpose was to be a Security Council in which the Big Five (the US, the USSR, China, France and Great Britain) would have permanent membership.[36] Therefore, several important topics were not settled in Dumbarton Oaks conversations. In February 1945, Roosevelt, Churchill and Stalin met at Yalta and accepted the US proposals for the voting formula in the Security Council. Thereby one important gap in the Dumbarton Oaks Proposals had yet to be filled: the voting procedure in the Security Council. The Yalta Conference helped to resolve outstanding issues among the Big Three, but the publication of the Dumbarton Oaks Proposals raised murmuring among the small powers. On February 11, 1945, the conference announced that this question had been resolved, and it summoned the San Francisco Conference.

"We have agreed that a Conference of United Nations should be called to meet at San Francisco in the United States on the 25th April, 1945, to prepare the charter of such an organization, along the lines proposed in the formal conversations of Dumbarton Oaks."[37]

The United Nations Conference on International Organization launched in San Francisco in April 25, 1945. There were fifty participating states, 282 official delegates, 1400 delegations advisers and staff members. The Conference agenda was based on

---

[35] Ibid,p:50
[36] Ibid,p:52
[37] "History of the Charter of the United Nations: Dumbarton Oaks and Yalta", United Nations web page, available at http://www.un.org/aboutun/charter/history/dumbarton.shtml (15 April 2007)

Dumbarton Oaks Proposals as modified by Yalta Conference.[38] The smaller states made their most concerted attack on the voting formula in the Security Council. The objections were about the principle of a privileged role of the five permanent members of the Security Council and application of veto right. At the end, small and medium sized states had to accept the formula without any change. The Great Powers announced that without the veto there would be no Charter. Even though smaller states seemed unsuccessful, in fact they received some concessions toward calling a review conference to revise the Charter. A provision was that such a conference could be called at any time by two-thirds of the General Assembly and by a vote of seven members of the Security Council. Consequently, any amendments proposed by a conference would still require ratification by all permanent members of the Security Council as well as by two-thirds of the United Nations.[39]

Dumbarton Oaks Conference did not include any provisions on trusteeship or colonial matters. Most of the details about this section of the Charter had to be developed at San Francisco. Two lengthy chapters on the trusteeship system including the Trusteeship Council were developed in San Francisco and Economic and Social Council were declared as one of the major organs.[40]

The United Nations Charter was signed on June 26, 1945 by the five members of the Security Council and all participating states and the United Nations became official as an international organization.

The Security Council was created as one of the major organs of the organization by the founders of the United Nations. While planning and writing of the UN Charter, the primacy of the security was generally accepted. Even though General Assembly was created at the centre of the United Nations, the big powers, which dominated both the war effort against Axis and post-war planning for an international organization, visualized the

---

[38] Robert E.Riggs and Jack C. Plano, **The United Nations: International Organization and World Politics,** California: Brooks/Cole Publishing Company, 1988. p:18
[39] A.LeRoy Bennet and James K.Oliver, p:55
[40] "History of the Charter of the United Nations: Dumbarton Oaks and Yalta", United Nations web page, available at http://www.un.org/aboutun/charter/history/dumbarton.shtml (15 April 2007)

Security Council as the paramount organ of the United Nations. They gave all the primary responsibilities to the Security Council as indicated in the UN Charter. Nothing seemed more certain to the framers than the logic of its role. While other organs of the United Nations only make recommendations to member governments, the Security Council has the power to make decisions which member governments must carry out under the United Nations Charter

When the UN Charter was being drafted, the end of the Cold War had not finished yet and discernable winners and losers of the war were not obvious. The disposition was for the victorious states, which were the world's great powers at the time, to exercise global leadership with a view to managing and governing the international system. In the realm of global peace and security, the objective could be more effectively served by the creation of a universal organization through the institutional framework Hence, the United Nations set up the Security Council as its dominant organ and beneath it the General Assembly and array of other bodies dealing with specific issues, such as the ECOSOC and the Secretariat.[41]

The principal role of the Security Council reflected the strong desire of the founders of the United Nations. They wanted to see it play an increasingly central role as the leading world forum for managing threats to the international order. To this end, the UN Charter recognized the Security Council as the organ with primary responsibility for international peace and security as indicated in the Article 24. It could be realized in three ways. First, it was the formulation of plans for the regulation of armaments as outlined in Article 26 of the UN Charter. Second, international disputes or situations which were likely to endanger international peace and security would be settled in a peaceful manner following methods set out in Chapter VI of the Charter although decisions of the Security Council would be framed as 'recommendations' and as such could have no legally binding effect on the members of the UN. Third, the Security Council was empowered to

---

[41] Dimitris Bourantonis,**The History and Politics of the UN Security Council Reform**, New York: Routledge, 1995, p:4

take enforcement action to deal with threats to the peace, breaches of the peace and acts of aggression as indicated in Article 1(1) of the Charter.[42]

Actually, the unity of the great powers is the core of the peacekeeping plan. The framers reasoned that as long as the great powers remained united in their desire to maintain peace and security, and as long as this desire produced a unity of purpose and fostered a unity of action, no other way power or group of powers in the world could stand against them. In some respects the Council was a modern reincarnation of the Concert of European System, which functioned sporadically to keep the peace in Europe during most of the nineteenth century. The Council's role was regarded by its architects as both natural and realistic, since World War II had reaffirmed the premise that war making and hence peacekeeping, is largely a great power choice.[43]

During the early months of UN history, the pre-eminence of the Security Council seemed likely to develop. During the first three years, the Security Council held an average of more than 130 meetings per year and debated a substantial number of critical political issues. The emerging of the Cold War, however, slowed down of the continued collaboration among the great powers that was necessary for effective Security Council action. Growing disagreement manifested itself in the increasing use of veto by Soviet Union. The lowest point of the Security Council activity was reached in 1959 when that body met only five times. In recent years, the Security Council's role and activity have considerably revived due in part to the common interests of the United States and the former Soviet Union in resisting mounting pressures of small, underdeveloped nations that can and often do, dominate voting in the General Assembly.[44]

At first, the Western powers held a majority on the Security Council. By virtue of a 'Gentlemen's Agreement' in 1946, two elective Council seats were assigned to Latin America and one each to Western Europe, Eastern Europe, Middle East and British

---

[42] Ibid, p:4
[43] Robert E.Riggs and Jack C. Plano. p.38
[44] A.LeRoy Bennet and James K.Oliver, p.71

29

Commonwealth, an arrangement that normally assured the West a working majority in making Security Council decisions.

In the late 1950s, pressed by demands for Asian and African representation, the United States succeeded in shifting the seat allocated for Eastern Europe to Asia. The shift proved to be only a temporary tranquilizer, however, as African, Eastern European and Asian states clamoured for greater representation. It provided for enlarging the Council from eleven to fifteen by increasing the elective members from six to ten.

Significant changes in the Council's composition have occurred on three occasions. In 1965, amendments to articles 23 and 27 of the Charter came into effect, increasing the number of elected members from six to ten.

In 1971 the General Assembly voted to remove the representative of the Republic of China (from 1949 on Taiwan) and seat the delegate from the People's Republic of China as the legitimate representative of China. Because the issue was presented as one involving which delegation would properly represent China rather than that of an admission or expulsion of a member, this issue required only action by the General Assembly and circumvented the inability of the Assembly to expel a member of the Council without the Council's endorsement (subject to veto), or the lack of an amendment to article 23 specifying the identity of the permanent members.

Similarly, there was no amendment to article 23 following the collapse of the USSR in 1991. In much less controversial circumstances the Russian Federation took place of the seat of the former.

The Cold War prevented the Security Council from functioning as a concert. In the early days of the Cold War, the US used the Council in its struggle against the Soviet Union. The Soviets continually vetoed resolutions, making the Council appear helpless to carry out its duties. In the 1970s and 1980s, the United States began casting vetoes as it also found itself at odds with most states in the Third World. The Security Council took

actions in spite of the Cold War. The two superpowers cooperated on some issues, including Arab- Israeli conflict. Collective security was implemented two times, one each in Korea and Kuwait. Sanctions were applied. [45]

With the end of the Cold War, the Council started to re-emerge as a functioning body. The announcement of Mikhail Gorbachev in 1987 that the Soviet Union was ready to reengage with the United Nations marked the beginning of a new era of Soviet cooperation with the Security Council and the US.[46]

3.2. The Power and the Functions of the Security Council

While describing an organ of an organization, it is necessary to mention its functions and powers to evaluate it. The functions of an organization mean its duties or tasks while power means legal basis, methods and measures undertaken to fulfil these functions.

The Security Council has firmly established its supremacy among UN organs in the field of peace and security. In both planning and writing of the UN Charter, the primacy of the Security Council is generally accepted. No literature can do better than the UN Charter in describing these functions and powers of the UN Security Council. Charter provisions directly relating to the UN Security Council's functions and powers are contained in Chapter V, Chapter VI, Chapter VII, Chapter VIII and Chapter XII. [47]

The Security Council is based on strong realist thinking about concerts.[48] Concerts can promote peace, since they can eliminate the dangerous outcomes associated with balance of power politics. There are two keys to a concert: only the big powers are to be included, and each power should become a member. The purpose of including only the big powers

---

[45] Robert S. Snyder," Reforming the Security Council for the Post Cold War Era", **International Journal on World peace**, vol. XIV, March 1997, p:5-6

[46] Mikhail Gorbachev, "Realities and Guarantees for a Secure World, Pravda", September 17,1987, (Reprinted in UN document A/42/574 18 September 1987)

[47] Full Text of UN Charter and Chapters are available at appendix and available at the website of the United Nations: http://www.un.org/aboutun/charter/ (20 April 2007)

[48] John J. Mearsheimer, "The False Promise of International Institutions", **International Security**, Winter 1994-95.p:5-49 cited by Robert S.Snyder, p:7

is that only they, and not the smaller powers, have sufficient interests and resources to handle security problems. The reason for making each big power a participant is that exclusion is a major reason for big power conflict.[49]

Power is important not only because it helps to determine states' interests but it is also necessary for collective action. In this respect, the primary function of the Security Council was determined to maintain international peace and security. In carrying out this function, the Security Council may place on its agenda for consideration any dispute, threat to the peace breach of the peace or act of aggression with due consideration to the principle of domestic jurisdiction.[50] In accepting the Charter, all members agree that the Security Council acts on their behalf and that they will carry out any Council decision. It means that, in theory, the Security Council decisions are binding but compliance is difficult to enforce. A preliminary difficulty of this function is the problem of reaching agreement among Security Council members on a firm and effective course of action in any given dispute or situation.[51] But the Security Council is not an organ with its own military forces armed with the weapons. Therefore, to fulfil the tasks, it has to call upon contributions of the UN members. Under Article 42 of the UN Charter, the Security Council has the power to order the use of force to maintain or restore peace and security[52] and it is the only United Nations organization that can authorize military action and maintain a military-trained peacekeeping force. In violent international dispute, the Security Council can send intervening peacekeeping troops to secure areas in turmoil.

Furthermore, the Security Council acts for the entire membership of the United Nations. Any state that threatens the peace and security of the world may be the object of the Council in theory. To that end, the Council has at its disposal several means of dispute resolution, ranging from mediation to military action. When a threat against international peace is brought to the attention of the Security Council, the Council first negotiates a

---

[49] Henry Kissinger, **A World Restored**, New York:Basic Books, 1957. p:1-7 cited by Robert S. Snyder p:7
[50] Article 39 of the Chapter VII is available at: http://www.un.org/aboutun/charter/chapter7.htm (20 April 2007)
[51] A.LeRoy Bennet and James K.Oliver,p:72
[52] Full Text of UN Charter and Chapters are available at appendix and available at the website of the United Nations: http://www.un.org/aboutun/charter.htm (20 April 2007)

settlement between the disputing parties. The council may use its own member delegations, refer the issue to discussion in the General Assembly, or appoint the Secretary-General, the head of the United Nations, to act as mediator.

However, if the disputing parties could not reach peaceful agreement and they use violence, intimidation, or force, the Security Council can endorse resolution to solve the conflict or restore peace including economic sanctions, such as trade embargoes or prohibitions on governments.. In the past, the United Nations had applied sanctions to nations in violation of non-proliferation of weapons agreements, or whose governments perpetuated human rights crimes. The Security Council also has the right to recommend expulsion of any UN member state that is in gross violation of the UN Charter and international law. However, it must be voted on and passed in the General Assembly to dismiss the state.

Peacekeeping forces are provided by various UN member states and directed by the UN commands. Peacekeeping forces should be neutral in all disputes and do not participate in the military agenda of any specific member state. The aim of peacekeeping troops in the international community is to preserve order, to protect civilian infrastructure and safety, and guard the delivery of humanitarian aid to better facilitate the diplomatic resolution of conflicts.

While the first function of the Security Council is to maintain peace and security, its secondary but important function is its participation in the elective process that it shares with the General Assembly. Before the General Assembly admits a state as a new member of the United Nations, the Security Council recommendation is necessary. Since admission of states is a substantive matter, any permanent member of the Security Council may block admission by a negative vote. The process of electing Secretary General is identical to the requirements for admission of members.

Certain other functions were regarded as having some relationship to security, selecting the judges of International Court, supervising the strategic trusteeship arrangements, the deprivation and restoration of members' rights and privileges.

3.3. Membership

The Security Council includes fifteen members. Five of them are permanent members and ten of them are non-permanent members. Five of the ten non permanent members are elected each year by the General Assembly for a term of two years. China, France, the Russian Federation, UK and USA are the permanent members. In electing the Council's non-permanent members, contribution of UN members to the maintenance of international peace and security and to the other purposes of the organization, and also to equitable geographical distribution are necessary. A retiring member is not eligible for immediate re-election.

Article 23 includes clear explanation about the membership of the Security Council.

1. The Security Council shall consist of fifteen Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council. 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.

2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members after the increase of the membership of the Security Council from eleven to fifteen, two of the four additional members shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.

3. Each member of the Security Council shall have one representative.[53]

The Presidency is held in turn by Council Member States in the English alphabetical order of their names, each holding office for one month.

By General Assembly resolution 1991[54], the Assembly adopted, and submitted for ratification by Member States of the UN, amendments to the Charter provisions relating to membership of the Council (articles 23 and 27). It was decided that the 10 non-permanent members should be elected according to the following pattern: five from African and Asian states; one from Eastern European states, two from Latin American and Caribbean states; and two from Western European and Other states.

These amendments came into force in 1965 and they have been ratified by more than two-thirds of UN members with all the permanent members of the Security Council.

3.3.1. Permanent Members

The major powers among the victorious allies of World War II intended to have a predominant role in maintaining international peace and security in the post war feature and countries at San Francisco and established a permanent membership.

The five permanent members as it is enumerated in the Article 23 are the United States of America, the United Kingdom, France, China and the Russian Federation[55]. These five states have continuous membership of the Security Council and Military Staff Committee.

---

[53] Article 23 of Chapter V are available at: http://www.un.org/aboutun/charter/chapter5.htm (21 April 2007)

[54] General Assembly Resolution 1991A(XVIII), "Question of Equitable Representation on the Security Council and Economic and Social Council, 17 December 1963, available at: http://daccess-ods.un.org/TMP/4205188.html (21 April 2007)

[55] The Union of Soviet Socialist Republics was originally a member of the United Nations.and a permanent member of the Security Council since 1945 upto its disintegration in 1990. In 1991 Russian Federation had a letter to the UN Secretary General to inform that the membership of the USSR in the Security Council and all UN organs is being continued by the Russian Federation.

The five Permanent Members sit continuously on the Council and they wield a veto, which allows them to block action on all substantive issues, including appointment of the Secretary General and revisions of the Charter. Furthermore, the possibility of exercising the veto on substantive proposals has meant that the permanent members are likely to be consulted during the process of drafting resolutions. Permanent members has tried to convince the others with the statement that they would not to be able to act by themselves since any decisions of the Council would have include the concurring votes of at least two but now four of the non permanent members.[56] The term 'Great Power Unity'[57] is sometimes mentioned in order to more or less describe the relationship among those five permanent members.

3.3.2. Non Permanent Members (Elected Members)

All members of the UN are declared to be sovereign and equal in Article 2(1). However, in reality all members are not equal because there is a contradiction between the principle of the sovereign equality of member states and the privileged position of five permanent members of the Security Council.[58]

Ten other members of the Security Council are distributed according to both Charter principles and non Charter agreements and rules. The members are elected by the General Assembly for two-year terms starting on January with five replaced each year. The Charter specifies that a member may not be immediately re-elected. The members are chosen by regional groups and confirmed by the United Nations General Assembly. The African bloc chooses three members; the Latin America and the Caribbean, Asian, and Western European and others blocs choose two members each; and the Eastern European bloc choose one member. Also, one of these members is an Arab country, alternately

---

[56] Sydney D.Bailey,**The procedure of the UN Security Council**, Oxford:Clarendon Press,1988. p:108-109
[57] Ian Hurd, "Security Council Reform", Bruce Russett (ed), **The Once and Future Security Council**, New York: St-Martin's Press, p. 141
[58] Hans Kochler, p.323

from the Asian or African bloc.[59] The seats were filled in succession by Yugoslavia, Greece and Turkey beginning with 1950s. In 1965, the first amendment was adopted which provided for an enlargement of the Security Council non permanent membership from six to ten.

The British delegation in Dumbarton Oaks Conference suggested that the Charter should specify that, in the election of non permanent members according to the military contributions of States to the maintenance of peace and security, but both the US and USSR had reservations of the proposal and the British delegate omitted the term 'military'.[60]

The election of non permanent members is one of the critical question for which a two thirds majority of the members of General Assembly present and voting is required according to the Article 18(2) of the UN Charter. It means that if a seat is contested, elections can be an everlasting and lengthy process.

3.3.3. Relations between the P-5 and E-10 in Theory

The issue of the relationship of the P-5 and E-10 depends on the right of veto because the basic difference of the two groups is the veto right of the P-5.Therefore, most of the academic writings focus on the main privilege of the P-5 - the veto right- which is given under article 27. The aim and functions of the veto right is examined in the last chapter. In this section, the relationship of the members who composed the Security Council with different power and responsibilities will be examined.

In the UN Charter all members are declared to be sovereign and equal according to Article 2(1). This Charter is composed of principles that all members of UN have to act, but in reality neither the members of the UN nor the members of the Security Council are

---

[59] To see the cuurent non permanent members and their Permanent Representatives please look at the Annex or it is available at http://www.un.org/sc/members.asp (22 April 2007)
[60] Sydney D.Bailey,p:112

equal. The permanent members of the Security Council possess veto right that non permanent members which are elected for two years don't have.

The UN Charter is still in effect and also a remarkable document which was written more than sixty years ago. It was designed considering the main weaknesses of the first half of the 20th century. The reason of the veto right and the privileges given to the P-5 was that they were the five victors of the Second World War.

There is another deeper analysis about the privileges given to the P-5 under article 27 of the Charter. The analysis was offered by Inis Claude in his classic work *Sword into Plowshares:*

> "The most celebrated of the special privileges granted to the Big Five, the right of veto in the Security Council, was not so much an instrument of great power dictatorship over small states a factor injected into the relationships of the great powers among themselves… At San Francisco the small states accepted the superiority of the mighty as a fact of life. Their second objective was to ensure that all of the great powers would accept their place in the leadership of the new organization; in this they were successful, and this fact was perhaps the major basis for the hope that the United Nations would prove more effective than the League. Their second objective was to constitutionalize the power of the international oligarchy; toward this end they achieved the incorporation in the Charter of a surprising array of limitations upon collective decisions by the great powers which were implicit in the rule of unanimity. The third objective was to gain assurance that the most powerful members would initiate and support positive collective action with and on behalf of the organization in times of crisis; in this respect there were serious apprehensions of failure, based was largely upon the fact that the veto rule foreshadowed the possible paralysis of such undertakings."[61]

Shortly, in the perspective of Claude's analysis, the veto right serves only to the great powers who committed themselves to the principles of the UN Charter so they found a

---

[61] Inis Claude, **Swords into Plawshares: The Problems and Progress of International Organization**, 2nd edition, New York: Random House Publishing,1963, p:81-82 cited by Kishore Mahbubani, "Permanent and Elected Council Members", in David Malone**, The UN Security Council: From the Cold War to the 21st Century**, Boulder: Lynne Rienner Publishers, 2004,p:255

right to act on behalf of the collective security. Under Article 27, P-5 achieved an implicit political compact which is between the mighty and not-so mighty.

Harold MacMillan, who was the prime minister of the United Kingdom between 1957 and 1963, observed the Security Council as a cabinet of the world which was constituted by great powers.[62] The importance of the veto right is to secure the great power commitment. Later, in 1962 he complained about the Russian veto. The whole foundation on which the United Nations was built has been undermined because the effective operation of the Council has been made impossible by the Russian veto. The council has been made impotent because conditions which were developed were totally contrary to what was thought likely at San Francisco in 1945. In 1945, especially the United Kingdom insisted on the veto right because without veto right there would be no United Nations at all. In 1962, the prime minister of the United Kingdom complained against the veto which was casted by Russia. This record shows that the veto right has accomplished the purpose of achieving great power commitment to the United Nations since 1945.

Although the veto right was undermined by the members of P-5 and hindered the great power commitments during the Cold War, any P-5 countries did not walk away from the United Nations. However, the United States was at the height of its disillusionment with the United Nations, it is still the member of the P-5 because the membership of the Security Council and veto right provide a privilege of significant control over a global institution.

However, the Security Council does not include only P-5 countries. Ten elected non-permanent states are the members of the Council with different responsibilities from the P-5 countries. The failure point of the Council is the responsibilities associated with the membership of the Council. There is no consensus in practice what the responsibilities are, so the absence of this consensus brings about a serious weakness for the organization. The veto right of the P-5 and the absence of a widely shared understanding

---

[62] Andrew Boyd, **Fifteen Men in a Powder Keg: A History of the UN Security Council**, New York: Stein and Day, 1971,p:62-63

of responsibilities of permanent and non permanent members demonstrate that this weakness has hurt the Council.

3.3.4. Relations between the P-5 and E-10 in Practice

In a theoretical approach, the weaknesses of the relationship between the P-5 and E-10 could be examined in two aspects. They are the veto right and the shared understanding of responsibilities. This structural weakness of the Security Council has resulted with a dichotomy in the Council in practice. This dichotomy is the share of power and responsibility. Actually, in the Council the P-5 has been given power without responsibility and the E-10 has been given responsibility without power. The relationship of the two groups is built on this structure and this structure caused unhappiness among members except P-5 countries. The reason of the unhappiness is the exclusion of elected non permanent members from the decision making process on certain issues.[63]

This structural weakness of the Security Council came to the agenda especially after the Cold war when the Council began to become more active and often more effective in the 1990s. This is a paradox that the Council, from its creation to the end of the Cold War, was paralyzed by the dynamics of the Cold War. The dynamics were applied to prevent any effective action by the United States or the Soviet Union. The veto right of the superpowers was an important tool to balance the Cold War and was a power to use each others' vetoes in their propaganda battles. The respective positions of the fifteen members in the Cold War would determine their role in this political arena. There was no divide between the P-5 and E-10 during the Cold War, because the P-5 countries were divided between themselves. But the balance between P-5 countries with the end of the Cold War has changed because the new world context created a new dynamic. The dynamic which does not include two polar sides does not divide the P-5 into two.[64]

---

[63] Kishore Mahbubani in David Malone, **The UN Security Council: From the Cold War to the 21st Century**, Boulder: Lynne Rienner Publishers, 2004,p:256
[64] Ibid,p:256

Javier Perez de Cuéllar who was the UN Secretary General sensed a great opportunity for P-5 to work together and to find solutions to long-standing conflicts. The Iran-Iraq War and the Gulf War in 1991 are good examples for the permanent members' acting together. The act of Resolution 598 which was to end the Iran-Iraq War is an earliest example of a new kind of P-5 diplomacy. But the main example which encouraged President Bush to say "New World Order" was Gulf War in 1991.[65] There was a strong endorsement of the Security Council which was a major reason for the international community's strong and united response to Iraqi invasion to Kuwait. The success in the Gulf War did not continue. The case of Yugoslavia was full of painful and bitter failures that there was not enough active or passive response to the killings in Bosnia. The short term national interests of the Council members without regard to the interests of the international community caused the Council's catastrophic passive responses. Shortly, the principal reasons of the failures were actions or non actions of major powers.

In the formal decision making process of the Security Council which includes both P-5 and E-10, there are not any distinctive differences and most decisions have been made by consensus. However, Kishore Mahbubani who was the United Nations' ambassador of Singapore and presided over the Security Council in January 2001 and May 2002 claimed that he could not point a specific instance where the elected members were treated disrespectfully or as second class citizen by the P-5 but structurally, however, the E-10 have been an extreme disadvantage in the Council's deliberation and decision making procedures.[66] The first difference and disadvantage situation is the power of the P-5 member states. Especially, it is said for the United States that the Security Council is dominated by the United States. Although E-10 representatives come from the states that have larger economies like Germany and Japan, there is no change in the domination of the P-5 because the power which P-5 member states have, comes from their position in the Council.

---

[65] Ibid,,p. 256
[66] Ibid, p. 258-9

Russia and China are the second most important countries in the United Nations because of their national powers-military power and population. The United Kingdom and France follow activist roles in the Security Council with their active foreign policy and they are trying to be leader in the issues far away from their national borders. They do not want to loose their activism in the Council that they want to continue their membership in the Council. They were the winners of the World War II which was more than sixty years ago and they are still the permanent members. What is it in question whether permanent membership should still be conferred only on the victors of the World War II almost six decades later?

Thomas Franck observed the tendency of those countries, United Kingdom and France, from using their formal veto power and notes that self-restraining practice, which have come to be unjustified illustrated their consciousness of the role of coherence in legitimizing the system of rules which is the United Nations Charter: a legitimacy in which all members have a stake.[67]

Secondly, the veto power of the P-5 although it has been rarely used in the Security Council nowadays, it is obvious that E-10 are the disadvantaged with the lack of the veto right. The veto right has been rarely used in the formal use but in an informal use, this right gives advantage to P-5 member states. For instance, despite the Charter provision stating that the veto should not be used for procedural issues, in November 2002 the United States delegation blocked the procedural proposal for a dialogue between the United Nations Security Council and the President of International Court of Justice. Although a majority of the Council was in favour of this dialogue, the United States exercised in effect a closed-door veto. This is only one example but the P-5 member states are allowed to use their veto implicitly in many closed-door consultations. Because of that situation of the P-5 member states, the Council rules of procedure remain 'provisional' after nearly six decades that the P-5 member states have still refused all efforts to remove the 'provisional' label.

---

[67] Thomas M Franck, **The Power of Legitimacy Among Nations**, New York: Oxford University Press, 1990 p:178 cited by Kishore Mahbubani , p:259

An anecdote was explained by Kishore Mahbubani that they made several procedural suggestions to improve the working methods of the Security Council with expectations of positive response. However, the response was not positive. The comment of the private representative of the P-5 was that the 'tourists' were trying to change the arrangements of the Council. The elected members of the Council were seemed as a tourist or short-term passengers on a long distance train.[68] This comment shows that the P-5 member states own the Council. In the eyes of the P-5 member states, the elected members should make no claim of co ownership although E-10 members are elected by 191 member states of the United Nations.

The other example is about Afghanistan. In the spring 2001, the absence of a comprehensive policy by the Council on Afghanistan came to the agenda. A few elected members emphasized the limited sanctions on the Taliban regime, but some of the P-5 member states found it valid and determined that Afghanistan was a strategic orphan. September 11, 2001 changed everything and Afghanistan promoted from strategic orphan to strategic priority.

"We, the peoples of the United Nations"[69] It is suggested in the opening words of the United Nations Charter. The question is whether the Security Council is owned by the P-5, or by the whole Security Council or all 192 members.

3.4. Working Methods

The Security Council is part parliament, part secret diplomatic congress. Its procedures and working methods can be puzzling and mysterious. While the Council votes on its decisions in public meetings, it spends much of its time in private informal consultations, where ambassadors discuss, negotiate, persuade and pressure their colleagues without the

---

[68] Kishore Mahbubani, p.259
[69] The Charter of the United Nations, United Nations, available at: http://www.un.org/aboutun/charter (21 April 2007)

participation of television crews and newspaper reporters and, of course, the rest of the UN's member states.

All members of the United Nations with Article 23(1) of the Charter have conferred on the Security Council primary responsibility on maintaining international peace and security and have agreed that the Council acts on behalf of the whole members. In order to discharge its responsibility for world peace and security, the Council should be so organized to be able to function continuously. All members of the Council must be represented at all times at the seat of the organization as explained in Article 28(1).

Unlike other United Nations organs, the Security Council is in permanent session and meets whenever a need exists. The responsibility for convening a meeting of the Council is laid upon the President for the time being, the presidency rotating monthly in English alphabetical order of the Council's members. The formal procedure for calling meetings lay down in the Rules of Procedure, but in practice the President's decisions are normally taken after informal consultations.[70]

The Charter provides that all decisions on procedural questions are made by an affirmative vote of any nine members; thus permanent and elected members have equal voting on all procedural questions. On all other or substantive matter, the Charter specifies decisions shall be made by an affirmative vote nine members including the concurring votes of permanent members.[71] Clearly, the words of the Charter state that substantive decisions require a yes vote of all five permanent members. It is possible to block a matter of substance which is supported by at least nine members of the Council if a permanent member cast a negative vote that constitutes a veto.

---

[70] Sydney D.Bailey,p:21
[71] Robert E.Riggs and Jack C. Plano. p:39

44

3.4.1. Veto Power

The voting arrangements of the Security Council were determined with a compromise between the United States, the Soviet Union and the United Kingdom in Yalta Conference in 1945. The veto system was established to protect the interests of the founding members of the United Nations, which were the victorious powers of World War II. At the UN founding Conference in 1944, it was decided that the representatives of Britain, China, the Soviet Union, the United States and France should be permanent members. France had been defeated and occupied by Nazi Germany, but its role as a permanent member of the League of Nations, its status as a colonial power and the activities of the Free French forces on the allied side allowed it a place at the table with the Big Four.

During the negotiations at the San Francisco Conference between 25 April and 26 June 1945, most of the small and medium sized countries objected the privileged status of the permanent members, but the permanent member states defended the veto right as a prerequisite for the creation of new world organization. The great powers believed that they should play a dominant role in order to make the new body workable. Furthermore, they are convinced that their privileged status entailed a primary responsibility with regard to the maintenance of international peace and security. As the representatives of Libya said that the veto has merely the child of a secret meeting.[72]

Eventually, the founding members were forced to accept the codification of the proposed balance of power through the insertion of Article 27 of the UN Charter. The aim and power of the veto right is explained in the Article 27 of the UN Charter as[73]:

1. Each member of the Security Council shall have one vote.
2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members.

---

[72] Sydney D.Bailey,p:21
[73] The UN Charter and articles are available at http://www.un.org/aboutun/charter/chapter5.htm (22 April 2007)

3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

Article 27(3) is the rule of Great Power Unanimity. It is more often than the right to say 'no'. Ironically, France had earlier advised a restriction in the veto power in May 1945.[74] However, it left this idea when it was awarded permanent membership.

The number of vetoes have been cast by permanent members in the period between 1946 and 2007 is 261.[75] As a result, more than 200 resolutions have been rejected. 123 of the 261 vetoes have been cast by Russia and 82 of them by the US. [76] While between 1996 and 2007 the US holds the record with 12 vetoes, Russia have been cast only two vetoes.

The numbers which mentioned above are the vetoes have been directly cast but examining the use of the veto power is not easy undertaking. Generally states failed to provide clarification of their exact motives for casting a veto. Even when states do give a public explanation, this will not necessarily correspond to the real reason. On the other hand, the use of hidden veto whereby a permanent member threatens to use its veto if a certain measure or statement is put to the vote.[77] The hidden veto is used mainly in closed door informal consultations, rather than in open meetings. The expression of double veto is used to describe a succession of two negative votes. It is used when a permanent member casts a negative vote in a decision to be taken regarding the preliminary question as to whether or not a certain matter is a procedural one and after this preliminary vote, the same permanent member casts another negative vote in the non procedural decision itself.[78] The controversy about the double veto is still unresolved today. However, the

---

[74] Statement of the Ambassodor Tello of Mexico in the United Nations on the Veto Mexican Mission to the UN, 21 April 1998, available at: http://www.globalpolicy.org/security/docs/mexrefmp.htm (23 April 2007)
[75] Changing Patterns in the Use of the Veto in the Security Council is available at: http://globalpolicy.igc.org/security/data/vetotab.htm (23 April 2007)
[76] Ibid, available at: http://globalpolicy.igc.org/security/data/vetotab.htm (23 April 2007)
[77] Céline Nahory, "The Hidden Veto", Global Policy Forum web site,May 2004 available at: http://www.globalpolicy.org/security/veto/2004/0519hiddenveto.htm (24 April 2007)
[78] Yuen-Li Liang, "Notes on Legal Questions Concerning the United Nations: The so-called Double Veto", **The American Journal of International Law**, vol.43, no:1, January 1949 p:134 available at:

double veto has not been used since 1959 due to an informal agreement between the permanent members. It hardly needs that double veto is not a device to enable a permanent member of the Council to block a procedural decision.

http://links.jstor.org/sici?sici=00029300%28194901%2943%3A1%3C134%3ATS%22V%3E2.0.CO%3B2-T&size=LARGE&origin=JSTOR-enlargePage (28 April 2007)

4. WHY IS SECURITY COUNCIL REFORM NECESSARY?

4.1. The Meaning of Reform for the United Nations Security Council

In September 2003, the UN Secretary General, Kofi Annan, announced that the UN needs reform to be adequate for the 21st century geopolitical realities.[79] Annan states this because the geopolitical realities of the Cold War and 21st century are totally different from each other. The United Nations was established during the World War II; hence it involves the necessities, norms, issues and challenges of this situation. This is the unique feature of the development of the Security Council that it had established during a major war. The most important impact of this situation is that the major powers that won the war had an overriding impact on the deliberations concerning the nature of the organization. That is to say, they put themselves as more sovereign than the other states and see themselves as an 'elite group".[80] As a result, soon after the UN and especially Security Council was established, reform desires by the "non-elite" groups have started and various Secretary- Generals have carried out these reforms.

Reformation of an international organization decision making body is not a new consideration. A central issue for global security organizations since 1815 has been the character of its central decision making organ, especially its membership and its voting rules. The Vienna Congress in 1815 found that the membership of Concert of Europe would be confined to great powers and decisions would only be made by unanimous decisions. The Hague Peace Conference in 1899 and 1907 introduced the need to include large numbers of non-great powers in deliberations over the basic norms and institutions of the international security order. The League of Nations could not be successful and the United Nations was established with the inclusion of veto right. Therefore, reform for an organization is inevitably necessary that should be faced periodically for its progress.

---

[79] Bardo Fassbender, "Security Council Reform" In David Malone (ed) **The UN Security Council: From the Cold War to the 21st Century**, Boulder: Lynne Rienner Publishers Inc., 2004, p.341

[80] Barbara Crossette, "At the UN., a drive for diversity," New York Times, October 24 cited in James A. Paul, "UN Reform: An Analysis", Global Policy Forum web page, 1996, available at www.globalpolicy.org/**reform**/**analysis**.htm (16 January 2007)

However, what the reform means in general and what it means for the United Nations in particular is very important. In this respect, before answering why reforms are necessary, it is important to explain what reforms are in theoretical perspective.

In theory, reform is the purposeful act of modifying the structure, composition, decision making procedures, working methods, funding or staffing of an institution in order to enhance its efficiency or effectiveness in advancing its core goals and principles.[81]   In terms of the United Nations, this would encompass those steps intended to make the Organization more efficient, more effective, more legitimate, more representative and more capable of fulfilling the purposes laid out in Article 1 and Article2. However, reforms are a constant process at the UN and old reform efforts are often considered incomplete and unsuccessful because reform does not come easily to the organizations for various reasons.

The United Nations is a highly complex, decentralized and multi faceted organization that must work within the context of agreement among members. Member states are rarely united behind specific reform goals, often possessing different ideas that make them difficult to attain.[82] Actually, 'reform' itself is a recondite term in the UN context that seems to encompass any and all changes made to the UN. 'Reform' is also a term that can be measured or wholly achieved and reforms are difficult to achieve because they take time, patience, political capital and resources that are often not available. The difficulty with reform also reflects the deep seated political disagreements that continue among actors in the global stage as James Paul summarized: 'In a world divided by chasms between rich and poor, powerful and powerless, differences of interest are certain to shape all reform efforts and keep the UN a contradictory and divided institution.'[83]

---

[81] Edward Luck, "Reforming the United Nations: Lessons from a History in Progress", International Relations Studies and the United Nations, 2003, p:4 available at: www.globalpolicy.org/reform/intro/2003history.pdf (10 January 2007)
[82]Ibid, p:1
[83] James A. Paul, "UN Reform: An Analysis", Global Policy Forum web page,1996, available at www.globalpolicy.org/**reform**/**analysis**.htm (16 January 2007)

Even though, it is inevitable for the organizational agendas and structures to be ultimately shaped by the power relations of the players that make up the organization, decision making structures of the UN give developed countries a much greater decision making as compared to developing countries. Moreover, the UN, as the premier global governance institution and the Security Council, as the decision-making body of the UN, gave a much greater decision-making right to victorious states of the World War II. However, it should reflect the changing world structure and the increasing share of the developing countries in the global economy.[84]

Before concluding the part, it is significant to know that reform can not be achieved by an "a-la-carte" method of keeping the old and supplementing with the new. It calls for a complete revamping of existing institutions, structure, practice, convention and assumption which are showing signs of losing relevance in the face of this global reality that we are facing.[85]

4.2. Current Criticisms of the Security Council: Requirements for the Reforms

Interstate relations are changing so rapidly that many scholars are now asking that states will meet challenges of the new century. With the changing interstate relations, the scholars are debating how these changes have direct impact on the role of the Security Council because the United Nations Security Council is no exception to the general rule that every organization needs periodic reform or reorganization. However, actually little was done about the United Nations reform until the early 1990s, when the end of the Cold War opened up possibilities for change. With the end of the Cold War, the period became different for the work of the Security Council. The differences of the agenda created a demand for significant change in the Security Council. This dramatic change caused many countries to review the pattern of their international relations in general and their

---

[84] "Meeting the Challenges of UN Reform: A South Perspective", The South Centre Analytical Note, Doc No:SC/GGDP/AN/GPG/1, August 2006, p:1 available at: www.southcentre.org/publications/AnalyticalNotes/GlobalEconomicGov/2006Aug_UN_Reform.pdf (10 January 2006)
[85] Lloyd Axworthy, "Making the Case for Change", in Paul Heinbecker and Patricia Goff (ed): **Irrevelant or Indispensable**, Waterloo: Wilfrid Laurier University Press,2005, p:170

participation in the United Nations in particular. This behaviour of the member countries resulted with their insistence on the United Nations reforms.

Thence, many ambassadors at the UN complain that the Council is not representative and is unresponsive to their concerns. Their criticism is not new. There was a lot of unhappiness when the US and Britain systematically blocked Council action to impose economic sanctions on South Africa during the 1980's; when France and Britain blocked action on Suez in 1956; when the US refused action on Vietnam in the 1960's and '70's; or when the Soviet Union prevented action on Afghanistan in the 1980's. On the other hand, the opposition is more vocal today because the Council, rather than failing to act, is now acting--in ways that often seem motivated by geopolitical interests of major powers.[86]

Subsequently, many ambassadors disagree with Council actions on Bosnia, Somalia, Haiti, Rwanda and other crises that generally on the grounds that the special concerns of the Permanent Members (especially the United States) take precedence over the norms of international law and the majority view in the international community. They reasonably think these crises would have been handled better in a more open and democratic Council, where the voices of less powerful members could be heard and could have a serious influence.[87]

Furthermore, the event which demonstrates the heel of Achilles of the Security Council to the people of the world is the Council's role in the Iraqi unconventional disarmament in 2002, November. It makes the Security Council an important actor of international relations. Even though the subsequent debates on Iraq issue disposed the Council's inefficacy because the Council could not provide the disarmament of Iraq, it could not prevent American unilateral action on Iraq. The United States started to seek additional troop contribution from its allies. This difficult position forced the Security Council to legitimate the American action to Iraq. Hence, this event revealed the weaknesses of the

---

[86] James A. Paul, p:3 available at , available at www.globalpolicy.org/**reform**/**analysis**.htm (16 January 2007)
[87] Ibid, p:3

51

United Nations as an organization and also exposed the necessity to reorganize the Security Council. The representative of Iraq, Mohammed Aldouri, in the Fifty-sixth General Assembly in 2001 added and showed the need and urgency for reforms which is greater than ever. In this respect the words of Mohammed Aldouri is meaningful. He said that unless the Council reformed, it would face 'more Palestines and more Afghanistans' and international security would be totally destroyed."[88] He was right because after a year later, the US and its allies leading by Great Britain, invaded Iraq without the consent of the Security Council.

In September, 2003, Kofi Annan, former UN Secretary General, called for the reform of the Security Council. He states that "the council's composition 'seems at odds with geopolitical realities of the 21st century', and then he continued:

> "I think that the need for Security Council reform is not questioned. However we have to come to fork in the road. This may be a moment no less decisive than 1945 itself, when the United Nations was founded. I think the time is ripe for a hard look at fundamental policy issues, and at the structural changes that may be needed in order to strengthen them. History is a harsh judge it will not forgive us if we let this moment pass."

He explained the rhetoric that now we must decide whether it is possible to continue on the basis agreed upon or whether radical changes are needed. The underlying reason of this speech is that states are not obliged to wait until there is agreement in the Security Council. Instead they reserve the right to act unilaterally or in ad hoc coalitions. He added that the logic represents a fundamental challenge to the principal on which, however, imperfectly, world peace and stability have rested for the sixty two years.[89]

---

[88] More Delegates Urge Restriction of Security Council Veto, as General Assembly Concludes Reform Debate Other Changes in Working Methods also Called for As Needed Response to Changing International Situation,Doc No: GA/9945, Fifty-sixth General Assembly Plenary 36th Meeting, 1 November 2001 available at: http://www.un.org/News/Press/docs/2001/ga9945.doc.htm (20 January 2007)

[89] Richard Falk, "United Nations Reform: Where is Kofi Annan's fork in the road? Over the Horizon", The Transnational Foundation for Peace and Future Research, 8 December, 2006,available at: http://www.transnational.org/SAJT/forum/meet/2006/Falk_ForkMetaphor.html (20 January 2007)

His purpose is to make the Security Council more effective and reorganize it according to the geopolitical realities of the 21st century that the Post-Cold War global and geopolitical situation of world presents a new set of challenges and requirements. The biggest visible effect was the dissolution of the Soviet Union which was one of the most important members of the P-5, affected the balance of the Security Council. First, the Western and Eastern European countries were seen as part of the single bloc, a new actor. Europe totally became the increasing power of the Security Council and their collaboration strengthened the Northern power in the Security Council. Second, with these structural changes in the world context, Security Council began to intervene civil conflicts more than it had happened in the past. Third, Security Council was no longer a stage for a superpower rivalry. However, experiences after the Cold War amply showed us that it is still premature to expect systematic collective enforcement operations commanded by the UN. The UN lacks resources and infrastructure and above all supports from member states for ambitious but politically controversial operations.

Since its establishment, the Security Council has come to be increasingly regarded as unrepresentative of the peoples of the world and the allocation of power, within that body is now widely regarded as both unrealistic and unfair. As a consequence, the legitimacy of many Council decisions is questioned. It is necessary for the Council no to be unrepresentative and all states should be equally represented, although the expanded Council will cause to question the efficiency and effectiveness of the Council.[90] As a result of all these developments, many states discuss the necessity of the reforms. In this chapter, the needs for reforms will be evaluated with major criticisms of the member states. The criticisms are generally about the composition of the Council or membership and the working procedure or decision-making process.

---

[90] Joseph E. Schwartzberg, **Universal Regional Representation as a Basis for Security Council Reform**, New York: Ralph Bunch Insititute, Twentieth Anniversary Meeting of the Academic Council on the United Nations System, June 2007,p:2

4.2.1. The Lack of Representativeness

Article 24(1) of the UN Charter confers the legitimacy of the Security Council for its actions on behalf of all United Nations members. That means the present fifteen members of the Security Council could act on behalf of 192 members of the United Nations. More important the decisions which were taken by Security Council are different from the other UN organizations because they are binding on all UN members. Therefore, in order to Security Council's decisions entering into force, the Council needs a broad based support. In order to provide broad-based support, it should be enlarged.

The Security Council needs to be enlarged to be more representative because its composition does not reflect the actual distribution of power in the international system. The purpose of the composition is economical, geographical and demographic balance of the states and the aim with the actual distribution of power is the contribution of states' to maintaining peace and security. In this respect, the Security Council is under representative in two senses.

First, the need for the Security Council to attune the geopolitical realities of the 21st century was clarified. In the perspective of this geopolitical standpoint of the 21st century, the permanent members of the Security Council are from Europe or European associated like the United States except China. In other way, P-5 states are from the Northern side of the world and none of them from the Southern hemisphere. Only 46 percent of the states are European or European associated. The population of Europe or European associated states is only 20 percent of the world population.[91]

In 1963, the number of the United Nations members increased from 51 to 112 and after the Cold War it raised to 192 members. As new nations were accepted into the organization, the representativeness of the Council's membership declined substantially. While the number of states has almost quadrupled, their geographic distribution has

---

[91] Bruce Russett, Barry O'Neill and James S. Sutterlin "Breaking the Logjam." In Bruce Russett (ed): **The Once and Future Security Council**, St-Martin's Press, New York, p. 156

shifted radically. For example, Africa was represented with 4 states in 1945 which was 7.8 percent of the total, now it has 53 members which is 27.7 percent of the total.[92] What is more, most of the new member countries are post communist or post colonial. They suffered from poverty and ethnic violence. Such states often lack the institutional and financial resources to deal with their problems and they need support but they fear that the developed states and member of the P-5 will try to control them because the very effectiveness of the Council has fostered fear of domination by the P-5 member states, especially the United States so it results with the dissatisfaction of the member states. Lack of representation makes the Security Council as an undemocratic institution in the eyes of many member states.

Secondly, the geopolitical situation of the United Nations has changed in terms of militarily and financially. The five members of the permanent membership were determined according to the result of the World War II. The countries which were the most powerful states after the World War II, became the permanent members. However, more than sixty years passed over the World War II. The United Kingdom and France have declined from being of world powers. Russia fell into an economic and political crisis with the dissolution of the USSR. They have retained their exclusive status in the Security Council because they claimed that they no longer have the capacity to play an international leading role from winning the war but now legitimacy accrues more those who can prevent or end wars.

In the meantime, Germany, Japan and some developing countries made a lot of contribution to conflict prevention and peace building. Not only their contributions to conflict prevention and peace building but also their economic contribution to the United Nations makes them to insist on the reforms. If it is necessary to give a case in point, Japan is the second biggest economy country after the United States and second larger contributor to the United Nations.[93] It contributes more than to the UN regular budget

---

[92] Joseph E. Schwartzberg, **Universal Regional Representation as a Basis for Security Council Reform,** p.3
[93] Masayuki Tadokoro, p: 129 in Bruce Russett

than four permanent members combined (China, France, Britain and Russia) that its monetary contribution constituted 19.63 percent of the UN budget in 2001.[94]

Germany is Europe's biggest and the world's third largest economy. After unification with the end of the Cold War, Germany has grown to be the biggest European country in terms of population while retaining the primacy as to GDP and economic power in general. Speaking globally in terms of economic strength, Germany is nowadays one of the world's biggest powers and largest contributor to the UN budget with a share of 8,7% on the total amount paid by UN members.[95] Furthermore, it has begun to play an increasingly active role in world affairs. It has served as non permanent in the Security Council four times since its inception in 1973. Germany has repeatedly denounced the under representativeness of the Security Council stressing the fact that, being one of the main financial contributors.

Notwithstanding, India is one of the largest contributors of the United Nations in peacekeeping troops that it is the world's biggest democracy with its population over than one billion. It is also nuclear armed although its nuclear status is outside the Non-proliferation Treaty.[96]

While economic power of the states is an important component of legitimacy of the Security Council in maintaining international peace and security, population is the other criterion. Thus, more than a fifth of the original 51 members were represented on the Security Council when it was convened. In 1946, the population of 11 initial Security Council members collectively composed 63 percent of the total population of all member states. P-5 member states were nearly 56 percent. As the number of member states increased, the proportion immediately started to decline.[97] On the other hand, as the number of member states has increased because of post colonial and post communist

---

[94] Joseph E. Schwartzberg, **Revitalizing the United Nations Reform Through Weighted Voting**, New York and the Hague: Institute for global Policy, 2004. p:61

[95] See the UN annual scale of assessment for 2006. UN Doc. ST/ADM/SER.B/668, 27 December 2005.

[96] Shairi Mathur,,**Voting for India: India in a Reformed UN**, London: Foreign Policy Center, 2005, p:6

[97] Joseph E. Schwartzberg, **Universal Regional Representation as a Basis for Security Council Reform,** p.29

dissolution, the lack of representation of post colonial and post communist countries especially from the Southern hemisphere decreases the effectiveness of the Council. Meanwhile, for instance, the population of India is bigger than that all of Africa.[98] Moreover, the small island with a population of 1,2 million, has served four years for the Council no fewer than Indonesia with a population of 211 million which ranks in the forth stage as the most populous stage.[99]

The implication of equal representation and democratic distribution to be more legitimate is very difficult because to treat equal to all members with different population, economic power and military power from different regions is impossible. For instance; would it be democratic to give the same say to China with its population over one billion and Malta under one million. Would it be democratic to give equal weight to small countries whose contribution is less than 0.01 percent? Would it be democratic that all P-5 member states are from the Northern hemisphere? The equal regional representation is very difficult that most of the countries in the same region have similar interests so they are competitors like Argentina and Brazil, or more than competitors like India and Pakistan. The enormous heterogeneity of the world is a barrier of an equal, fairness and democratic organization but it is essential for the United Nations to be regarded as a legitimate organization, because its power and authority depends on its legitimacy. As the Minister for Foreign Affairs of Singapore addressed:

> "If the new Security Council is really to reflect the current international distribution of power, it should logically entail the relegation of some from the elite as well as the anointment of others. Even if some were to be so elevated without necessarily displacing others, the expansion of the small group of the select would imply the relative diminution of the status of the current permanent members."[100]

---

[98] Ramesh Thakur, "United Nations Security Council Reforms", Paper prepared fort he lecture in the Institute for Security Studies, Pretoria, 18 November 2004, available at: www.issafrica.org/seminars/2004/1811unsc.pdf (20 June 2007)

[99] Joseph E. Schwartzberg, **Universal Regional Representation as a Basis for Security Council Reform,** p.30

[100] Speech by Mr. Wong Kan Seng, Minister for Foreign Affairs of the Republic of Singapore, at the 48th Sess. of the General Assembly, 6 October 1993, available at: http://globalpolicy.igc.org/security/reform/secwg7.htm (15 February 2007)

However, it is not clear how best to make the Council more representative. It has been debating through proposing new plans but none of them could response the question of adding new permanent members. The case of adding permanent seats for Germany and Japan is widely believed to be very powerful. Both those states have larger populations than the UK and France, but there is no consensus on who should be the new permanent members. As a result, representation on the Security Council has become an issue of great importance to many member states that "if the Security Council is to regain credibility, particularly with the world's poorer countries, it must be more representative."

4.2.2. Legitimacy, Efficiency and Effectiveness

Whenever scholars talk about reforming the Security Council, the first thing that comes to peoples' minds is the enlargement of the Security Council and whenever the issue of the enlargement of the Security Council is observed, efficiency and effectiveness of the Council comes to peoples' minds. In this context, for any international enforcement action to be efficient and effective, it must be legitimate. It means that the Council should take informed judicious and timely decisions and should play a strong role which mentioned in the Security Council Charter as to the maintenance of international peace and security. To provide international peace and security, member states should comply with the decisions of it. Moreover, it is not a problem for the Council who has enough financial, military and diplomatic support from all member states to implement its decisions effectively. In this respect, the authority of the Council is necessary for member states to obey the rules and decisions.

At that point, what the question is whether the authority of the Council can long endure if its structure remains unchanged or in an enlarged form it would retain the efficiency and effectiveness on which its authority also depends. In this respect, legitimacy question emerges because it is not easy for any powerful states or coalition force all sovereign states to obey its commands. It is not easy for an organization which has 192 member states to sign consent on the basis of its legitimacy because some predominant states recognize that they have more rights than the others. Most member states want efficient,

timely and judicious decisions as the Council wants financial, military and diplomatic support from its members and to implement its decisions effectively. However, the conflict in Iraq and especially the way it was handled in the UN Security Council, has brought a head number of long-standing questions regarding the effectiveness and legitimacy of this institution.[101]

One of these criticism which Christopher Hackett, the representative of Barbados, stated in the Fifty-ninth General Assembly Plenary, 28th and 29th meetings that:

> "Last year's Security Council deadlock over Iraq, and the eventual decision of a group of Member States to pursue a partisan approach despite the deadlock, threatened the principle collective security as enshrined in the Charter, as well as the legitimacy of the organization. All members of the UN, large and small, had a stake in Council reform because the meaningful way to ensure international peace security lay in a collective response to global challenges and crises."[102]

According to Hackett, the Council needs to be reformed so it could serve as an effective and legitimate tool for the maintenance of international peace and security. It means that the Council has to have the capability to reduce and contain threats to international peace and security. However, the military resources for the UN are questionable. Recently, the Iraq crisis and the Balkan Wars of the 1990s highlighted the continuing shortcomings of the Council's operating procedures. The Balkan conflict highlighted the several flaws within the UN structure and the discrepancies between the purposes of the Security Council and the resources of the UN forces. It was the time for the organization to make some of the tough decisions on Council reform, the time to use the Security Council for the purpose for which it was created according to UN Charter.

---

[101] Bruce Russett, Barry O'Neill and James S. Sutterlin "Breaking the Logjam." in Bruce Russett (ed) **The Once and Future Security Council**, New York: St-Martin's Press, p. 154

[102] Delegations Agree on Need for Security Council Reform, Differ on how to Proceed, as General Assembly Concludes Three-Day Debate, Doc No:GA/10276, Fifty-ninth General Assembly Plenary 28th & 29th Meetings 13October 2006 available at: http://www.un.org/News/Press/docs/2004/ga10276.doc.htm (13 January 2007)

For instance, according to the UN Charter, Security Council should play a strong role in peacekeeping and crisis management and decisions must be made without going through to cumbersome a procedure. Whenever the most common UN military role is peacekeeping operations rather than enforcement, timely and well managed use of forces will be far more important than the scale of forces. It was believed after the end of the Cold War that the United Nations could function itself and could have been acted according to its Charter. However, it was failed to function in Bosnia, Rwanda or in Iraq. Not only could it prevent Saddam Hussein's brutalities on his own people but also the US war on Iraq.

Obviously there is a trade-off between legitimacy and efficiency of the Council and a reasonable balance must be found because an international organization should be legitimate. The enlargement of the Council is necessary but would it be logical to give miniature states a seat or would it be a good idea to expand the Council to the size of ECOSOC? The other trade-off is between efficiency and effectiveness. While concern for efficiency argues for a relatively small Council, concern for an effective Council may require a larger membership. The future legitimacy of the institution depends not only on the wisdom of its decisions but also on a reasonable distribution of power, a sharing of satisfaction and a sense of participation across a varied range of members. Ultimately, legitimacy, efficiency and effectiveness depend on each other.

The representative of Sri Lanka, Bernard Goonetilleke, stated in the Fifty-Ninth General Assembly Plenary, 28th and 29th meetings:

> "Bearing in mind the Security Council's crucial role, as well as binding nature of its decisions, there had been wide acceptance that the 15 nation body should be expanded to reflect modern –rather than decades ago- geopolitical realities. And while it was clear the Council's numbers could not be increased to the extent that it became unwieldy, everyone had to admit that efficiency and effectiveness could not be assured by enforcing size limitations."[103]

---

[103] Ibid, available at: http://www.un.org/News/Press/docs/2004/ga10276.doc.htm (13 January 2007)

The reason of the rising questions after the Cold War is the Council's situation during the Cold War. Its operability was severely limited by two superpowers: the US and the USSR. The strategy of the Cold War made the Council a balance mechanism. Because of the fear of reprisals from the other side, a lack of endorsement of the use of force by the Council could not simply be ignored by either of two superpowers. Therefore, the Security Council could not find enough opportunity to preclude any sustained testing of this design. After the Cold War both states, the US and Russia, found some common interest in resolving regional conflicts during a short-lived renaissance.

The Security Council became more active with the end of the Cold War. It has authorised an unprecedented number and range of peacekeeping operations. 50 resolutions per year passed[104] and it has become an effective organization in conflict management. However, in essence, Hans Kochler defined the resolutions is a 'rubber-stamp' decisions in conformity with the national interest of its most influential actor. In other words, the resolutions is namely to legitimize decisions that were taken outside the Chamber of the Council.[105]

At this point, most of the member states question whether the Council can meet the unprecedented current and future challenges because it was structured more than sixty years ago and the procedures of the United Nations have remained unchanged. The reason of the contradiction could be explained with its unchanged structure and it operates today in the context of this inherent structure. This inherent structure with an accord among the five permanent members after the Cold War eases taking decisions with efficiency. However, efficiency in decision making process does not make the decisions effective. For example some decisions such as concerning Somalia and former Yugoslavia, have been questionable. It seems inevitable that in time the authority of the Council will decline if its composition remains unchanged.

---

[104] The data is the average of the numbers of the resolution passed between the years: 1990 and 2000
[105] Hans Kochler, p.330

4.2.3. Lack of Democracy and Veto Power

While the Security Council is the United Nations' least democratic organ, the veto is the least democratic aspect of it because an organization's democratic character can be measured by its procedures and decision-making mechanism. The Security Council is the decision-making body of the UN and UN Charter includes the procedures of decision-making process.

The veto right of the permanent members has been opened to debate since its inception. This debate among governments about the right of veto resembles very much the one of 1945. Many governments oppose the veto for its violation of the principle of sovereign equality of states.[106] Often the veto is also said to be inconsistent with a concept of "democracy in the United Nations" although it is doubtful whether such a concept has a firm basis in the Unite Nations Charter.

Democracy also means reducing any elitist claims or positions of privilege independently of historical explanations. In this respect, it is clearly expressed that veto power of the permanent members can be regarded as undemocratic by non permanent member states. It seems as an 'anachronistic' and undemocratic reflection of power that is based on world as it was in 1945. During the Cold War, the veto right was an important mechanism to secure the effectiveness of the Security Council, but today there exists a continuously growing dissatisfaction with the fact that permanent members, who were appointed nearly sixty years ago based on the geopolitical realities of time, are the only ones to satisfy with this power. The veto right which is a 'birth defect' with the definition of Hans Kochler, has become the major predicament in the post Cold War order.

---

[106] According to informal consultations of the vice-chairmen of the Open-ended Working Group with representatives of 165 Member States held in early 1997, a "vast majority" of governments regarded the right of veto as anachronistic and undemocratic. See Doc. A/51/47 of 8 August 1997, Annex VI. The Razali draft resolution, see note 27, said that "an overwhelming number of Member States consider the use of veto in the Security Council anachronistic and undemocratic, and have called for its elimination" cited by Bardo Fassbender, All illusions shattered? : Looking Back on a Decade of Failed Attempts to Reform the UN Security Council In: Max Planck Yearbook of United Nations Law; vol. 7, p:207

According to him, the veto power introduced a kind of 'victor's rule' into the Charter of an organization because of the provisions under Article 27, the law can never be enforced against the permanent countries even though they violate the law.[107]

Although the veto has been criticized for being undemocratic, the principle of one state one vote could not be applicable throughout all organs of the United Nations because states are not the equivalent of individuals. States are totally different in size, population, GDP, military power in addition to possessing other different attributes. From this point of view, Robert S. Snyder elucidated why some states have veto power. Unlike Hans Kochler, he explained with an example that China and Belize should not be treated the same throughout all organs of the United Nations. The veto serves as a needed brake on the actions that the Security Council might take that would be against the interests of one of the big powers, and it gives a desirable leadership role to big powers as well.[108] However, the deficiency of his approach is that he did not mention the permanent members of the Security Council holding the veto power without democratic criterion.

Furthermore, the geopolitical situations of 1940s required the right of veto because this dichotomy can be explained only with the situation of almost sixty years ago. Following the demise of the League of Nations, the founding members decided to institute a more liberal voting system for the Security Council because League of Nations relied on unanimous voting to make decisions. During the Cold War, the veto was an important mechanism for the resolutions of the Council. The resolutions were passed effectively only when both the United States and Soviet Union agreed. In this sense, the right of veto was a defensive mechanism. The value of veto was also depending on the number of allies a country has in the Council.

Cordell Hull, Roosevelt's Secretary of State from 1935 to 1945 explained the importance of veto right:

---

[107] Hans Kochler, "Quo Vadis, United Nations?", **Law Review**, Polytechnic University of the Philippines, College of Law, 2005, p50. Paper prepared for the lecture in the Polytechnic University of the Phillipinnes and the third anniversary of the foundation of the College of Law, 22 June 2004, Manila
[108] Robert S. Snyder, p:13

"The veto provision was an absolutist condition for the US participation in the United Nations. The superpowers would not be subject to any collective coercion. The veto ensured that the General Assembly could not act against any of the P-5 member states. In other words the P-5 member states were and would be a law unto them."[109]

On the other hand, the Mexican delegate at the Charter adopting meeting at San Francisco in 1945 ruefully concluded that "the mice would be disciplined but the lions would be free."[110]

The situation remained unchanged sixty years later and the permanent members still considered the right of veto a key instrument to further international interest. This situation reflects the undemocratic side of the Security Council because under the current Charter Provision (Article 27), 9 of the 15 members must approve a resolution. If only simple majority were required, the P-5 member states would need just three votes from the remaining ten members to pass a resolution. Thus one vote of a permanent member is not equal to one vote of non permanent member of the Security Council. In other words, a non veto makes a difference only if all five veto members plus exactly three non veto members support the resolution if more than three supports, that member's vote become redundant. If less than three, its vote is ineffective. It is rare that a non veto player will be in a position to make difference.

The representation of Kuwait, Jasem Al-Najem, discussed the veto right of the Council in General Assembly. He noted the importance of placing limits on the veto right and expressed the need to use that power correctly. Christopher Hackett; the representative of Barbados explained his views in the same Panel that the use of veto should be re-examined. If it could not be eliminated altogether, the use of veto then its use should be significantly curtailed. He said that:

---

[109] Vijay Mehta, "UN Institutional Reform, How can we make the Security Council more representative and work towards abolishing the veto?", A discussion paper for the panel on UN reforms, World Peace Forum, Vancouver, Canada,25 June 2006 available at: www.arcuk.org/pages/UN%20Institutional%20Reform,%20WPF,%20Condensed.doc (25 January 2007)
[110] Ibid available at: www.arcuk.org/pages/UN%20Institutional%20Reform,%20WPF,%20Condensed.doc (25 January 2007)

"In a world where the ideals of good governance were being emphasized, the continued use of that most undemocratic device should not be allowed to frustrate the broader will of the organization's membership" [111]

Only a handful of countries have defended the veto. Australia, although believing that there are good reasons not to extend the veto to new permanent members, has acknowledged the value it has had so far as a form of "last resort" safeguard to protect the national interests of the strongest players in the system of collective security, "if only to ensure that they have a stronger stake in acting within the system than outside of it". The Foreign Minister of Singapore was one of the few underlining the veto's merits in a more resolute way: "It is neither practical nor even desirable to do away with the veto … It is a recognition of the hard reality that great powers will not consent to put their power at the disposal of a sheer majority for the implementation of decisions which they do not agree with. It is a safety valve that prevents the UN from undertaking commitments that it lacks the power to fulfil" In a statement of March 1996, US Ambassador Inderfurth said:

"The US does not support any abridgement of the right of veto or its scope of application as set forth in Article 27 of the Charter. As a matter of daily practice we seek to use the Council as effectively as possible and thus try vigorously to reduce or minimize conditions which may lead to veto use. These efforts are increasingly successful. There are exceptions, but they are rare and they carry far less risk for the United Nations or the world community, than veto restriction or abolition. It is a fact that the continued existence of the veto has repeatedly avoided a level of disunity or direct confrontation between the major powers, or any one of them and the United Nations, which could subvert a Council action or fatally impair the Council's ability to carry out its duties. We do not take this fact lightly or casually or see it as anachronistic".[112]

[111] "Delegations Agree on Need for Security Council Reform, Differ on how to Proceed, as General Assembly Concludes Three-Day Debate", Doc No:GA/10276, Fifty-ninth General Assembly Plenary 28th & 29th Meetings 13October 2006 available at: http://www.un.org/News/Press/docs/2004/ga10276.doc.htm (13 January 2007)
[112] Statement by Ambassador Inderfurth, United States Representative for Special Political Affairs, to the Open-ended Working Group, 27 March 1996, United States Mission to the UN, Press Release 39-(96) of 27 March 1996, 2. See also United States fact sheet of 5 January 2000, see note 34, ("We are firmly opposed

Shortly, many governments oppose the right of veto because of its violation of the principle of sovereign equality among states. Often, the veto is inconsistent with a concept "democracy in the United Nations" although it is doubtful whether such a concept has a firm basis in the UN Charter. Most of the African states want the veto right to be eliminated. Furthermore, there is a universal clamour to reform the veto, even if it can not be eliminated.

4.2.4. The Lack of Transparency

The lack of transparency is the other issue why the Security Council needs reforms because it is called as one of the most conservative institutions in the world today particularly in its working methods and procedure. Its credibility could be ensured when its decisions were taken in a transparent manner, and with the involvement of broader membership. It should be more transparent in its working methods thus it will be more effective.

The Security Council makes decisions of peace and security on behalf of its member-states and member-states should support the decisions. However, the lack of transparency in the process of decision making decreases the credibility and legitimacy of the Council. Especially after 1990s onwards, there were growing complaints among non-members that the UN Security Council's proceedings were too secretive. Part of the problem is a traditional practice of informal meetings that are not public and produce no reports. However, the Council has issued a report to the General Assembly just once each year. The report has been brief and very formal, offering little possibility for effective exchange. Furthermore, the formal or public meetings simply rubber-stamped decisions taken elsewhere.

---

to changes to the veto held by the current permanent members"), and statement by Ambassador Siv at the General Assembly of 14 October 2002, Doc. A/57/PV.27, 10 ("we will continue to oppose efforts to limit or eliminate the veto") cited by by Bardo Fassbender, "All illusions shattered? : Looking Back on a Decade of Failed Attempts to Reform the UN Security Council" In: Max Planck Yearbook of United Nations Law; vol. 7, p:210-211

Hugo Scheltama, a former representative of the Netherlands on the Security Council, asserted that "decisions of the Security Council are pre-cooked and are ready for public presentation when the Council finally meets in open and formal session."[113] When the non permanent members come to Council meetings, a resolution is put before them by the Security Council.[114]

It means that some of the most important discussions taking place occur during what is called a "private meeting" by the members of the Security Council and the private meetings resulted with the reactions of the members of the United Nations. The representative of Ethiopia, Abdul Mejid Hussein emphasized that the Council should not be feudal in nature and undemocratic in character, in an organization calling for a transparent and democratic world order because for all manner, effective decision-making and efficient management demands transparency. The most dramatic statement was made by Ambassador Luis Fernando Jaramillo of Colombia, another recent non-permanent member who served a term as President. He said he considered the closed-door sessions "dangerous and unwelcome" and told of how he was forced to stand outside the chamber where the Permanent Five were meeting and "beg" for pieces of information as a "personal favour" from the permanent representatives who were leaving. From this method, he said, we get "informal, biased, and unreliable" information that "cannot be the basis of serious and responsible decision-making."[115] Consequently, the expectation of the reformers is that the Council operates in a more open manner at the UN therefore the organization could be more "transparent." Countries feel that as contributors of troops and funds to peacekeeping operations, they have a right to be consulted and actively involved in the Council decision-making process.

---

[113] Hugo Scheltema, "Transformations within the United Nations". In Jeffrey Harrod and Nico Schrijver (ed):   **The UN Under Attack**, Aldershot, England: Gower House, 1988.p:1-7
[114] James A. Paul, p:8 available at , www.globalpolicy.org/**reform**/**analysis**.htm (16 January 2007)
[115] Conference on Reform and Restructuring of the Security Council, May 23, 1994 in James A. Paul available at www.globalpolicy.org/**reform**/**analysis**.htm (16 January 2007)

5. THE HISTORY OF REFORM EFFORTS

The United Nations is currently undergoing a great deal of change and its reform is on the international community's agenda. Its reflection is that today nearly everyone agrees that something must be done to improve the United Nations including national governments, NGOs, and individuals who are spending time and money to seriously examine UN improvement. Unfortunately, while there is near unanimity among these groups that the United Nations should be revitalized, there is no consensus on some important issues. The lack of agreement about what should be done and how to build support for revitalization by the public and at the highest levels of national governments are uncertain issues.

This important issue, UN reform, is not a new topic. Almost from the day the Charter was signed, there have been calls for reform and Charter changes. One of the main focuses of the reform debate is the reorganization and strengthening of the Security Council.[116] In this manner, countless papers have been written. Meetings have been convened. Various working groups have considered many familiar proposals including financing the United Nations, changing the composition of the Security Council, streamlining the Secretariat, finding an effective role for the Trusteeship Council, reenergizing the General Assembly, and other matters. While much of this work has been creative and thoughtful, with few relatively minor exceptions these calls have gone unheeded and the United Nations has muddle through from year to year.

Over the years, scholars, experts, and policymakers have repeatedly studied and analyzed how to make the United Nations function more effectively. In this respect, there have been numerous proposals. Not surprisingly, approximately all reform proposals aimed enlargement of the Council and to make it more representative. Six major reform efforts have been mounted since the organization was created more than fifty years ago. Some were clearly more successful than others. Furthermore only three amendments have been

---

[116]Boutros Boutros-Ghali, . "UN Peacekeeping: Challenging A New Era", **Brown Journal of World Affairs.** Vol:3 (1) , 1996, p. 17-21.

made to the UN Charter. All of them was about and dealing with seat numbers. One of them was for Security Council and twice of them for the UN Economic and Social Council.

In this chapter, the reform efforts of the Security Council are divided into three parts. In the first section, the previous reform efforts will be explained briefly. In the second section, the recent reform efforts will be analyzed in details and lastly previous reform efforts will be evaluated.

5.1. The Background: Previous Reform Efforts

Contemporary reform efforts for the United Nations are not the first. Besides, it has been debated since its inception in 1945. Moreover, the composition of the Council is one of the few areas in which amendments have been successfully espoused in the past. The previous reform efforts could be explained in two main periods. Firstly the period between 1945 to1965 will be mentioned and later the period between 1965 to1992 will be demonstrated.

5.1.1. 1945-1965

When the United Nations was established, the Security Council was originally included eleven members. Five of them permanent members who were Republic of China, France, the Union of Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Six of them were non permanent members.

The first formal proposal for the reform in the UN Security Council was made in 1956 by 18 Latin American countries.

Decolonization process affected the procedures of the Security Council decision making process and its composition. It was a challenge for the UN Security Council as membership steadily and dramatically grew. Between the establishment of the United Nations in 1945 and the end of the first wave of the decolonization process in 1963, there

was a huge difference. While the number of the members in UN was 51, it increased to 114. Shortly the number of UN members swelled from 51 to 114. The ratio of the general membership of the United Nations when the number of members was 51, to the membership of the Council was 4.63. After the enlargement of the Council, the ratio increased. Only six countries from Africa and Asia were UN members originally, while two decades later more than half of the UN's memberships were from those developing continents. These changes in the number of membership brought new demands. Naturally new decolonized states started to wait a better reflection of their numbers and priorities in the Security Council and throughout the system.

The changes in the number of the UN members after the first wave of decolonization resulted with the only significant reform of the Security Council. In 1963, on the initiative of a group of forty four African and Asian states, the number of non permanent members was increased from six to ten by way of an amendment based on Article 108. [117] It was decided that the Council should be enlarged from 11 to 15 with resolution 1990(XVII) adopted by the General Assembly in December 1963[118]. Decisions on procedural matters would then be made by an affirmative vote of nine members and on other matters by a similar vote including the concurring votes of five permanent members.[119] The process which led to the amendment was supported and initiated at a number of meetings by regional organizations in Latin America, Africa and Asia. In 1963, it was believed that this vastly increased membership of the United Nations was not enough reflected in the Council. Resistance to the amendment largely came from the permanent members and also their allies. The ratio of the general membership of the United Nations to the membership of the Council increased to 7.53.

[117] Sydney.D.Bailey, **The procedure of the Security Council**, 2nd Ed, Oxford: Clarendon Press, 1988, p.119
[118] Resolution 1990(XVII) available at: http://www.un.org/documents/ga/res/18/ares18.htm (10 March 2007)
[119] Sydney D.Bailey; p.119

5.1.2. 1965-1992

After the expansion of the Security Council, there was no change in the composition of the Security Council. However, the Republic of China (Taiwan) left the United Nations in 1971 because General Assembly recognized the People Republic of China as one of the five permanent Council members and decided to expel the representatives of the Republic of China.[120] The People Republic of China took place of Republic of China in the Security Council.

The issue of China was one of the most confused and politically most vexatious issue that the UN has encountered. As known, China is the founding member of the UN and one of the permanent members. However, in the late 1940s, the lengthy and oft interrupted civil war came to a halt. A communist regime was established at Beijing, and a nationalist regime set up shop on Formosa, an island which may or may not be regarded as part of the territory of China. The problem was the representation of China. Which of the rival Chinese regimes was to be treated as the government of China in the UN Security Council? While, the US, leading the campaign against the Communist regime, People Republic of China had not been a member of the United Nation for twenty years. Until 1971, the Republic of China claimed to be the sole legitimate government of China because during the 1950s and 1960s this claim was accepted by the United States and most of its allies. On the other hand the People Republic of China was an ally of the Soviet Union, therefore, the U.S. tried to prevent the Communist bloc from gaining another permanent seat in the Security Council. To protest the exclusion of the People Republic of China, Soviet representatives boycotted the UN from January to August of 1950 and their absence allowed for the intervention of UN military forces in Korea. As a result, on October 25, 1971, Resolution 2758 was passed by the General Assembly, the UN recognised the People Republic of China as the sole legitimate government of China and withdrew the recognition of the Republic of China as the sole legitimate government of China. The People Republic of China received support from two-thirds of all United

---

[120]A/RES/2758(XXVI) of 25October 1971 available at
http://www.un.org/documents/ga/docs/53/plenary/a53-145.htm (10 January 2007)

Nations' members and the complete unanimous approval by the Security Council excluding the Republic of China.[121]

In 1979, the membership of the United Nations had increased to 152. With this increase in the number of the Security Council, ten countries were mostlydeveloping countries proposed that the Council membership should be increased from 15 to 21. The intention was to allocate the non permanent seats as follows: five of them from Africa, four of them from Asia, three of them from Latin America and the Caribbean, one of them from Eastern Europe and two of them from Western Europe and others.[122]

In 1980, ten more states supported the proposal of pertinent relevant proposal but they could not provide the necessary majority. Therefore the resolutions delayed to next years.

In 1991, Russian Federation took place of the USSR and maintained full responsibilities for all the rights and obligations under the Charter.[123] Neither the members of the General Assembly nor the members of the Security Council refused the claims of Russia. This was because the permanent members worried about leaving the Soviet seat vacant as an invitation to the other members. It is a delicate issue threatening to open a Pandora's Box of the Security Council permanent membership. It could be a prospect far from welcome especially for Britain and France. A discussion in the General Assembly of the Russian claim for Security Council membership might have provoked a broader debate. It called into question the composition of the Security Council. The Americans seemed to be in accord and also favouring a quick and uncontested transfer of representation while Chinese remained aloof but stopped short of being obstructive.[124]

Eventually, in January 1992 Security Council Summit was predominantly preoccupied with ensuring Russian succession to the Soviet seat in the Security Council.

[121] Inis Claude, **Swords into Plowshares**, p:93-94
[122] Draft Resolution Doc.A/34/L.57 of 11 December 1979 presented by Algeria, Bangladesh, Bhutan, Cuba, Grenada, Guyana, India, Japan, Maldives, Mauritius, Nepal, Nigeria, Sri Lanka, and Syrian Arab Republic
[123] Spyros Blavoukos and Dimitris Bourantonis,The Chair in the UN Context: Assesing Functions and Performance, Netherlands Institute of International Relations, p:8, available at www.clingendael.nl/publications/2005/20051100_cli_paper_dip_issue101.pdf (10 January 2007)
[124] Ibid, .p.8

5.2. The Recent Reform Efforts

After 1980s with the political disorder, the issue of the Security Council reform moved slowly until Germany and Japan assume a greater global role and responsibility.[125] Japan and 34 developing countries initiated for reforms and invited member states to the Secretary General in 1992. Totally, 79 replies came from the member states and regional organizations and they were received by the Secretary General then later Secretary General incorporated into his report to the Assembly.[126] The common view of these comments was that the Security Council expansion should be different in quality and significance from 1963 expansion because there is a possibility and pressure of the new permanent members especially from Japan and Germany. The probability of additional permanent member which would be equipped with new rights and obligations associated with the status influenced variety of national interests is the departure point of the following debates.

Since the Security Council expansion from eleven to fifteen members in 1965, the role of the Chair supposed to be increased the responsibilities also it has been pivotal in organizing the body business. The scope of the Council's activities and therefore the volume of the work and responsibilities have increased distinctly since the end of the Cold War. From the mid 1980s, with the changing international environment and especially with the changing Soviet approach towards the UN raised the potential of the UN Security Council and increased the voices claiming the Security Council unrepresentative.

During 1990s the reforms assumed wholly different priority because the Council's decisions after the end of the Cold War were found questionable by many members of the Council. The troubled mission in Somalia, the post war sanctions and exclusion zones in Iraq and sanctions against Libya were among the issues which caused the opposition of the international community. The Non Aligned Movement in Jakarta called for urgent

---

[125] Robert S. Snyder, p.3
[126] A/Res/48/264 of 29 July 1994 on Revitalization of the work of the General Assembly available at: http://www.un.org/Depts/dhl/res/resa48.htm (10 March 2007) and see Ingo Winkelmann, p.43

Council reform. Although, the Security Council reform had been on the agenda of the General Assembly since 1979, it had attracted little interest. However, now, the General Assembly passed resolution 47/62 asking the Secretary General to invite member states to submit written comments on the Council reform on December 11, 1992.[127]

5.2.1.1993-1997

As mentioned above, the Secretary General prepared a report and added it into its report to the General Assembly due to the subsequent increase in the number of UN member states that it raised to185 states. In response to the Secretary General's report, the Assembly established with Resolution of 3 December 1993[128] an Open Ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and other Matters Related to the Security Council[129] It was established to examine the very sensitive question of equitable representation and increase in the membership of the Security Council. It was formed to scrutinize all of the related matters including the right of veto. Therefore in its resolution, the Assembly specified as reasons for the review of the Council "the substantial increase in the membership of the United Nations, especially of developing countries, as well as the changes in international relations".[130] The resolution also refers to "the need to continue to enhance the efficiency of the Security Council" and the "importance of reaching general agreement"[131] These elements of the resolution which outlined the key components of reform considered could be discussed as:[132]

- An expansion in the number of seats to account for increased membership
- Consideration of changed international conditions (emergence of new global actors and political powers)

---

[127] James A. Paul, "UN Reform: An Analysis", Global Policy Forum, 1996, available at www.globalpolicy.org/**reform**/**analysis**.htm (16 January 2007)

[128] A/RES/48/26 of 3 December 1993 available at: http://www.un.org/documents/ga/res/48/a48r026.htm (15 March 2007)

[129] Later called Open Ended Working Group

[130] A/RES/48/26 of 3 December 1993 available at: http://www.un.org/documents/ga/res/48/a48r026.htm (15 March 2007)

[131] Ibid; available at: : http://www.un.org/documents/ga/res/48/a48r026.htm (15 March 2007)

[132] Ibid; available at: : http://www.un.org/documents/ga/res/48/a48r026.htm (15 March 2007)

- The protection of the Council's efficiency

- Indications on the kind of majority vote the reform would require

These issues are divided into two broad areas under the name of Cluster I and II. Cluster I issues deal with reforms that require Charter amendment, such as expanding the size of the Security Council and limiting the permanent members' veto power. It encompassed the elements equitable representation on and increase in the membership of the Security Council, permanent membership and non permanent membership, new categories of membership and alternative proposals for an increase in the proposals for an increase in the membership of the Security Council. Cluster II issues deal with procedural reforms that do not require Charter amendment. It includes measures taken and practices adopted by the Security Council to enhance its transparency and working methods and institutionalization and review of measure. Concurrently with a number of states and group of states introduced their first official reform models. [133]

Between 1995 to1996 discussions became distinctively more concrete and politically marked. 1995 was the year of fiftieth anniversary of the United Nations and the general debates at the opening of the fiftieth anniversary included all possible reform efforts. The numerous head of states talked about the institutional reform of the Council and its necessity. On 24, October 1995, the Assembly adopted a solemn declaration on the occasion of the fiftieth anniversary of the United Nations. The declaration consisted that:

> "The twenty first century United Nations should be well equipped, financed and structured
> to serve effectively the peoples in whose name it was established. It should be expanded
> and its working methods continue to be reviewed in a way that will further strengthen its
> capacity and effectiveness, enhance its representative character and improve its working

---

[133] Report of Open Ended Working Groups on the Question of Equitable Representation on and Increase in the Membership of the Security Council and other matters related to the Security Council, Official Records, General Assembly. Fifty-seventh Session Supplement No. 47 (A/57/47) Global Policy Forum, 1996,.available at: www.**globalpolicy**.org/security/reform/oewg/2003/ga57.pdf (15 March 2007)

efficiency and transparency; as important differences on key issues continue to exist, further in depth consideration of theses is required"[134]

In September and October 1995 and 1996 the General debates of the 50th and 51st General Assembly took place and in both of the General debates the political trends prevailing among members states were highlighted again. In 1993[135] and 1994[136] debates Japan and Germany were seen as natural candidates therefore they prepared them selves for the debates in 1995[137] and 1996[138] and a considerable number of states demonstrated Japan and Germany as an important member states for the permanent membership.

From the creation of the Open Ended Working Group much discussion took place in it but fewer ended with result. The Working Group produced in this period a number of documents on the issue in question but agreement on a widely accepted formula regarding the Council's reform was never achieved. Deliberations engendered a vicious cycle of endless talks, countless arguments, conflicting proposals and therefore elusive results.[139] After a few years many delegates and pundits began to refer to the Assembly Working Group with the impossibility long title as simply the "never ending Working Group".[140] Therefore, growing frustration about the lack of progress in the Open Ended Working Group led to seek a more active role by Ismail Razali[141] who was the representative of Malaysia and General Assembly president for the 1997 Session in 1997.

---

[134] Declaration on the Occasion of the Fiftieth Anniversary of the United Nations, 24 October 1995, A/RES/50/6 of 9 November 1995, para:14 available at: http://www.un.org/documents/ga/res/50/ares50-6.htm (15 January 2007)
[135] In the replies the Secretary General received during the 48th Session, eight member states referred to Germany and Japan by name see doc name: A/RES/48/264 available at http://www.un.org/documents/ga/res/48/a48r264.htm (13 January 2007)
[136] During the 49th General Debate 13 member states referred to Germany and Japan by name
[137] During the 50th General Debate 19 member states referred to Germany and Japan by name
[138] During the 51st General Debate 31 member states referred to Germany and Japan by name
[139] Bardo Fassbender "Security Council Reform" In The UN Security Council: From the Cold War to the 21st Century , Edited by David Malone, Boulder, Lynne Rienner Publishers Inc., 2004, p.342-344
[140] Edward C.Luck**, Reform,Adaptation and Evolution in The UN Security Council:Practice and Promise** ,London:Routledge,2006 p.4
[141] Ismail Razali,Malaysia,Elected President of the 51st Session of the General Assembly, available at: http://www.un.org/ga/55/president/bio51.htm (15 January 2007)

He stated that: "The Open Ended Working Group should not be seen as a place for endless talks that would give the United Nations a bad image"[142]

After three years of debate, he introduced a frame work resolution to amend the Charter in several steps which was commemorated as "Razali Plan" later.

5.2.1.1. Razali Plan

The first effort to accomplish a simultaneous breakthrough on both fronts came when Ismail Razali of Malaysia was President of General Assembly in 1996-1997. On 20 March 1997, he outlined before the Open Ended Working Group a reform plan aimed at breaking the deadlock on Security Council reform after more than three years discussions.[143] He introduced the draft resolution in the form of three stages reform plan.

Razali proposed that in a first stage between June and September, the General Assembly should vote a resolution calling for the Security Council to be enlarged by five new permanent members and four non-permanent members.[144]

In the second stage Razali proposed identifying specific candidate countries for the five new permanent and four non permanent members positions in February.[145] Razali recommended that two "industrialized" countries should be accepted as permanent members. Although their names were not mentioned directly by Razali, Germany and Japan, which have been campaigning for permanent Security Council membership with US support, were the most important candidates. In addition to the two industrialized countries, the other three permanent members would come from Africa, Asia, and Latin

---

[142] Hirofimi Goto,"New Initiatives on Security Council Reform", Asahi Shimbum, January 31, 1998, available at: http://www.globalpolicy.org/security/reform/secrefrz.htm (20March 2007))

[143] Anne Penketh, "New Security Council Enlargement Plan Unveiled", Agence France Presse 20 March 1997, available at: http://www.globalpolicy.org/security/reform/razref2.htm (22 March 2007)

[144] Shefali Misra, Treading a tortuous path, Indian Express Newspaper, Bombay: 20 July 1997, available at: http://www.expressindia.com/ie/daily/19970720/20150613.html(20 March 2007)

[145] Ibid, available at: http://www.expressindia.com/ie/daily/19970720/20150613.html(20 March 2007)

America and the Caribbean. The four new non-permanent members would come from Africa, Asia, Eastern Europe and Latin America[146].

The Razali proposal did not offer veto right for the five new permanent members and it included restriction of the veto use of the current five holding a veto under Chapter VII of the UN charter.[147] Under Chapter VII, the Security Council has the power to invoke sanctions and can authorize the use of force to settle conflicts threatening international peace and security.

The Razali Plan was different because it did not require two thirds approval of entire General Assembly during the first two steps, but only two thirds of the member states present and voting in the Chamber.[148] Only for the amendment resolution that is necessary for the implementing the previous framework resolutions as Charter amendments would need to be approved by the two thirds of all members states, as stipulated in UN Charter amendment provisions of Article 108.

To sum up, according to the resulting formula the reformed Security Council had several elements. They are:

- It includes the addition of five more permanent and four more non permanent seats, for a total of 24. Five new permanent members should be two from the industrialized and three from developing countries which one each from Africa, Asian and Latin America and the Caribbean. These non permanent members would come from Africa, Asia, Eastern Europe and Latin America and the Caribbean. Razali did not mentioned the names of Germany and Japan directly but his aim that he had in mind was to imply Germany and Japan with the two industrialized countries.

---

[146] Ibid. available at: http://www.expressindia.com/ie/daily/19970720/20150613.html(20 March 2007)
[147] Ibid, available at: http://www.expressindia.com/ie/daily/19970720/20150613.html(20 March 2007)
[148] Kevin Ozgercin, "Collective Security and the United Nations The Work of the High-Level Panel on Threats, Challenges and Change", FES Briefing Paper, September 2004,p:6 available at: www.responsibilitytoprotect.org/index.php?module=uploads&func=download&fileId=15 (21 March 2007)

- A provision that the new permanent members would not have veto power and the current ones would be asked to exercise restraint in their employment of that essentially negative instrument. This is another stage that selecting the five permanent members without veto power and identifying specific candidature countries.

- A rule that new and original permanent members would be subject to the same calculations in terms of paying a premium surcharge for peacekeeping assessments.

- The convening of a review conference after ten years to assess the implementation of these reforms.

- A raft of eighteen alterations of the Council's working methods to enhance transparency, accountability and inclusiveness.

The plan offered by far the best prospect for a solution thus far because it attempted to reconcile the views of the greatest possible number of states. Germany and Japan who aspire for the permanent membership, called Razali Plan as a 'concrete step' towards breaking the deadlock.[149]

Given such support especially by Germany and Japan, the Razali Plan had failed, due to the negative attitude of Non Alignment Movement (NAM) countries although these countries would have benefited most from the plan. The plan would have, if adopted, significantly increases the participation of non-aligned states in the Security Council which allows them to have a significant voice in its decision making. But the irresistible majority of NAM countries chose not to associate themselves with it, notwithstanding most of them individually had previously aspired to reform proposals similar to those included in Razali Plan.

In this context, it is necessary to analyze the comments of the NAM countries why the overwhelming majority of the NAM states commenced severe attacks against Razali

---

[149] Anne Penketh, "New Security Council Enlargement Plan Unveiled", Agence France Presse March 20, 1997, available at: http://www.globalpolicy.org/security/reform/razref2.htm (22 March 2007)

himself and the plan.[150] According to the permanent representative of Pakistan declared that:

> "It is true that each one of us can dream of trysts with history, and come forward with visionary ideas and suggestions. But we do so in all cases as representatives of our respective countries, and not as the representatives of the Working Group as a whole. So if paper comes from the permanent representative of Malaysia, we would have no quarrel with it, but it carries the stamp of the Chairman, then it clearly gives the impression that it was asked by all of us, or that we stand behind it, which is not the case. The powers of the General Assembly, and the Chairman of the Working Groups, are defined by Rules 35 and 36 of the Rules of Procedure and do not confer 'suo moto' powers as are given the Secretary General under Article 99 of the Charter"[151]

The approach of Italy to the Razali Plan was not different from Pakistan's statement because Italy defends for an expansion of the Council by only non-permanent members and does not want to see Germany as a permanent member. Italy's UN ambassador in New York, Francesco Paolo Fulci, explained their statement about the Italy's approach to reforms and why they are against the additional permanent seats as:

> First of all, because we think this is more democratic and in line with the times. Democracy must exist not only within nations but also among nations. Secondly, because we believe that if we add new permanent seats than this would mean less leverage of the General Assembly. Because if you have to be elected every two years, or every four or six years or whatever, you are responsible for your deeds in front of the General Assembly and if they are not satisfied they might not re-elect you. But if you are in the Council forever, in perpetuity, for eternity, you don't answer to anybody of your behaviour. This would create a poisoned atmosphere among the nations here at the United Nations. Because the problem is not to increase the number of seats but to whom to assign these permanent seats. Take the case of the Western world. Germany in the Western world is a candidate. But there are countries like Italy, like Canada, like Spain, like Turkey who would not be very pleased if one of us became more equal than the others. And the same thing applies to Asia where if Japan and India are made permanent members, Pakistan and Indonesia and quite a lot of

---

[150] The states were Pakistan, Argentina and Mexico who did not want to see their regional rivals (India or Indonesia) as permanent members.
[151] Statement by the Permanent Representative of Pakistan to the UN in the Open Ended Working Group on Council Reform, 20 April 1997

other Islamic countries would be very unhappy. Same thing for Latin America where Brazil being the only country speaking Portuguese in a continent where they speak Spanish or English - in the Caribbean - then people would not be very happy to see Brazil more equal than the others. Africa is another case in point. Because if you make Nigeria, which is a contender, permanent member how you think South Africa or Egypt would react?"[152]

To sum up, the Razali Plan constituted a good faith effort to achieve a compromise between the various positions expressed in the Working Group. It never come to a vote and this year is the tenth year of the Plan. With the recent Iraq catastrophe in the Council, reform is again likely to become an important issue. There is a chance for us to understand the conditions under which reform may now succeed.

5.3. Evaluation of the Reform Efforts: 1945, 1963 AND 1997 (RAZALI PLAN)

It is necessary to compare the reform efforts to understand the basic necessities for the future reform efforts. While some scholars like James Sutterlin compare the Post Cold War reform effort to the 1945 Conference[153] because in both situation a new world order had started comparing the Post Cold War reform efforts to 1963 reform effort is more common, the precedent for reform is 1963 expansion. Although United Nations delegates designate the 1963 expansion as a precedent for present reform, historians have neglected the institutional context which allowed reform to occur. However in 1945, most of the prospective African and Asian states were still British and French colonies and Latin American states followed the leadership of the United States. Notwithstanding, the smaller states followed the lead of the four great powers that had together defeated the Axis alliance. Even though some of the middle powers showed assurance with the leadership of Australia and objected to the permanent members' vetoes over collective security and Charter reform issues, they lacked the domestic support to resist the Allied power demands. When we compare the 1963 and 1997 reform efforts, the main

---

[152] Andreas Zumach, "Reform or Collapse: Is there a Future for the UN in a Unipolar World Order?", 29 June 1997, available at: http://www.globalpolicy.org/reform/radiorep.htm#Razali%20Proposal (22 March 2007)

[153] James S. Sutterlin "The Past as Prologue." in Bruce Russett (ed), p. 2

difference is that they did not ignore the wishes of small and medium states due to Charter reform needs two-thirds vote of all the member states. The numerical majority of the small and medium states demonstrate that requires examination of their preferences and voting behaviour. The downfall of the bipolarity caused to the demise of coalitions which had prevailed during the Cold War while the Cold War disarranged the small states into an effective coalition. In addition to North South division, regional and ethnic tension disappeared with the end of the Cold War, have influenced countries' positions with respect to Security Council reform.

Actually the 1963 reform was a product of increasing cohesion among the non-aligned states and they formed a strong block. This voting block fell apart. After the end of the Cold War the African states and several medium and small powers established an unlikely coalition to block reforms which were desired by permanent five and regional powers whose aims are to be permanent member. Future Security Council reform requires that the small states prove their power in numbers, and vote together as they did in 1963.

5.4. The Present Reform Efforts: The High Level Panel

United Nations Secretary General Kofi Annan declared that the process of Security Council reform had come to standstill and his point 'stalled process of Security Council reform" took place in a September 2002 Report. In this report after nearly a decade of discussions in the UN he states that "a formula that would allow an increase in the Council membership is still eluding member states" and added that "in the eyes of much of the world, the size and composition of the Security Council appear insufficiently representative."[154] As the UN Millennium Declaration of September 2000 put it, a comprehensive reform of the Security Council in all aspects is necessary.[155]

---

[154] Strengthening the United Nations: an Agenda for Further Change, Doc.A/57/387 of 9 September 2002, para: 20 available at: www.un.org/events/action2/A.57.0387.pdf (25 March 2007)
[155] The UN Millennium Declaration, Doc A/57/387 of September 2000, para:30 is available at: www.**un**.org/events/action2/A.57.0387.pdf (25 March 2007)

The diagnosis of Kofi Annan is true that by this point in time almost ten years of the negotiations as the various levels including Open Ended Working Group of the General Assembly had lead nowhere. The strong pressure for reform in the first half of the 1990s had given way to disentrancement on the part of the concerned governments. Various divergent interests and intentions of the states had become entangled into a Gordian knot of reform.[156]

In September 2002 a report entitled 'Strengthening of the United Nations' was explained by Kofi Annan. The Report stressed the necessity for the UN to adopt rapid changes in global climate to respond globalization and conflict prevention. He stated that the stalled process of Security Council reform needs new impetus. [157]

It was the backdrop of a High Level Panel on Threats, Challenges and Change that in September 2003, which General Secretary Kofi Annan commissioned. He established the High-level Panel to help forge a new global consensus on the threats and challenges that the United Nations faces and to recommend "specific changes in our institutions, including the UN itself, to forge a really convincing collective response to the threats and challenges that we all have to face…."[158] The impetus for Annan to focus on the UN reform and creation of the Panel was the intense division and acrimony on the Security Council in the lead-up to the Iraq war. These were so strong that many observers raised doubts about the prospects of the UN as a whole.[159] Actually, from the beginning, the military intervention of the US to remove the Baathist regime in Iraq in 2003 has apparently obsessed the United Nations. In his annual address opening the Fifty-eighth Session of the General Assembly six months after Iraq's liberation, the Secretary-General

---

[156] Bardo Fassbender, "UN Reform and Collective Security The Report of the UN High-level Panel on Threats, Challenges and Change of December 2004 and the Recommendations of the UN Secretary-General from March 2005", Institute for International and European Law at the Humboldt University, Berlin, April 2005, p.13

[157] Strengthening the United Nations: an Agenda for Further Change, Doc.A/57/387 of 9 September 2002, para: 20 available at: www.un.org/events/action2/A.57.0387.pdf (26 March 2007)

[158] Secretary-General's remarks at dinner with the board of trustees of the Brookings Institution, 1 March 2004, available at: http://www.un.org/apps/sg/sgstats.asp?nid=799 (26 March 2007)

[159] James D. Fearon, Comments on A More Secure World: Our Shared Responsibility: Report of the High Level Panel on Threats, Challenges, and Change, prepared for the workshop at Yale Centre for the study of globalization, available at: http://www.stanford.edu/~jfearon/papers/yalehlpconf.rtf (26 March 2007)

began his speech with the words, "The last twelve months have been very painful for those of us who believe in collective answers to our common problems and challenges."[160] Later that year, he appointed a panel of experts to assess common threats and the appropriateness of the use of force in addressing those threats.[161]

The Panel was composed of sixteen members who were supported by a Secretariat in New York. The members were appointed with regard to the regional proportions of the composition of the UN Security Council. All five permanent Security Council members were represented by one representative of their own nationals. There were four members from Asian states (Thailand, India, Japan, and Pakistan), two each from Africa (Ghana and Tanzania) and Latin America (Brazil and Uruguay) and Australia with Norway. Germany who attempted to gain a permanent seat was not represented in the Panel as well as Nigeria and South Africa.[162] The chairman of the Council was the former Thai Prime Minister Anand Panyarachun.[163]

In December 2004, High Level Panel published its report under the name of: A more Secured World: Our Shared Responsibility[164]. The report is clearly divided into four main parts and it includes 302 paragraphs.

In the first part of the report, *Towards a New Security Consensus,* the aim is to identify basic conditions of the main international system. It is necessary to compare the post Cold War era between 1945 and 1989 and the era between 1989 and 2004. According to the report, the dynamics and tensions that led to the Second World War were laid to rest, war between the great Powers was avoided and a stable peace emerged in Europe. Japan,

---

[160] "The Secretary General address to General Assembly", Doc.A/58/PV.7,58th Sess.,7th Plen. Sept. 23, 2003, available at: http://www.un.org/webcast/ga/58/statements/sg2eng030923.htm (5 March 2007))
[161] "Secretary-General underscores urgency of implementing reform as he introduces High-Level Panel's report to General Assembly", Press Release GA/10314, 59th General Assembly Plenary Meeting, 8 December 2004, available at: http://www.un.org/News/Press/docs/2004/ga10314.doc.htm (10 March 2007)
[162] Bardo Fassbender, "UN Reform and Collective Security The Report of the UN High-level Panel on Threats, Challenges and Change of December 2004 and the Recommendations of the UN Secretary-General from March 2005, p.9
[163] The Biography of Anand Panyarachun available at: http://www.un.org/News/dh/hlpanel/panyarachun-bio.htm (10 March 2007
[164] The Full Text of the Panel's Report: A more Secured World: Our Shared Responsibility is available at: www.un.org/**secureworld**/report2.pdf (10 March 2007)

Germany and Italy were successfully integrated into the family of nations and are currently the second, third and sixth largest financial contributors to the United Nations.[165] However, new threats, long standing regional conflicts emerged such as in Bosnia. The terrorist attacks of 11 September 2001 brought with them a glimpse of the potential for renewed collective security but the spirit of international purpose lasted only months and was eroded by divisions over the US led war in Iraq in 2003.[166]

On the other hand, the report demonstrated an attention to the growing interdependence of states consistent with the globalization research results of 2005. For example the World Bank estimates that the attacks of 11 September 2003 increased the number of people living in poverty by 10 million. In addition, poverty is strongly related with the outbreak of civil war. In this respect, the Panel emphasized that the collective security system should be strengthened that effectiveness, efficiency and fairness are drawn as basic elements of a credible system of collective security. [167]

In the second part of the report, collective security and the challenges of prevention, the reports includes individual categories of threats to international security in the broad sense which can be met with preventive measures. After the comparing the periods, post Second World War and post Cold War, it is substantial that the classic inter-state wars appear only in second place, and even here in connection with internal conflicts (civil wars). The Report lists the main threats to peace as poverty, infectious disease and environmental degradation. There follow as causes or sources of further threats to peace: weapons of mass destruction (nuclear, radiological, chemical and biological weapons), terrorism and transnational organized crime. With the two last-named categories, the report's authors also recognize dangers emanating from non-governmental actors as threats to world peace and international security under the terms of the UN Charter.[168]

---

[165] Ibid, p.16 available at: www.un.org/**secureworld**/report2.pdf (10 March 2007)
[166] Ibid, p.19 available at: www.un.org/**secureworld**/report2.pdf (10 March 2007)
[167] Bardo Fassbender, "UN Reform and Collective Security The Report of the UN High-level Panel on Threats, Challenges and Change of December 2004 and the Recommendations of the UN Secretary-General from March 2005, p.9
[168] Ibid, p.9

In its third part (Collective security and the use of force) after listing the main threats to peace and further threats of peace, the report returns to a more narrowly defined concept of security with regard to admissibility and legitimacy in International Law of the use of military force measured against the corresponding norms of the UN Charter. Principally, the report refers to threats to peace from inter- state war as well as – with some limitations – international terrorism.[169] In this respect the interpretation of Article 51 of the UN Charter is very important although the Panel stressed that they do not favour the rewriting or reinterpretation of Article 51. Since, the language of Article 51 is restrictive and leads to the question whether a State can, without going to the Security Council, claim in these circumstances the right to act, in anticipatory self -defence, not just pre – emptively (against an imminent or proximate threat) but preventively (against a non – imminent or non -proximate one)?[170]

Part four of the report offers, under the title A for more effective United Nations for the twenty-first century, institutional reforms to the main organs of the United Nations (with the exception of the International Court of Justice). Among other suggestions is the establishment of a Peacebuilding Commission as a subsidiary organ of the Security Council. At the end of part four there are the Panel's proposals for specific changes to the text of the UN Charter which will be analyzed in next chapter in details.

When Kofi Annan commissioned the High Level Panel on Threats, Challenges and Change, the Secretary-General urged its members to address head on the subject of major institutional reform, including that of the Security Council and, possibly, that of other principal organs of the UN with the words that:

> "The aim of the High Level Panel On Threats, Challenges and Change is to recommend
> clear and practical measures for ensuring effective collective action, based upon a rigorous
> analysis of future threats to peace and security, an appraisal of the contribution collective

---

[169] Ibid, p.10
[170] The Full Text of the Panel's Report: A more Secured World: Our Shared Responsibility , p. 54 available at:www.un.org/**secureworld**/report2.pdf (10 March 2007)

action can make and a through assessment of existing approaches, instruments and mechanisms, including the principal organs of the United Nations"[171]

Thus, the question of Security Council expansion has come to dominate the international agenda especially during and, to some degree, after the Panel's deliberations. It should be considered that, the Panel made a useful contribution to the ongoing process of United Nations reforms because it contains several interesting ideas and concrete suggestions that deserve to be discussed seriously with a view to arrive a consensus. In the Panel's Report the function of the Panel in the issue of UN reform is not to find alternatives to Security Council as a source of authority but to make the Council work better than it has.[172] Above all, the Panel points that Security Council remains important today as it was in 1945 to combine power with principle.

Hence this chapter and the following chapter will focus on the departure point of the thesis and the most important principal organ of the UN, the Security Council, and its reform efforts with alternative proposals. Actually, the Panel did manage to settle on four principles for reform of the Council.[173] Initially, any reform should increase the involvement of those who contribute most to the UN financially, militarily, and diplomatically. This should be understood as meaning contributions to UN assessed budgets, participation in mandated peace operations, contributions to voluntary activities of the UN in the areas of security and development, and diplomatic activities in support of UN objectives and mandates. Secondly, reform should bring into the decision-making process countries more representative of the broader membership, especially of the developing world. Thirdly, any reform should not impair the effectiveness of the Security

---

[171] Secretary-General Names High-Level Panel to Study Global Security Threats and Recommended Necessary Changes, Doc. SG/A/857, November 4, 2003, available at: http://www.un.org/News/Press/docs/2003/sga857.doc.htm (15 March 2007)

[172] Mats Berdal, "The Report of the High-level Panel on Threats, Challenges, and Change: A Preliminary Assessment in Ernesto Zedillo(ed), **Reforming the United Nations for Peace and Security: Proceedings of a Workshop to Analyze the Report of the High-level Panel on Threats, Challenges, and Change**. New Haven, Conn.: Yale Center for the Study of Globalization,2005 p:52

[173] Simon Chesterman, "Reforming the United Nations: Legitimacy, Effectiveness and Power after Iraq", in Singapore Year Book of International Law and Contributors, vol.10,2006,p:16 available at: http://law.nus.edu.sg/sybil/downloads/coming/Chesterman_SYBIL_2006.pdf (15 March 2007)

Council. And fourthly, reform should increase the democratic and accountable nature of the body.[174]

In terms of the Security Council enlargement, referred to the first principle of the Panel, the most objectionable recommendation of the Panel is that increasing the involvement in decision making of those who contribute most to the UN, financially, militarily and diplomatically. Specifically, the Panel suggests that the General Assembly should elect Security Council members by giving preference for permanent or longer term seats to those states that are among the top three financial contributions in their relevant regional role, or the top three contributors.[175]

In this respect, Japan and Germany, the second and third biggest contributors to the UN budget, have been campaigning for permanent seat status on the Council concerning the Panel's recommendations. Moreover, India, the second most populous country and Brazil, Latin America's biggest country, also have plans on achieving permanent status on the Council.[176]

On the hand, the countries which mentioned above seem the most suitable countries for the permanent membership and formed their proposal; the national interests of the other countries do not share the same aspects. Therefore none of these proposals for UN Security Council expansion is likely to go far, however. For example, China does not want to see Japan as a permanent member. Italy opposes a permanent seat for Germany in addition it has proposed a single permanent seat for the European Union instead of Germany's taking permanent seat. However the idea of permanent seat for EU is opposed by Britain and France who would have to give up their permanent seats under that

---

[174] The Full Text of the Panel's Report: A more Secured World: Our Shared Responsibility , p. 67, available at:www.un.org/**secureworld**/report2.pdf (10 March 2007)
[175] Ibid p.82 cited by Muchkund Dubey, "Comments on the Report of the High-level Panel on Threats, Challenges, and Change", in Ernesto Zedillo(ed), **Reforming the United Nations for Peace and Security: Proceedings of a Workshop to Analyze the Report of the High-level Panel on Threats, Challenges, and Change**. New Haven, Conn.: Yale Center for the Study of Globalization,2005 p:67
[176] W.Andy Knight, "A More Secure World? A Critique of the Report of the High-level Panel on Threats, Challenges, and Change" in Ernesto Zedillo, p.132

scenario. Moreover, Mexico and Argentina oppose Brazil's quest for a permanent seat on the Council, and Pakistan opposes India's future permanent status.[177]

This conflict revolving around the status of permanent membership comes to a deadlock the reform efforts and the Panel does not do enough on how to break this deadlock on reforming the Security Council. It just offers general suggestions on how best to improve the Council's credibility and effectiveness.

On the issue of decision-making process and the Council's credibility and effectiveness the Panel offers that there must be greater involvement in the Council's decision making by those countries that contribute most financially, militarily, and diplomatically to the UN (see Article 23 of the UN Charter). However, the greater involvement in the Council and more representative of the UN's broader membership should not weaken the Council's effectiveness. Additionally, it should be more democratic and accountable.[178] At that point, UN members could not agree on a solution except the issue of necessity of the reforms.

Consequently, the workings of the Panel have not achieved a success on the question of Security Council reform including the issue of expansion and veto. It accepts the dominant role of the current five Permanent Council Members as a real political fact unlikely to be changed by any reform proposals. Aside from this, the report presents two models for expansion of the Council, which reflect the positions of the two antagonistic "main camps," – namely the supporters and opponents of new permanent seats because the panel was unable to agree a unified proposal.[179] The models which are suggest by the Panel are Model A and Model B. One of them recommends additional permanent membership and the other one suggests additional nonpermanent membership.

---

[177] Ibid
[178] High Level Panel Report, paragraph:.80 available at: www.un.org/secureworld/report2.pdf (10 March 2007)
[179] Bardo Fassbender, "UN Reform and Collective Security The Report of the UN High-level Panel on Threats, Challenges and Change of December 2004 and the Recommendations of the UN Secretary-General from March 2005", p.7

6. SECURITY COUNCIL REFORM PROPOSALS

6.1. Broad Proposals for the Security Council Reform

6.1.1. Background

From the Council's inception to now there has been a debate how could lead to a radical change to the prestigious UN Security Council which is the world body's principal policy-making panel. Nearly all the 192 UN member states agree that the fifteen states council in its current form reflects the power configuration of the post-World War II era and no longer accurately reflects the world's landscape of power. The Security Council, which consists of five permanent members with a veto, and ten who are elected to two-year terms, has not been expanded in 40 years. But so far there has been no agreement or arrangement on how to change or revitalize it. Indeed, the endless debate in the General Assembly has given away deep divisions among member states, which threatens the plans for broader UN reform.

This chapter focuses on the proposals making for resolving the structural problems of the Security Council. While explaining the models, the actors who propose the models are going to be analyzed. In order to determine whether the proposed reforms to the Security Council will serve to enhance its credibility, it is essential to first understand which states support the proposals.

After the Open-Ended Working Group's establishment, eighteen concrete models regarding the new composition and size of the Council were proposed. These proposals are contained in the final report of 1996[180]. The proposals were divided into three groups by Inko Winkelmann[181] and these groups are going to determine the contemporary

---

[180] Doc. A/49/965 of 18 September 1995 and Doc.A/50/47 Add. 1 of 9 September available at: http://www.un.org/news/Press/docs/1997/19970310.ga9222.html (22 March 2007)
[181] The classification of reform proposals presented after the Open Ended Working Group which is used as an approaches styles in the paper were developed by Ingo Winkelmann. Ingo Winkelmann, "Bringing The

models and supporters of these models. He makes a clear and useful summary of the approaches about the Security Council reforms and presents a sufficient background for the reform proposals. He points out that there are basically three approaches and each approach includes different models. The three groups or approaches to the Security Council Reforms are the corner stones of the contemporary models for resolving the Security Council Reform due to contemporary models are built on these approaches. The major groups are 1.) *Status quo solutions: the zero models* 2.) *Parallel enlargement solutions: plus models* 3.) *Modified parallel enlargement solutions: region models*[182]

6.1.2. Status Quo Solutions: The Zero Models

The reason of why the status quo solutions entitled as zero models is their opposition to any change in the number of permanent members. The argument is that granting new permanent seats only to developed countries would increase the number of economically developed countries in the Council. Therefore the United Nations does not consist of only economically developed countries and it would not be either equitable or democratic.[183]

Italy, Turkey and Mexico are the drafters of the 'Zero Models'. In essence the proposals of three countries were the same though they differ in details. The model was presented by Italy with vigorous promotion. The Turkish model was nearly the same with Italian model and Mexican model that three of them share the same specific features.

Italy proposes that the increase in the number of Security Council members should be as in 1965. Italy defences that an expansion could be limited to only non permanent seats. In addition to existing ten nonpermanent seats, ten new seats should be added. Each of the ten seats should be shared by three states so that thirty new states could be non permanent members of the Security Council. The thirty states should be determined according to the

---

Security Council into a New Era", Max Planck Year Book of United Nations Law,Vol:1,London: Kluwer Law International,1997, p.58
[182] Ibid, p.58
[183] Ibid, p.59

geographical distribution that the model could provide regional representation. The states should be elected using objective criteria and reviewed every 10 to 15 years. [184]

The logic of the Turkish model[185] is the same with Italian proposal that it offers rotating regional non permanent seats. It was based on global rather than regional considerations. Turkey proposes additional ten non permanent member seats but the seats should be shared between forty states however it does not indicate regional criteria. It would be determined according to the subsequent criteria: population, geopolitical situation, military capacity, economic potential, contributions to the maintenance of international peace and security and to the other purposes of Organization and equitable geographic distribution. The rotation list of forty states should be determined every 12-16 years.

The Mexican model is the same in its origin that it rejects additional permanent seats to the Council. However it is a bit different from Italian and Turkish models. It differs in proposing four new regular, non rotating seats plus one seat to be shared by Japan and Germany on a biennial basis.[186]

6.1.3. Parallel Enlargement Solutions: The Plus Models

The parallel enlargement solutions propose a parallel enlargement of the Council's membership categories. These models are to the order of expansion both membership categories. It offers expansion in the number of both in permanent membership and non permanent membership. The 'plus' models does not propose new type of membership categories equipped with new qualifications or rotation arrangements. The countries who recommends 'plus models' are small and medium sized countries, Non Alignment Movement Countries and some African Union countries with Germany, Japan and Nordic countries.[187]

---

[184] "Italy: working paper", Doc.A/50/47/Add.1, Annex IX,para.3 available at: http://www.globalpolicy.org/security/reform/wkgrp96.htm (25 March 2007)
[185] Turkey:Position Paper, Doc.A/49/965 of 18 September 1995,110 cited by Ingo Winkelmann, p.60
[186] Mexico, Proposal cited by Ingo Winkelmann, p.60
[187] Ingo Winkelmann, p.61

Slovenia, Belgium, Austria, the Czech Republic, Estonia, Ireland, Hungary and Portugal are the countries who presents a 'plus' model with additional permanent seats.[188] It proposes two plus three permanent membership. The criteria for selecting new permanent members are global influence as well as the capacity and willingness to contribute to the maintenance of international peace and security. The most suitable two countries are Germany and Japan. The additional three countries for permanent seat should be elected from Africa, Asia and Latin America. The increase in the number of permanent seats should be balanced with increase in the number of non permanent seats. The reason of the accomplishment with the increase in the non permanent seats is to save the balanced configuration as much as possible. The model objects the founding of special privileged rotation arrangement for medium sized countries and regards a Council with 20 or 25 members. General idea is that the number of permanent member should be increased from five to ten and the number of non permanent members should be increased from ten to fifteen.

Although there is no consensus between the members about how to select the new members and no arrangement was determined, states individually discuss the issue. According to Cuba, the increase in the number of permanent and non permanent members should come up in accordance with the principle of equitable representation. The expansion of permanent seats should not be reserved for only industrialized countries.

Germany and Japan are the countries who defence 'plus models' due to they want to be permanent members of the Council. In Germany's views, there should be within the permanent membership a balance between developed and developing countries, between North and South.[189]

---

[188] Informal Group of Small and Medium- Sized Countries: discussion paper, Doc.A/49/965 of 18 September 1995, available at: http://www.globalpolicy.org/reform/0115wkgreport.htm (10 May 2007) cited by Winkelmann, p.61
[189] Germany, Statement made by Ambassador T.Eitel in the Working Group on 23 April 1996,available at: http://www.globalpolicy.org/security/docs/gerold10.htm (10.May.2007)

Indonesia and Singapore also suggest an increase in the number of permanent seats and non permanent seats. Their argument is that the new permanent members should reveal the new and emerging new groups of powers. Both of them mention the necessity of establishing the objective selection criteria.[190]

Non Aligned Movement countries share the same view with Cuba and also Indonesia and Germany about the expansion of permanent seats but they do not give details how to determine the future owners of the seats. However, if there is no agreement, expansion should take place only in the non permanent category for a time being.[191]

6.1.4. Modified Parallel Enlargement Solutions: The Region Models

The modified parallel enlargement[192] is the developed version of 'plus' models that it proposes expansion in the number of permanent seats but election process of the countries has similar points with zero models. It leaves it up to the regional organizations or regional groups to determine regional members or establish rotating system. The supporters of the model are Organization of African Union (OAU)[193], Tunisia, Malaysia and Norway.

According to this model membership, permanent membership expansion and non permanent membership expansion should be eventuated. OAU should be represented with two permanent seats with all privileges of permanent membership and non permanent seats.[194] The permanent seats to Africa should be allocated to countries on the decision of Africa themselves. It is based on the system of rotation determined in the criteria of OAU.

---

[190] Indonesia,,Working Paper, Doc.A/49/965 of September 1995, available at: http://www.globalpolicy.org/security/reform/secwg7.htm#Indonesia (10 May 2007)
[191]Non Alignment Movement, Ibid, available at:
http://www.globalpolicy.org/security/reform/secwg7.htm#Indonesia (10 May 2007)
[192] Modified Parallel Enlargement Models are also developed by Wınkelmann and in this section his classification will be used. See Ingo Wınkelmann,p:64-75
[193] The African common position established 58th ordinary session of the OAU and was presented in August 1993 by Tanzania. There were 29 states. For more details please see:
 http://www.africa-union.org/root/au/index/index.htm (10 May 2007)
[194] Organization of African Union Doc. NY/OAU/POL 84/Rev.2 of 29 September 1994 available at: www.cinu.org.mx/onu/reforma_cs/a50_47rev1.pdf (10 May 2007)

Malaysia also developed a 'region model' and announced it in February 1996.[195] Razali who was the representative of Malaysia stated about the regional representation that:

> "We do believe that permanent regional representation is the only way to move on the issue of permanent membership. Given the rocklike position of those for permanent membership expansion and the equally strong opposition by those deadly against, an elaboration and acceptance of permanent regional membership may be the only way out. It would also bring regions into a position to bear more the burden of added financial responsibilities, troop contribution and of adhering as a group to universal criteria suitable and expected of, for the full discharge of all responsibilities of the Security Council."[196]

Malaysia offered a form of representation in the Council where a number of members represent a specific geographical region. This regional mechanism would decide on how to allocate seats. Any country in a region could be a permanent member if it encounters the number of factors such as peacekeeping, upholding universal values, including human rights, size, population, global involvement and capacity to pay. According to Malaysia, regionalism is not a new concept for United Nations. The concept of regionalism was recognized even in 1945 as reflected in the appreciation shown for regional organization in Chapter VIII of the Charter. Countries within regions are becoming linked no longer by the quirks of history and geography, but by an increasing awareness to cooperate and collaborate in the common cause of improving the lot of their people. Regional organizations have taken root; some indeed have blossomed. Regionalism has developed as it serves the interest of all, the big, the small, the weak and the strong.[197]

Norwegian Model was presented in March 1996 and proposed new permanent and non permanent members.[198] The crucial point of Norwegian proposal is that it is based on two

---

[195] Malaysia, Statement of Ambassador Ismail Razali of 28 February 1996, available at: http://www.globalpolicy.org/security/docs/razali.htm (11.05.2007)

[196] Ibid, available at: http://www.globalpolicy.org/security/docs/razali.htm (11.05.2007)

[197] Ibid. http://www.globalpolicy.org/security/docs/razali.htm (11.05.2007)

[198] Norway, Working paper, Doc.A/50/47/Add.1 of 9 September 1996, Annex XVII, available at: http://www.globalpolicy.org/security/reform/wkgrp96.htm (11 May 2007)

main elements. First one, the current permanent seats should be maintained and second new permanent seats should be created.

Ingo Winkelmann's classification of the reform efforts also included additional proposals which mix three approaches. Actually, the reform proposals of the UN have hardly ever been put in a theoretical framework. However, the classification of Winkelmann with regard to some criterion is the most successful one. In addition to Winkelmann's approach, the classification of Peter J.Stoett is also very important. He entitled his classification as *The Generic Models for Reform.*[199] While Winkelmann used a method to classify the proposals considering in which membership status needs to be expanded, permanent or nonpermanent, Stoett put the proposals in a framework with regard to criterion of which countries will be permanent or nonpermanent members such as the countries which contributes most to the organization or the countries which are more populous or the regions which they are in.

6.2. The Generic Models for Reform

In addition to Winkelmann's classification of reform efforts, Peter J. Stoett advanced three functional models that could provide a frame work for a long overdue reform process. The generic models are: *The Great Power Model, The Regional Model* and *The Functional Incentive Model.*[200] To classify the future proposals or models, Stoett's three functional generic classifications is very important. They are:

- The Great Power Model. It is the one in place. It formalizes hierarchy of states and as such it contradicts the principle of sovereign equality. Some argue that it is an evil necessity, others that because it is based almost exclusively on power, that it encourages militarization. A reform conducted under this framework would concentrate on means by which to limit the power of the veto exercised by the permanent members.

---

[199] Peter J.Stoett classified the reform proposals into three groups because there is a lack of classification of the reforms in his article entitled 'A Case of Misplaced Focus? Reforming the UN's Security Council'
[200] Peter J. Stoett, "A Case of Misplaced Focus? Reforming the UN's Security Council" **Canadian Foreign Policy,** Vol:3 No:3, Winter 1995, p.41-42

- The Regional Model. This model is said to enhance the responsiveness of the Council and improve its legitimacy by making it more representative. It promotes the division of the world into prevailing regions with the power of veto granted to one representative of each. In the case of the European Union, which is striving to develop a coherent foreign policy identity, a single seat shared among member states on a rotational basis would go a long way in attempting to limit intra-regional problems. The spare seat thus created (either France's or Britain's) could then go to the representative of another region - Japan as per example. Understandably, this model draws substantial opposition by France and Great Britain as they are not prepared to let go of the power granted them by the veto. Further, intra-regional competition would demand that the regional posts be rotational.

- The Functional-Incentive Model. The model attempts to promote a balance between states' contributions and their characteristics. Population levels, a given threshold in financial or personnel contributions are among the factors that could be used to establish the basis upon which a permanent seat on the Council could be guaranteed. The model acknowledges the possibility of coalitions of nations - e.g. nations combining their respective contributions - in order to reach the threshold required for the establishment of what would be referred to as a "common seat". The Functional-Incentive model leads one into innovative mathematical formulas and favours greater contributions by member states. In so doing, it dispenses with what is commonly referred to as a system of "taxation without representation" - the one that is said to prevail at the moment. Unfortunately and for obvious reasons, the model clearly advantages those states that can afford to be generous, accentuating inequity among states.

6.3. Contemporary Reform Models and Major Actors

The Secretary General's High Level Panel on Threats, Challenges and Change proposed enlargement of the Security Council as a response to the demands of the reform in December 2004. The Panel brought two models for enlargement. Both of the models provide an expansion of the Security Council to 24 members. Furthermore, there have been at least four proposals which answer the call for reform.

While preparing reform proposals, a fundamental question for any reform of the Security Council is whether it should provide any new permanent members or not. There are states that have been campaigning for permanent seats such as Brazil, Japan, Germany and India who is not pleased the unequal influence of the existing five permanent members. On the other hand particularly smaller states or developing states tend to oppose the creation of additional permanent seats. They do not want because more powerful and privileged countries have more chances than them.

On the other hand, there should be expansion in the number of countries who are holding of the veto right or the advantages of the veto should be restricted because according to the smaller or developing countries, veto right represents anachronism therefore it opposes basic efforts to make the Council more democratic. However, most of them defend instead of expanding the veto right in its self and on the base of members; the use of veto should be restricted.

As a result, Security Council is the primary organ in the international collective security system therefore it has a significant influence on global politics. It has to have geographically balanced composition to be fair and global. In this respect, The High Level Panel on Threats, Challenges and Charge produced a proposal which develops a new regional groupings system for the purpose of the election of Security Council members. In this way, geographical balance in the Council could be provided.

It proposed two models under the name of Model A and Model B. Both models suggest different regional elections form the regional groupings used by the General Assembly to elect non permanent members to the Security Council. The election of members for the Security Council was determined in High Level Panel Report with stating Article 23 of the UN Charter.[201] Those states who contributes most to the UN financially, militarily and diplomatically should be given priority.

In this section, the reform efforts after the establishment of High Level Panel will be analyzed with models and leading actors of the models. In this respect; firstly, the models, Model A and B, which proposed by high Level Panel will be discussed. Secondly, the two groups, G-4 and Uniting for Consensus or Coffee Club and their proposals will be compared. Lastly, the modified versions of Model A and Model B will be mentioned under the name of Blue and Green Models. While analyzing these six models, their pros and cons and who supports these models will be explained.

6.3.1. Model A

Model A is one of the models proposed by High Level Panel in the High Level Panel report.[202] It provides the addition of six new permanent seats without the veto. The seats are divided among regional areas. They are Africa, Europe, Asia and Pacific, Americas so that each regional group has a seat in the Council. Furthermore, the model offers three non permanent seats. They would be two year non renewable seats. One of these is for Africa, the other one is for Asia-Pacific and the last one is for Americas. The aim of the model is to redistribute one existing non permanent seats away from Europe. The net effect is to give six total seats to each of the four regional groupings.[203]

The Panel clearly recognizes that: their proposed Model A calls only for five new non vetoing permanent members. This model avoids the problem of multiplying potential

---

[201] High Level Panel Report, para.249 available at: www.un.org/secureworld/report2.pdf (10 March 2007)
[202] High Level Panel proposed two different models, Model A and Model B because there was no agreement in the Panel and they left the choice to the member countries. However there is a polarization between countries about which model is suitable. Ibid, para 249. available at: www.un.org/secureworld/report2.pdf (10 March 2007))
[203] High Level Panel Report, para.251 available at: www.un.org/secureworld/report2.pdf (10 March 2007)

veto points and the diplomacy around them, but it probably will not satisfy the desires of the major aspirants for whom equality and prestige, not to mention the power of the veto, remain important. For similar reasons their regional rivals are unlikely to acquiesce in the permanent status upgrade of even the non-veto role.[204]

6.3.2. Model B

Model B proposes no new permanent but it creates a new category of eight four year renewable term seats and additional one new two year non renewable seats. Two each is for Africa, Asia and Pacific and Europe and the Americas. With the one two year non renewable seats and some redistribution from the current pattern, Africa, Asia and Americas would each gain one non renewable seat, Europe would lose one and Asia Pacific would stay the same at three.[205]

The Panel's Model B adds nothing to permanent membership category. The model only arrange the nonpermanent membership including the addition of eight new four-year seats with renewable terms, and a single new two-year non-renewable seat (which is the current alternative to permanent membership). Eight new four-year seats (cleverly assigned equally, two each to the four big regional groups) might moderate some regional rivals that could hope to alternate occasionally if not regularly with the biggest players. While Model B aims to balance the regional rivals who want to be permanent members, it fosters the powerful aspirants to settle for what would be continued long-term status in a downgraded second class.[206]

6.3.3. Model A versus Model B

It is noteworthy that the Panel could not agree on a single proposal for Security Council reform although the report states that the Panel was strongly of the view that no change to

---

[204] Bruce Russett, "Security Council Expansion: Can't or Shouldn't" in Ernesto Zedillo(ed), **Reforming the United Nations for Peace and Security: Proceedings of a Workshop to Analyze the Report of the High-level Panel on Threats, Challenges, and Change**, New Haven, Conn.: Yale Center for the Study of Globalization, 2005 p:171
[205] Ibid,.p.171
[206] Ibid. p:171

the composition of the Security Council should itself be regarded as permanent or unchallengeable in the future. However, the Panel was not able to succeed in reforming the Council or serve a single and credible proposal to the member states; it prepared a ground for the future debates which revolves around the two possible reform schemes preparing for the Security Council reforms. The debates centred on whether additional permanent seats are necessary.[207]

Both of the models, Model A and Model B are based on the analysis that demonstrates the anachronistic nature of the veto power as it exists today. Both of them avoid adding new seats with veto power to the existing problem and avoid strengthening the veto power of P-5. Actually, the main aim of the Security Council is the introduction of indicative voting whereby formal votes would be preceded by non binding indicative voting during which all members of the Security Council would be equal. It means that no country does have veto power but it is very difficult.

From the perspective of Model A, adding new permanent seats can not solve the problem that it would cause a different situation because new permanent members will not have veto power. For instance, India will probably have a permanent seat without veto right but France has. Is it fair or legitimate to be treated India and Germany from France, UK or China? If Brazil joins, why would it be more treated differently from Russia, which has a comparable population and GDP?

On the other hand, Model A offers six new permanent members but it does not offer any formula how to select these six new permanent members. Model B tries to avoid these types of problems about the direct comparability and new permanent inequalities by proposing the creation of eight four year non renewable term seats rather than permanent seats and offers some selection criteria.

---

[207] Ibid.Para:255 available at: www.un.org/secureworld/report2.pdf (10 March 2007)

However, Model B also has some deficiencies but it is more flexible than Model A so it could be amended in the following ways:[208]

- The voting system should be changed to one of weighted votes where individual countries would have weights reflecting factors such as population, GDP, contributions to global public goods, and the UN budget as well as military capability and contributions to security and peacekeeping. The weights would be regularly updated.

- There could be a mixture of large permanent members and members explicitly representing constituencies and elected by the constituencies. A constituency representative would vote for the entire constituency.

- Different types of decisions would require different thresholds of the weighted votes. Cross-border military intervention, for example, would require more votes than would the imposition of economic sanctions. The US and the European Union acting together, would each have de facto veto power because of their weight.

- The existing five permanent members (P-5) could retain an overriding veto for certain categories of decisions for a period of, say, 15 years. It could be agreed ahead of time that in 2020 the veto power of any individual country would be further limited: for example, that it could not be exercised without a two-thirds backing by national parliaments and that it would only apply to actions involving the use of military force.

If the Model B can be extended as mentioned above, the UN Security Council would achieve a much greater degree of legitimacy and effectiveness. Therefore, the Council could generate much greater hope in a global governance system that the people of the

---

[208] The following amendment suggestions were presented by Kemal Derviş. Kemal Derviş, Thoughts on the Report of High Level Panel on Threats, Change and Challenge, in Ernesto Zedillo(ed), p.51-52

world would own and support and which therefore could provide much greater security for all.[209]

In this context the Model A version of the new Security Council will be less legitimate and less effective than Model B. In essence, both models would significantly reduce the Council's legitimacy problem. Although both model increase the share of the world population represented as permanent or semi permanent members to well over 50 percent, Model B does better on legitimacy grounds as mentioned above. For example, with the acceptance of Model B, Indonesia, the world's largest Muslim country, might periodically serve in a four year renewable seat.

It is impossible to anticipate the net effect of these several mechanisms but at the same time it is easier to anticipate that Model A provides less incentive for Security Council members to contribute time, energy and resources. Model A pushes the Security Council farther in the dissertation of a pure status club, rather than a working institution. According to James D. Fearon, the reports gamble on Security Council reform is more likely to succeed if Model B comes to pass.[210]

As indicated earlier, the Secretary-General confined himself to endorsing the Panel's two options, but he also stressed that the absence of consensus should not become an excuse for postponing action. Though he was under considerable pressure to adopt this position, Annan thereby encouraged a paralyzing debate over seats on the Council that took time from consideration of other issues and divided member states in a process that was intended to unite them. The efforts of the G-4 (Japan, Germany, India, and Brazil) to promote Model A's vision of six new permanent seats ran aground on the African Group. Paralysed by the overlapping constituencies of the Non-Aligned Group and the Group of 77 (G-77), African countries could not decide between the competing claims of Nigeria, South Africa, and Egypt, with Kenya and Senegal later playing spoilers' roles. This was

---

[209] Ibid, p.52
[210] James D.Fearon, "Comments on the Report of the High-level Panel on Threats, Challenges, and Change in Reforming the United Nations for Peace and Security: Proceedings of a Workshop to Analyze the Report of the High-level Panel on Threats, Challenges, and Change". New Haven, Conn.: Yale Center for the Study of Globalization,2005 p.102

interpreted by some as a failure of African diplomacy; others suggested that the G-4 had engineered its own destruction by taking African cooperation for granted and presenting the African Group with a fait accompli. Such divisions were welcomed by those states that saw new permanent seats as being likely to undermine their own influence on the Council due to over-representation of permanent members from their region—most obviously the presence of four European permanent members.

6.4. G-4 States, Uniting for Consensus and Italian Regional Model

6.4.1. G-4 Proposals and G-4 States

The Group of four includes countries whose aims are to achieve permanent membership. The G-4 countries are Germany, Japan, Brazil and India. They have formed G-4 to argue for their collective claim and an opportunity to strengthen their chance and to rise their profiles above other countries. The common argument of G-4 countries is "the Security Council must reflect the realities of the international community in the 21st century."[211] They also added that they have "the will and capacity to take on major responsibilities with regard to the maintenance of international peace and security."

The G-4 Sates have been very decisive about demanding a permanent seat with the power of veto. In fact, all of the G-4 States refuse a seat if it is not given veto power because it will not be fair as Indian ambassador to the UN; Nirupam Sen said at an informal debate that "A new category of permanent members without veto would not balance the weight of existing permanent members. That is precisely why new permanent members should have the veto under guidelines that would act as an example to other permanent members."[212] The G-4 countries have also been working jointly to strengthen their claim

[211] "Meeting of the Leaders of Brazil, Germany, India and Japan on UN Reform Joint Press Statement",21 September 2004, The Japanese Ministry of Foreign Affairs web site, available at: http://www.mofa.go.jp/policy/un/reform/joint0409.html (15 March 2007)
[212] Statement by Mr. Nirupam Sen, "Permanent Representative, on Informal Consultation the Report of the High-Level Panel on Threats, Challenges and Change and on the United Nations Millennium Project 2005" Report at The Informal Meeting of the 59th Session of the UN General Assembly on February 23, 2005, Full text is available at: www.un.int/india/2005/ind1075.pdf (16 March 2007)

to permanent membership. In a meeting on UN reforms, India, Brazil, Japan and Germany issued a joint press statement;

> "The Security Council must reflect the realities of the international community in the 21st century. It must be representative, legitimate and effective. It is essential that the Security Council include, on a permanent basis, countries that have the will and capacity to take on major responsibilities with regards to the maintenance of international peace and security. There also has been a nearly four-fold increase in the membership of the United Nations since its inception in 1945, including a sharp increase in the number of developing countries. The Security Council, therefore, must be expanded in both the permanent and non-permanent categories, including developing and developed countries as new permanent members."[213]

The G-4 countries declare themselves as "self-appointed promoters" for Security Council Reform and claimed that nearly 120 members were in favour of their pursuit of Council reform. In order to enlarge the Security Council, the UN Charter needs to be amended. Vote of the 128 members which is equal to the two thirds of the United Nations General Assembly is necessary for the amendment.[214]

On 1 April, 2005, G-4 convened a meeting to discuss the reform and expansion of the Security Council. More than 150 member states joined this meeting. The G-4 argues that significant changes can take place only through a vote and therefore seeking consensus is an excuse for inaction. In 1965, when the Council was expanded from 11 to its current composition of 15 members, it was made possible through a 1963 vote for Charter Amendment not consensus. This is the reason of G-4 States' circulating a new draft resolution on May 16 which is for calling to expand the Council by adding 6 permanent and four nonpermanent seats and could call up on the states to vote in a special session.[215] The number of Special Session is 25. It could be the breaking or making moment in the efforts to reform the Council. Later G-4 is trying to pressure the UN in many ways. For

---

[213] Joint Press Statement - India, Brazil, Japan and Germany Meeting on UN Reforms, (21 September 2004) Embassy of India web site, available at: http://www.indianembassy.org/press_release/2004/sep/21_2.htm (15 March 2007)

[214] India hopes for resolution on UNSC expansion soon', http://news.indiainfo.com , 22 March 2005 cited in Shairi Mathur, p.16

[215] You can see the chart of the proposal of the G-4 countries in appendix III.

example, Japan is the second financial contributor to the UN budget and warned that it would face intense domestic pressure to cut its grant if it fails to secure a permanent in the Security Council.[216]

The countries of G-4 are seen the candidates most likely to gain a permanent seat if more are created. Because Japan contributes to the UN regular budget was 16.75% in 1997. It is more than the combined contribution of the four permanent members other than the US. [217] It means that, any UN initiative which is including launching a new peacekeeping mission is practically impossible without the support of Japan and it is a major Asian power. It has been the best-behaved member of the UN and generally it is difficult for states to object openly Japan's bid for membership except China and South Korea. It is necessary not to forget that the new Secretary General, Ban Ki-Moon, is from South Korea.

On the other hand, there has been growing willingness for Japan to play more active international role even in military security fields, especially after the Cold War. It contributed $13 billion at the time of the Cold War but it was paralyzed by self imposed prohibition over its military activities beyond its territory proper. It was humiliated rather than respected for its pacifist posture. And it is time for Japan to be a 'normal state' that Japan's Security Council permanent membership is for them a natural step. According to Masayuki Tadokoro "an inactive Japan can be more serious danger to the world than an imperialistic Japan. In this regard, Japan's permanent membership will induce Japan to be more active in international affairs.[218] Japan was completely defeated and the UN had been an alliance against Germany and Japan. A peaceful and passive Japan was what the US wanted until the Cold War.

---

[216] Japan says aid to UN could be affected if denied to UNSC seat.' The Hindu, 28 July 2005, available at: www.**hindu**.com/the**hindu**/holnus/001**200507281**013.htm (10 March 2007)
[217]Masayuki Tadokoro,: A Japanese View on Restructuring the Security Council in: Russett, Bruce (ed.): **The Once and Future Security Council**, New York, St. Martin's Press, 1997, p. 129
[218] Ibid, p.130

The same situation was valid for Germany. Germany is the third largest contributor to the UN regular budgets. Its contributions to the UN would certainly make theme viable option with a cleared annual assessment of 148 million USD.[219]

The position of Germany relatively to Security Council reform was caused to be official in 1993 through a written comment in response to the questionnaire circulated by the Secretary General pursuant to a resolution of the General Assembly. It was the first official step with which Germany posed its candidacy for a permanent seat.

A number of countries openly advocated the election of Germany as permanent member, often coupled with the other economic super power, Japan[220]. The first attempt by Germany to push the General Assembly for a vote on its reform proposal came in 1998, on the wake of an extensive campaign protracted for a few years during the sessions of the 53rd General Assembly. Yet, particularly due to the resistance of the movement of the Non-aligned countries and of those member states, led by Italy, that formally opposed the option of new permanent seats, the attempt failed.

With considering the German contribution to the UN, Germany defines itself to be 'strong regional players and constructive members of the UN'. The strength of the German candidature lies in the German willingness which defines as their strong stake in multilateral institutions and their belief that a stronger Security Council will require a stronger multilateral approach. It is experienced because of its positions in EU and OSCE.

France has explicitly called for a permanent seat in the UN for its close UN partner "Germany's engagement, its ranking as a great power, its international influence. France

---

[219]Reform of the United Nations, available at:
http://en.wikipedia.org/wiki/Reform_of_the_United_Nations_Security_Council (10 March 2007)
[220] Particularly important has been the support over the years given by the UK and France. Other European Countries supporting the position of Germany have been Austria, Belgium, Bulgaria, Czech Republic, Estonia, Hungary, Ireland, Portugal and Slovenia (see UN Doc. A/49/965, 18 September 1995 and UN Doc. A/51/47, Annex III, 8 August 1997); The Netherlands (although the position of this country has changed), Romania, and Sweden (UN Doc. A/48/ 264); and Poland (UN Doc. A/51/47, Annex X).

would like to see them recognized with a permanent seat on the Security Council" said Jacques Chirac in 2000.[221]

6.4.1.1. Brazil

Brazil is a Latin American country and it is from the southern hemisphere. The Brazilian candidacy was based on assumptions regarding its regional role in South America and it was regarded as an important step in terms of integrating a Southern country from the developing world. It was also regarded as an example of diplomatic stability suffering no conflictual relationships in its near board.

Brazil is the largest country in Latin America in terms of population, GDP and land area. Moreover, South America is one of the three inhabited continents without permanent representation on the Security Council with Africa and Oceania. In this respect it is necessary for Brazil to play a regional role due to the size of its economy, territory and population. It has aspired to a seat on the Security Council for years and built up its case by actively participating in UN peacekeeping missions such as in Haiti. As a contributor to the UN peacekeeping forces, Brazil ranks 14th with a total of 1270 personnel committed as military observers, police and troops. [222]

Financially, it is also 14th ranks in terms of budgetary contribution, with a 2006 assessment of 26 million USD. Furthermore, 32 million USD that Brazil owes in unpaid dues from previous years. It is the only candidate state to have a backlog of unpaid dues of the G-4 countries.[223]

In Latin America, Brazil's candidacy is refused by Argentina and Mexico but it is declared by Rosenda Fraga, director of New Majority Studies in Argentina, that if the

---

[221]UN Security Council available at:
http://www.biocrawler.com/encyclopedia/United_Nations_Security_Council (18 March 2007)
[222] 2005 statistics, year in review, 31 December 2005
[223]Payment to UN regular budget for 2006, Regular Budget Payments of Larger Players, Global Policy Forum, available at http://www.globalpolicy.org/finance/tables/reg-budget/large06.htm (13 April 2007)

council is expanded, the inclusion of Brazil is given because it is the only country in the region with the vocation of being a global actor.

Argentina was the South America's biggest economy a century ago. Today it has a GDP equivalent or one fourth or one third of the GDP of Brazil or Mexico. The United States sent strong indications to Brazil that it was willing to support their membership, of course without a veto right. It has also received backing from other countries such as Russia for a permanent seat as well.

6.4.1.2. India

India formally launched its offer for permanent membership on the United Nations Security Council in 1994. It was after a UN General Assembly Resolution in 1992 asserting the need to expand the Council in order to reflect the "changed international situation" and to achieve "equitable representation".[224]

India has the world's second largest population. It constitutes an important proportion of lobal population and it is the world's largest democracy.[225] It is also the world's fourth largest economy in terms of purchasing power and parity and it is also largest growing economy.[226] Currently India maintains the world's second largest armed force and it is the largest contributor of troops to UN mandated peacekeeping missions of the G-4 States.[227] Indeed, India ranks fourth out of all United Nations member states in terms of military personnel contributions with a 2005 troop contribution of 7204.[228] It has shown seriousness in participation and process. It was one of the founding members of the Security Council and has participated in several of its activities, including UN operations in the Democratic Republic of Congo, Cyprus, Cambodia, Yemen, Somalia, Rwanda,

---

[224] "Question of equitable representation on and increase in the membership of the Security Council", Doc. No:A/RES/47/62,84th plenary meeting, 11 December 1992 available at: http://www.un.org/documents/ga/res/47/a47r062.htm (15April2007)

[225] Joseph E. Schwartzberg, **Revitalizing the United Nations**, New York: Institute for Global Policy, World Federalist Movement, 2004,p:61

[226] Shairi Mathur, , p:6

[227] Federation of American Scientists, Armed Force, available at: www.fa**s**.org/a**s**mp/profile**s**/wmeat/WMEAT99-00/03-hl-**ArmedForces**.pdf (15 April 2004)

[228] Indian Cabinet , Background Paper, available at: www.yale.edu/yira/imscsy/**india**n.doc (15 April 2004)

Namibia, and Sinai among others. Taking into account its huge population and growing economic and political clout, India is also a candidate of being a superpower. However, its being a superpower is a double edge sword. On the one hand, being a nuclear power seems to add India's legitimacy of gaining permanent seat. On the other hand, India's policies on nuclear power in the past have come under severe criticism from the UN. For example, India rejected the Comprehensive Test Ban Treaty (CTBT) and found itself in virtual isolation.[229]

In fact, Shashi Tharoor, the UN's Under Secretary General for communications and public information in his book "Nehru: The Invention of India" wrote that the US offered India who was the founding member of the NAM, a permanent seat around 1953 but it was rejected by Nehru because India should have remained a neutral wedge in world politics.[230] In 2005, Annan argued in New Delhi:

> "India has made enormous contribution to the United Nations, through the efforts of its Government, and the work of Indian scholars, soldiers and international civil servants. So it was natural when eighteen months ago I asked a group of international experts to make recommendations for strengthening our system of collective security and adapting it to the threats and challenges of the 21st century, that I asked one of your citizens, the former commander of one of those peacekeeping operations, to play a part in the panel- your very distinguished general, Satish Nambiar, whom I turned to assist us." [231]

Although India rejected the permanent status in 1950s, now it has had to gather support for itself to gain the necessary votes to be permanent member. In this respect, it has been active in sending emissaries to different countries, particularly to P-5 and the African Union. By joining Germany, Brazil and Japan, it has strengthened its position internationally as a global player. Through forming strategic partnerships with these countries, it has tried to build goodwill for itself especially with UK and USA and other members of the G-4. In this sense with considering the stability and tenacity about the

---

[229] Shairi Mathur,,p.5
[230] Shashi Tharoor, **Nehru: the Invention of India**, New York: Arcade Publishing, 2003. p:164
[231] In Larger Freedom – the changing role of the United Nations", Secretary General's public lecture, New Delhi, 28 April 2005, available at: www.un.org/av/photo/sgtrips/sgindiaapr05.htm - 10k (16 April 2007)

Security Council reforms, Indian foreign policy is said to combine "Gandhian non violence with a touch of Kissinger-like pragmatism"[232]

India has been very adamant about demanding a permanent seat with the power of veto. India's External Affairs Minister Natwar Singh has been quoted several times in the media saying that India wants a veto-wielding power as a permanent member.[233] However, it still feels strongly about the veto power, it has realized that in order to get wider support at the current time, it would have to forego its claim to veto power. The G-4 draft resolution therefore calls for a decision now on new permanent seats without veto power and proposes a revisiting of the veto question in 15 years.

6.4.1.3. Brief Summary of G-4 Countries

When the High Level Panel proposed two different models, model A and model B, Brazil, Germany, India and Japan who are known as G-4 launched a joint effort to secure four permanent seats on the Security Council based on Model A. According to them, they are the most suitable candidates based on the requirements established by the High Level Panel. The G-4 proposal included two African states as a permanent member based on the recommendations from the African Union. However African Union has failed to reach a consensus on two African candidates and the competition for power and shifting national interest replaced with a universal morality. Indeed the UN will be fatally incapacitated if it ignores real politic but fatally compromised if it abandons its sense of moral mission and international solidarity. Utopia is fundamental to its entity. [234]

6.4.2. Uniting for Consensus

Four UN member states, Italy, Canada, Colombia and Pakistan, who are representing a larger group of countries, proposed the so called 'Uniting for Consensus' proposal.. Proposed to General Assembly another project on July 26, 2005, Italy has been opposed

---

[232] Why India?" The Hindustan Times, 10 Nov 2003 quoted in Shairi Mathur, Voting for India: India in a Reformed Un, London: Foreign Policy Centre, 2005, p.10
[233] Shairi Mathur, p.12
[234] Ramesh Thakur, "Ashamed responsibility for a more secure world" **Global Governance**, Vol.11, No.3, 2005 p:288

to the G-4 initiatives especially new permanent membership, and has submitted since 1982 another proposal together with other countries. It was based on introduction of semi-permanent membership and against the permanent membership of the G-4 or any other new permanent membership. They claim that this addition of permanent seats would violate the principle of sovereign equality and create new centres of power. Therefore, the so called Coffee Club was established a group of resistance against the G-4. It was mainly composed by regional 'competitors' of the G-4 countries.

Whereas Italy first held that 'should it be decided to increase the number of permanent members, Italy feels entitled to be one of them, it later proposed to leave the permanent members at five and increase the number of non permanent members. Furthermore, it has expressed strong reservations about Germany's candidacy and is determined to scuttle Berlin's chances of joining the Security Council permanently. Pakistan is a long-time rival of neighbouring India. Pakistan does not want to see New Delhi elevated to the ranks of permanent member. South Korea is a critical of Japan's wartime past and is currently in a dispute with Tokyo over a historically symbolic island midway between the two nations. Brazil is a Portuguese speaking country in a largely Spanish speaking Latin America.[235] All these countries have traditionally grouped themselves in the so-called Coffee Club, officially Uniting for Consensus. The group includes 12 member states. They are Italy, Canada, Colombia, Pakistan, Argentina, Costa Rica, Malta, Mexico, Republic of Korea, San Marino, Spain and Turkey.

In May 2005, Annan called a meeting of the G-4 and members of the Coffee Club at the UN Headquarters. His aim was to try and bridge over the differences because Coffee Club member states, on contrary to the G-4 countries, supported Model B or its products. Their plan is adding ten new non-permanent members serving for to year renewable terms. This would bring the number of non-permanent members to 20 which include representation from all major geographical regions according to the plan. [236]

---

[235] Thalif Deen, "UN Security Council Expansion Thrown into Disarray Again", Inter Press Service, 12 April 2005, published in Global Policy Forum available at: http://www.globalpolicy.org/security/reform/cluster1/2005/0412agendas.htm (16 April 2007)
[236] Shairi Mathur, p.20-21

On the other hand the Uniting for Consensus countries states that the accession of additional permanent members to the Council was not in the best interests of the UN and it was in the best interests of the overwhelming majority of its Member States. Widening the permanent circle for the new who sought special status, no matter how worthy their candidacies, would make the Council less accountable for its conduct, more remote from the membership and less representative of the world's region.[237]

Allan Rock, ambassador of Canada to the United Nations, found the draft democratic because it would make the Council more accountable to Member States; it provided for a flexible allocation of Council seats and it provided fairness."[238]

While defending their arguments, Italian ambassador Marcello Spatafora criticized G-4 Model due to:

> "The G-4 Model was structured in such a way as to benefit just six 'happy few', at the detriment of all the other 180 member states and with a tremendous divisive impact on the membership. No reform would be able to enhance the effectiveness and efficiency of the Organization if it was not rooted in the principle of fair and equal opportunities to be granted to all members. Only then would they be able to strengthen and enhance their sense of ownership of the UN, their sense of belonging to an organization of which they could be proud. Reform could not be dictated by power of money. They had to be dictated by principles for the legitimacy of the UN." [239]

It reflects the ideas of Colombia. In essence, Colombia had been one of two countries that had voted against the veto when UN was formed in 1945. It had never believed in its privilege. Maria Angela Holguin Cuéllar form Colombia expressed the views of Colombia with the words that:

---

[237] "Uniting for Consensus Group of States introduces text on Security Council Reform to the General Assembly", 59th General Assembly Plenary Meeting, Press Release GA/10371, 26 July 2005 available at: http://www.un.org/News/Press/docs/2005/ga10371.doc.htm (16 March 2007)
[238] Ibid , available at: http://www.unis.unvienna.org/unis/pressrels/2005/ga10371.html (15 March 2007)
[239] Ibid , available at: http://www.unis.unvienna.org/unis/pressrels/2005/ga10371.html (15 March 2007)

"At this time member states were not in the process of overcoming a world war and, if the world was evolving, it was towards the plurality of multilateralism, with 191 member states, as well as diverse and dynamic national and regional realities. Development needs were not met by the creation of new powers through a UN vote that might lead to a deep international confrontation in the organization, from which no one was bound to benefit." [240]

6.4.2.1. Italian Regional Model

The model proposed recently by the Italian government maintains the current regional groupings. They are Asia, Africa, Western Europe, Eastern Europe, Latin America and Caribbean. It offers ten new permanent seats without veto right to the regions.[241] The new permanent ship is not to individual states. Ambassador Marcello Spatafora explained to the General Assembly in May 2005 that the Italian Model envisions a true regional seating as opposed to seats regionally assigned but occupied nationally. [242]

The Italian proposal would leave the current five permanent and ten nonpermanent seats unchanged. Instead it would create eight-ten new nonpermanent seats that would be shared by 24-30 countries. According to it, each regional group would have the operational management of the seats and that each region would define principles and mechanisms with appropriate check and balances to prevent national occupation of the seats and ensure regional representation. This is a rotation system that would have more frequent rotation on them. From each regional group the General Assembly would choose those countries that contribute most to UN activities.

The Italian Regional Model lets smaller states in a region to move to the forefront of world politics. It is an opportunity for regional small states to increase their capacity and enhance their ability. In real, if regional powers give up their hopes for permanent membership small states have opportunity.

---

[240] Ibid, available at: http://www.unis.unvienna.org/unis/pressrels/2005/ga10371.html (15 March 2007)
[241] The Table of the Italian regional model is in the Annex IV
[242] Ibid, available at: http://www.unis.unvienna.org/unis/pressrels/2005/ga10371.html (15 March 2007)

The main shortcomings of the Italian model lie in its implementation. Current member states do not readily have the capacity to manage the Security Council regionally. Maybe only regional organizations can that capacity be developed like European Union. It could manage the seat for Western Europe. The other structural affect of the Italian proposal is that every country can not be readily represented by a regional organization. For example all Europe is not the member of European Union.

To conclude this proposal also uses the regional groupings used by General Assembly. It creates ten new permanent seats without veto power. The crucial difference from other proposals is that these permanent seats are not assigned to particular countries, but to regions. The model relies on the regions to develop a process in order to representative does not yet exist. Even if there is a regional organization such as European Union, not all European countries are members of it. Thus setting up a structure with regional representations in the Security Council would require the presence of a great workforce at UN headquarters. It would also require large amounts of large amounts of enhanced cooperation between states which to this date has not been observed in all areas of the globe. Therefore it is not possible to ensure fair representation.

Shortly after the Italian Regional Model, Uniting for Consensus countries united to oppose the expanding Security Council in permanent category as Model A proposes. Blue and Green Models were developed on the basis of Model B proposes.

6.4.2.2. The Variants of Model B: Blue and Green Models

The basic model and two of its variants are definitely preferred than just adding permanent members by the midsized countries. However, it includes the introduction of too many members, and they have a great complication. Although the Security Council with 15 members has already gone past according to size efficiency ratio limits, the whole process will become extremely cumbersome with the additional permanent members. General consensus makes the same point that when committees get too large, they give rise to executive committees which do all serious work. Therefore the original

body becomes dysfunctional and irrelevant. The best example is the situation of ECOSOC. It demonstrates how greater size detracts from effectiveness.[243]

Blue and Green Models are the derivatives of Model B. It was developed shortly after the Italian proposal by the Uniting for Consensus, an unlikely coalition of countries. They came together by a common view which opposes expanding the Security Council in permanent category as Model A proposes.

6.4.2.2.1. Green Model

Green Model is the same with the Italian Regional Model in terms of size and balance. It also depends on the regional system and divides the Council into five regional groupings. It proposes expanding the Council with ten new seats. In the Italian Regional, the new permanent memberships are belonged to regional groups, in other words the seats are assigned to regional groups. But in Green Model the seats are assigned to individual states and they are not permanent.[244] Actually, the Green Model is also most similar to the Council's current composition that it includes and uses the same five regional groupings and it does not form a new tier. Furthermore, it offers to expand the Council's current two year category by adding ten more seats. The additional seats functions are all the same with the function of current non permanent seats. All of the 20 permanent members are open to re-election that each region can create ad hoc criteria for re-election of its all allocated seats. The rotation of seats serves as an alternative in the system. Today, the two-year seats that are occupied by states can not be suitable for immediate re-election.

Green Model is the variant of Model B; however they are not the same. The main difference between Green Model and Model B is that Model B includes four year renewable seats. Green Model does not create a new membership or third category.

---

[243] James Paul and Celine Nahory, "Thesis towards a democratic reform of the UN Security Council", Global Policy Forum web site, July 13,2005, available at: www.globalpolicy.org/eu/en/annualr/2005_annual_report.pd (13 April 2007)

[244] Walter Hoffman & Ayca Ariyoruk, Special Paper No.4, "Security Council Reform Models: Models A and B, Italian (Regional)Proposal, Blue and Green Models and A New Model C", May 2005, Centre for UN Reform website, available at: www.centerforun**reform**.org/node/148 - 12k (10 January 2007)

Shortly the Green Model increases the number of non permanent seats to 20 and would make all non permanent seats renewable. While Green Model is doing so, it avoids creating a new category.

6.4.2.2.2. Blue Model

Blue Model is also the other derivative of Model B and it has similar points with Green Model.

The main principal of Model B is that it brings a new category in membership. It creates a third category of seats with longer term. Its duration can be three or four years. Additionally, it expands the two year term category by adding two or three seats. In the issue of re-election, of long term seats, not only Blue Model meets the interests of the larger countries by creating larger longer-term seats but also it provides the concerns of smaller countries by expanding the two year category. This is the principal difference between Model B and Blue Model because in Model B continental groupings limit the allocation of more seats to smaller states.[245]

The argument of member states that they have underlined in past months is adding states makes the Council more representative. In this regard, the Coffee Club members defense the idea that countries all around the world are represented in the Council, the more representative will be the Council.[246] This is not absolutely true because adding more seats to the Council means adding national interests to the Security Council. Eventually, what Model B and its derivatives propose as reforming the Security Council could be their major deficiency. In other words the major advantage of Model B is its providing more representative Council but its disadvantage is the conflict which more representative Council provides.

---

[245] Ibid, available at: www.centerforun**reform**.org/node/148 - 12k (10 January 2007)
[246] Ibid, available at: www.centerforun**reform**.org/node/148 - 12k (10 January 2007)

In essence, neither Blue Model nor Green Model is perfect. The most important deficiencies of the both model is their reliance on the old regional groups and three of the states who own veto right are from Europe so ensuring seat allocation to smaller states in both Western and Eastern Europe results in a more European centric composition, as three permanent members are already from Europe and these models assign more seats to smaller European countries.

7. OBSTACLES FOR THE SECURITY COUNCIL REFORMS

The search for reform has been along with the history of the United Nations as well as the United Nations Security Council and it is a never ending topic on the agenda of the United Nations. After approximately 20 years from its establishment, the General Assembly passed resolutions to amend the UN Charter and to reform the principal organs of the United Nations. This first attempt of the member states to reform the Council was not the last effort. After 40 years since the last revisions, international community is accelerated its pressure for amendments in the UN Charter and reform of the Security Council.

Though many proposals have been made to amend the UN Charter and modify the United Nations Security Council; none of them have been successful since 1963 amendment because of the UN Charter which includes an article that a reform of the Security Council requires approval by two thirds of 192 UN member states.[247] However it is difficult because a characteristic feature of the Security Council enlargement proposals is that they were framed to advance the political interests of major world region or particular seats of countries (e.g., the G-4 proposal put forward jointly by Brazil, Germany, India and Japan) rather than to promote welfare of the world as a whole.[248] Not surprisingly, such schemes were met vigorous opposition from excluded neighbours and traditional antagonists as in the situation of China and Japan. Consequently, it means that in order to the UN Security Council to be reformed, the UN Charter has to be amended and the possibility of the amendment of the Charter depends on the role of P-5 members and majority of the UN membership unities in one single voice. This runs into three immediate problems, the veto itself, the contradictory politics of the world organization's membership and the

---

[247] UN Charter, Article 23(1). available at UN web page: http://www.un.org/aboutun/charter/chapter5.htm (12 December 2006)

[248] Joseph E. Schwartzberg, "Universal Regional Representation as a Basis for Security Council Reform", New York: Ralph Bunch Institute, Twentieth Anniversary Meeting of the Academic Council on the United Nations System, June 2007,p:3

American influence especially after the Cold War on the Council's decision making procedure and working methods.

The Open-Ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Related Matters was established to consider the issue. The UN member states convened in New York in September, 2005 to discuss a fundamental reform of the world organization. Indeed, the idea that the sixty year-old United-Nations is in urgent and need of restructuring has gained momentum. Reports commissioned by the Secretary General, such as the Report of High Level Panel on Threats, Challenges and Change and the Sachs report have paved the way for negotiations. At least one reform proposal with regard to the Security Council seems to have acquired broad support. It is the increase in the number of non permanent members. Nevertheless, two stumbling blocks prove extremely hard to overcome: disproportion in the number of permanent members in a contemporary world and the anachronistic use of veto power. Lastly, the American approach to these stumbling blocks is the key factor.

The aim of this chapter is to analyze why previous proposals for expansion have failed to get the desired support and the reasons of why Security Council had not been reformed yet. There are three obstacles for the reforms of the Security Council:

1.) The issue of membership
2.) Veto right or power
3.) the American objection

7.1. Membership

The expansion of the Security Council's membership is one of the most important element and an obviously necessary part of the reforms if the Council is to have a representative character.

However, the first and primary impediment on the on the road of the Security Council reform is the UN Charter itself because of the framework drawn by Article 108 of the United Nations Charter. When the United Nations was established in San Francisco in 1945, the P-5 members designed it with considering the failure of the League of Nations and tried to remove the reasons of the failure. This failure of the League of Nations is the departure point of the establishment of the Security Council and its undemocratic applications. For example, George W. Bush mentioned the failure of the League of Nations to legitimize its undemocratic action towards Iraq in 2002 and designated with his speech: "We created the United Nations Security Council, so that unlike the League of Nations, our deliberations would be more than talk, our resolutions would be more than wishes."[249]

While demonstrating the failure of the United Nation's predecessor in securing peace, the P-5 members insisted on their individual vetoes and the importance of the unity the key point for making the United Nations successful. With these norms, Article 108 of the United Nations Charter was created. It includes:

> "Amendments to the present Charter shall come into force for all Members of the United
> Nations when they have been adopted by a vote of two thirds of the members of the General
> Assembly and ratified in accordance with their respective constitutional processes by two
> thirds of the Members of the United Nations, including all the permanent members of the
> Security Council.**"[250]**

The meaning of Article 108 is that Charter amendment is essential to any change in the composition of the Security Council. No change can be achieved without the formal consent of two-thirds of all UN members. On the other hand, no charge can be achieved without the consent of all veto powers. Therefore, it is necessary for an amendment in the Council to be supported by all North and single interests of states.

---

[249] George W. Bush, remarks at the UN General Assembly, New York, September 12, 2002; see the full text at: http://www.whitehouse.gov/news/releases/2002/09/print/20020912-1.html (15 April 2007)
[250] UN Charter, Article 108.

First of all, there are two trends or two different ideas about the enlargement of the Council in consideration to the total number of members. For the Council's legitimacy, the UN Security Council should enlarge that it should reflect the contemporary realities of international community. The idea is a prerequisite for the developing countries and it is also mandatory for the effectiveness of the Council. While developing countries are supporting the larger Security Council, developed countries oppose to the larger Security Council because larger Security Council will decrease the efficiency of the Council in the decision making process. According to the Northern developed countries, the concern of speedier and more efficient procedures in the decision making process is more important than the effectiveness of the Council. As Bardo Fassbender emphasized how inefficient the Security Council will be if the Council is enlarged. The larger the Security Council becomes, the more cumbersome the decision making process will be. Moreover, he said that it will become too large for serious negotiations.[251]

The other problem of the expansion of the Security Council is the lack of consensus about which countries should be added. There is only one article in the UN Charter which includes the features which non permanent members should have however there is no arrangement about the selection of permanent members. In this regard, Article 23(1) could be a good starting point to analyze the features which member states should consider:

> "The Security Council shall consist of fifteen Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council. 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"[252]

According to Article 23(1) of the Charter, the criteria of the election of the non permanent members are; first, the financial and military contribution to the UN

---

[251] Bardo Fassbender, **UN Security Council Reform and the Right of Veto: A Constitutional Perspective**, Hague, Kluwer Law International, 1998, p.235
[252] UN Charter, Article 23(1)

peacekeeping missions and second, dedication to the principles of the democracy and also the economic potential for regional roles. However, there are no criteria or article including the election of the new permanent members. Therefore, there is no agreement on what makes one candidate more worthy or substantial than another.

The arguments came from the delegations, from both north and south, are transparently self-serving. Member states' interests, rational and regional, determine their arguments. According to Japan and Germany, new members should be more diverse, according to Pakistan they should be more middle powers and according to Singapore they should be more small states. Generally states defend their own interests.

In September, 2004 Germany, Japan, India and Brazil launched a collective claim. They all supported each others' case for a permanent membership and they all claim for a permanent membership from Africa. In this respect, there are two different ideas in the Council about the membership. Some of the members defend that there should be an increase in the number of both permanent and non permanent members and some of them oppose the increase in the number of permanent members.[253]

Mixed with this problem, there is no agreement who should be the new permanent member and which rights should the new permanent member have. None of the regions mentioned above can agree on one candidate to be its new permanent representative on the Council. For Asia, India demands the right by impression of its population, its economy and now its nuclear weapons. On the other hand, Pakistan would never agree, nor does Indonesia or Bangladesh readily concede India's leadership. In Latin America, Brazil's ambitions are strongly opposed by Mexico, Venezuela and Argentina. Africa recoils from having to choose between Nigeria, South Africa, Kenya or Egypt. Nor is the Europe united. Italy has made its opposition to Germany's achieving the permanent membership one of its foreign policy objectives. The reflections therefore from these regions have competing demands. On the other hand, the Council, to be representative of

---

[253] Thomass G.Weiss ,"Overcoming the Security Council Reform : The Implausible versus the Plausible', **Dialogue on Civilisation Occasional Papers,** No.14 ,New York: Friedrich-Ebert-Stiftung, 2005,p.17

the modern world, should encompass both the bulk of the world's wealth and power on the one hand, and the majority of its population on the other hand.

The obvious reasons of these problems indicate why there has been no agreement about a proposed Charter amendment? Since 1993, with the Open-Ended Working Group and High Level Panel, little has changed and it seems that this question can not be resolved by consensus. Yet each proposal so far runs up against one or another fundamental interest of some key party or parties and each proposal was designed to decrease the power of the permanent members.

Therefore, it is necessary to analyze the P-5 member states points of views except the US that it will be considered in the next section in details. At first hand, Russia has expressed willingness to see the Council enlarged without setting a number. Russia stated that it supports permanent membership for Germany and Japan, but only if India is also given this status.[254] China is not keen on to see India, which is a long term rival, achieve permanent membership. Furthermore, India's membership means that China share its role, as only the representative able to defend the South with a veto, with India.

Britain and France supports the membership of Japan and Germany while they oppose the idea for doing this without enlarging the total number of permanent members has been to substitute for French and the UK membership a European Union permanent seat to be jointly controlled or occupied by France, Germany and the UK.[255] This type of change allows permanent membership for Japan without adding the number of permanent members or changing the proportionate representation of North. Needless to say that British and French government rejects these proposals.

Consequently, the most difficult question is not the number of permanent membership but who will be the new permanent members. The main problem is how to select the new members because the power realities of the Council locked its current five permanent

---

[254] Bruce Russett, Barry O'Neill and James S. Sutterlin "Breaking the Logjam." in Bruce Russett (ed) **The Once and Future Security Council**, New York: St-Martin's Press, p. 164
[255] Ibid., p. 164

members in place that have changed dramatically over the course of sixty years. Power relationship may change again in the future, large diverse countries may divide, and demographic developments may dramatically curtail the influence of a once-major power. Yet the Council would have frozen permanent membership, there is no intention to amend the Charter.

7.2. The Veto Power

The veto right of the P-5 was first implemented by reason of the defeat of the League of Nations with Article 27.3:

> "Decisions of the Security Council on all other matters shall be made by an affirmative vote
> of nine members including the concurring votes of the permanent members; provided that,
> in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute
> shall abstain from voting."[256]

This is the rule of 'Great Power Unanimity' and with Article 27 of the Charter; each of the five permanent members of the UN Security Council is gifted a special privilege, which is turned into the term 'right to veto'. Its aim is to avoid conditions which lead to World War II. In this respect, permanent members especially the US insisted in 1944 and 1945 on having individual vetoes over Charter amendments. Article 108 effectively provides each permanent member with a trump to overrule any efforts to weaken their formal power because active opposition by any of the P-5 effectively halts debate. It means that Article 27 is a codification of the painful reality that some states are more equal than others. It also contradicts with Article 1(2) because it aims at developing friendly relations among nations based on respect for the principle of equal rights of people. It contradicts with Article 2(1) which insists on the principle of sovereign equality as one of basic columns of the world body.[257]

The usage of the veto power as a trump card by permanent members for their vested interests instead of international peace and security decreased the efficiency of the

---

[256] UN Charter, Article 23(1), available at:
[257] Ibid.p.473-474

Council and furthermore, it sometimes leads to paralysis of the Council. For instance, the veto is thought to be the main reason why Security Council failed to respond adequately to humanitarian crisis such as in Rwanda in 1994 or Darfur in 2004

The representative of Sudan to the United Nations, El Fatih Mohamed Ahmed Erwa, said that the veto right makes the Council a paralyzed organ in which international peace and security could not be maintained according to him, the bombing of the pharmaceutical factory in Sudan by the US is a good example and in this example what the Council did was not protecting international peace and security.[258]

History has proved that the veto had positive aspects which served useful purposes because the principle of unanimity among the major powers was central to the conception of the United Nations, and that principle has permitted it not only to survive the tensions of the Cold War, but also to play a role in helping resolve them.

The only solution of the lack of democracy problem in the Security Council is the abolition or revitalization of the veto right because the majority of the UN members see the Council as an anachronistic and anti democratic organization due to the veto right. They claimed that the veto right should be abolished but it is impossible and highly unrealistic that none of the P-5 member would consent to abolish their powers. The strongest opposition to the abolition of the veto power obviously from the P-5 members because of their self interests. Even though the UK, France and Russia are no longer considered as major powers, their permanent status with vetoes gives them a substantial voice in international arena. Nevertheless, they do not give up their veto power with the right given in the Article 108, no amendment can be achieved without the consent of all P-5 member states.

If the abolition of the veto right is impossible because of the arrangements in the UN Charter, the veto power should be restructured. To do this, there are different proposals

---

[258] "General Assembly concludes Considerations of Security Council Reform", UN Press Release, GA/9693, 20 December 1999, available at:
http://www.un.org/News/Press/docs/1999/19991220.ga9693.doc.html (18 April 2007)

including different demands different options. These options serve a twofold question contradicted in the same context. Firstly, should the veto power be restrained or weakened or should it be left unabridged? Secondly, should the veto also be awarded to possible new permanent members or not? Both of the questions bring about new longstanding debates. If first question will be answered and accepted as the solution of the veto right, how should it be restrained? If the second question will be accepted as the road map of finding a solution, which countries will be awarded with a veto right?

Actually, the veto right is designed with regard to the geopolitical situation of 1945. In this context, the position of the veto right has changed. After the Cold War, the use of veto has decreased. Only seventeen vetoes were invoked between January 1990 and July 2004. Before the Cold War in 45 years the number of it was 193. It does not mean that the veto right's importance declined but the logic of veto shifted. The shift in the logic of veto thus is remarkable given the change in the nature and the increasing work of the Security Council, as measured its ability to produce cooperative resolutions. More than 93 percent of all Chapter VII resolutions- passed from 1946 to 2004- were adopted after 1989.[259]

As mentioned earlier the changing role of the veto does not mean that its power has decreased. The P-5 members still continue to pressure the Security Council through a "hidden veto"-the quiet threat of possible veto use. As Ambassador Curtis Ward of Jamaica explained that the mere presence of the threat of the veto determines the way the Council conduct its business. Generally hidden vetoes are used in the informal private meetings and since the late 1980s; the Council largely conducts its business in such private sessions. Especially, the United Kingdom, France and Russia which are no longer great powers, are in the highest point of the international agenda. Their permanent status in the Council vetoes magnifies their voices in international politics to louder decibel levels than their actual power merits. The ability to cast a veto thus functions as an

---

[259] Thomass G.Weiss ,"Overcoming the Security Council Reform: The Implausible versus the Plausible',p.17

insurance policy even for states which do not make much use of it at the moment. The US has to be concerned with the possibility that it might badly need the veto lest the international climate would be against it. To ask the obvious question is essential "why would a state with a veto give it up or accord the same privilege to rivals?"

Nevertheless, it is not possible that none of the permanent members will refrain from a right given them with a treaty. It is equally impossible that the expansion of the veto to new permanent members without the consent of P-5. This expression is very clear that the veto right is like a trap which situated in Article 23 and Article 108 in 1945. The main impediment on the way of the abolition of the veto right or restructuring it is again the veto right itself. It is a guarantee of the power balance of the 1945, even in 2007.

Shortly, veto power is an accurate and complicated issue. A resolution supposed to be passed by the UN Security Council could be refused if such resolutions influence the interests of the P-5 members that the P-5 member states are guarding themselves and their interests. They will not give up their veto rights easily and they can not be compelled to do so by the Charter's provision. Therefore, the veto has been and remains an obstacle to reform both because of the P-5 members' vested interests in preserving power and because non provision in the Charter requires them to abnegate the veto power. Permanent members should understand that such measures are not a tool of their sacrifice, but rather than an investment in a better and safer world.

7.3. The American Objection

Power, the ability to determine outcomes, is the most obvious stake in the contest over the Council's composition. In international relations, the state's power is derived in various degrees from its economic strength, its military capabilities, its diplomatic skill and command of information and its ideological legitimacy. In this regard after the Cold War, bipolarity engendered to what was supposed to be American primacy and give way to the emergence of the unquestioned superpower because the USSR has no more had

these skills which makes it 'superpower'. The US is the most powerful country to achieve most of the goals with the United Nations. It is a member of the P-5 and its capacity influences the decisions of the Council. Its power in the Council stems in large part from its inherent capabilities as a superpower. It can often persuade other members of the Council to vote with it from common principles of ideology and world order or by explicit and implicit threats of punishment. The role of the US is so important in the process of decision-making

Since the reform proposals have been debating, three levels of interest relations seem relevant. The first question is what composition of the Security Council would maximize its effectiveness in taking decisions? This question offers the common ground for agreement with many other states. The second question is what composition of the Council would maximize American ability to secure UN approval of Washington's policy goals? This question interrogates the American interests that other countries may hope to maximize the influence their regional group in the Security Council but they would not see themselves to press an agenda of policy goals there. And the last question is what relevance does the Council revision have for America's bilateral and regional relationship? This is the most important question which decreases the importance of that precedes it because the reform is impossible without the consent of the USA.

In recent months especially the last two questions about the future relationship of the United States with the United Nations has been interrogated seriously. President Bill Clinton approached to the issue detached and was from taking the lead in promoting a reform. He limited his support to the narrowly defined measures which directly serve US national interests. His successor, George W. Bush, stated that it is unlikely that the current administration will actively advance a major reform of the Security Council.[260]

The USA, itself, is not different from other P-5 member states to guard its national interests but the difference is very well known that the veto was part of President Harry Truman original sales pitch to the Senate. The US participation is and always been

---

[260] Bardo Fassbender "Security Council Reform" In David Malone (ed) , p.342

predicated on the veto, the most important tool. In a statement on March 27,1996, one of the US representatives to the UN, ambassador Karl Inderfurth, said that: "the United States does not support any abridgement of the right of veto or its scope of application as set forth in Article of the Charter". [261]

Maximizing the Council effectiveness is also the core interest of the US. An effective Council, at least, complements the American own efforts at maintaining peace and stability and in many areas it spares the US direct involvement.

Understandably, the US is a Security Council member and it will be in a foreseeable future. Arguably, the US is a member of the exclusive club of the P-5 that has the least to lose with any reform of the Council and continue to the major challenger in the world and also in the Council. The domestic foreign policy of the US continues to influence the Security Council decisions. Furthermore, as David Malone mentioned: "A Council that is not an instrument of the US foreign policy would probably be as ineffective as the League of Nations"[262]

It means that there are two world organizations: the United Nations, which is a global in membership and the United States, which is global in reach and power. The US needs legitimacy in its operations in the eyes of the member states and the United Nations is the best tool to legitimate its hegemony. As the world organization's coercive capacity is always on loan, UN or UN- approved military operations only occur when Washington signs on it.

In 2002, George W. Bush claimed that they created the United Nations Security Council, so that unlike the League of Nations, over deliberations would be more than wishes. The Bush administrations National Security Strategy of the United Nations of America will be

---

[261] Ibid.p.352
[262] Ibid.p.637

clearer: "we will be prepared to act apart when our interests and unique responsibilities require."[263]

The United States is always of two minds about the Security Council. When the Security Council passes a resolution the United States likes, e.g., authorizing the Gulf War against Iraq, Americans and especially the Administration of the day, are quick to beam on the solidarity and effectiveness of international community's most authoritative body.

The occupation of Iraq and "going-it-alone" strategy showed us that the US interests can be and have been followed through multilateral institutions and decision making procedures The situation during the Iraq crisis as referendum not on the means of disarming Iraq but on the American use of power.

As Thomas G. Weiss compared the situation of the Council with the Roman Empire with the basis of Paul Kennedy:[264]

> "With a US global presence as great as any empire, a possible model for the Security Council is now emerging that resembles the Roman Senate's efforts to control the Emperor"[265]

In sum, the United States values Security Council authorization for the international legitimization and sometimes material support it sometimes brings, but the United States does not feel beholden to it.

On the other hand, the value of the Security Council as an instrument for the United States is too important to be surrendered. There are critical things for the US that only the Security Council can provide. The Security Council is unique in that it can mandate actions that bind all the UN member states. The Security Council not only can legitimize

---

[263] The National Security Strategy of the United States of America, September 2002, p.34; see the full text at: http://www.whitehouse.gov/nsc/nss/2002/nss.pdf (18 April 2007)

[264] Paul Kennedy, **The rise and the fall of Great Powers**,New York,Random House,1987

[265] Thomass G.Weiss ,"Overcoming the Security Council Reform : The Implausible versus the Plausible,'p.19

the use of force but also it can mandate sanctions that are worldwide. More than 600 resolutions passed after 1990 and the US has exercised its veto power four times. Three of them was prevented censure of Israel by the US and once was to block a second-term for the UN Secretary General Boutros Boutros Ghali. It means that the US won support of the Council nearly every major issue it brought before it.

Shortly, the position of the United States has come to be seen as the principal obstacle to reform because the use of Security Council for American interests and its influence on the Council is fading for reasons that go beyond today's or tomorrow's crisis.

To conclude this chapter, for the years now, this deadlock has not been overcome and it is unlikely that the obstacles will not be overcome any time soon. The P-5 does not intend to discard the right of veto and they insist on preserving their right of veto. Concurrently they do not espouse any new permanent members endowed with complete rights including veto power. At the same time, they do not hold an affirmative attitude toward the idea of "rotating permanent seat" which was launched as an African plan.

It is well known that the amendments could become true with the vote of two-thirds of the members of the General Assembly including all permanent members of the Security Council. The reforms have been debating since the establishment of the institutions and it has been debating seriously almost a decade. However, a level of consensus does not appear to be anywhere in sight as Bardo Fassbender expressed the situation in a satirical way: "No single state is capable of untying the Gordian knots" except the United States.[266] It was the only state that today could launch a reform initiative with a reasonable chance of succeeding. However, the US does not display any reform intention or will.

---

[266] Bardo Fassbender "Security Council Reform" In David Malone, p.353

8. CONCLUSION

The Security Council reforms are not a new issue in international agenda. Furthermore, it has been a popular goal and an old dream for decades and it is still high on the international agenda more than sixty years after its establishment. Especially, over the past twenty years, the geopolitical landscape has been altered by the end of the Cold War. The re-emergence of the old threats, such as failed states, civil and international wars and the rise of nation states have drawn attention to the need for a more effective system of international governance including the main body: the Security Council.

In September 2003, the UN Secretary General Kofi Annan has indicated that unless the international community commits to deep reforms, its survival is threatened. He warned unless it is possible to continue on the basis of agreement, radical changes could be necessary. And further he noted that "drew attention to the urgent need for the Security Council to regain the confidence of states, and of world public opinion both by demonstrating its ability to deal effectively with the most difficult issues, and by becoming more broadly representative international community as a whole, as well as the geopolitical realities of today." [267]While Kofi Annan was demonstrating the necessity of reforms, George Bush historically challenged the UNSC in his speech to the General Assembly in September 2002. He asked whether the UN serve the purpose of its founding or it will be irrelevant.[268] The different expectations of the General Secretary of the UN and the President of the US demonstrate that the organization is in crisis, it is a crisis of expectations between the wish of the peoples and the will of governments; the aspirations for a better world and its performance in the real world or the idealist search for peace to rule law and the realist quest for stability through power.[269]

The UN was established after the end of World War II with great expectations. The victors of the World War II aimed to establish an organization which would be more

---

[267] The Secretary General Address to General Assembly, New York, 23 September 2003, available at: http://www.un.org/webcast/ga/58/statements/sg2eng030923.htm (20 June 2007)

[268] President's Remarks at the United Nations General Assembly, 12 September 2002, New York available at: http://www.whitehouse.gov/news/releases/2002/09/20020912-1.html (20 June 2007)

[269] Ramesh Thakur available at: www.issafrica.org/seminars/2004/1811unsc.pdf (20 June 2007)

effective compared to the League of Nations. In that regard, the United Nations Security Council was going to have greater authority than the Council of the League of Nations. In this sense, the principle of a privileged position for the five permanent members of the UN was accepted with regard to the power politics of 1945. Therefore, the founders of the UN conceived an international order which is to be guaranteed by the victorious powers of World War II.

However, time changes as do perceptions, values and needs and as we have seen time have changed much more than the Security Council has. Change in an international order is an inevitable fact that dramatic changes starting in 1980s in the bipolar world order and finally the dissolution of the USSR finally brought about the end of the Cold War order. Thereby, the UN which was designed according to the Cold War order has faced with an international crisis and major criticisms. It needs to find ways of legitimating their cohesive international roles without the framework of the Cold War.

Therefore, it is inevitable for the UN to be irrelevant with the changes in international order. However, it is a difficult work to briefly explain the reasons of changes in international order after the Cold War which multiple factors played different roles at different levels, two crises in international relations cantered on Iraq, in 1990-91 and in 2002-03, have led to two totally different views of the UN in general and the Security Council in particular.

For the Security Council, the end of the Cold War meant the end of a diplomatic deadlock which had lasted after 45 years. Therefore, in October 1990, George Bush, the president of the US, informed the world that a 'new world order' had been created. In this new order, he envisioned partnership between nations, an increase in democracy, prosperity and peace where brutality will go unrewarded and aggression will meet collective resistance.[270] In essence, the period was perceived as a time of hope by international community that the UN system could be renewed to function properly. Actually, it was

---

[270] Webster G. Tarpley and Anton Chaitkin, Chapter -XXIV- The New World Order in **George Bush: The Unauthorized Biography,** Washington: Executive Intelligence Review, 1991 available at: http://www.tarpley.net/bush24.htm (25 June 2007)

an illusion that rested crucially on the belief that the Security Council, after years of paralysis, would 'finally' be allowed to assume its 'primary responsibility for the maintenance of international peace and security.[271] Moreover, the cooperation of the Security Council to prevent Iraq aggression to Kuwait increased the hopes for the UN's future roles. Nevertheless, the widespread optimism had lasted with the failure of the Security Council in Bosnia, Rwanda and Somalia.

The first wave of reform efforts after the end of the Cold War has started with the failure of the Security Council in Bosnia. Boutros-Ghali, former Secretary General, called the international agenda to reform the Council on way of the strengthening the Council and making it more efficient. The Open Ended Working Group and Razali Plan have been the milestones for the future reform efforts although they could not be successful.

After a long period that humanitarian issues of post Cold War era, the world agenda has changed with the events of September 11, 2001. It is a fact that this event has given the world a new perspective. The world was diverted in a completely different direction and a new scope of vision was established. Terrorism came to the forefront of the global issues and it has emerged alongside many other concepts. Definitely, the most important concept is 'preventive war' which is a war initiated by a certain party against another without any eminent threat. The second international crisis centred on Iraq in 2002-03 is an example of preventive war led by the US and its allies. The legality of such a trend is under scepticism and doubt so the Iraq invasion of the US is also an unjustified war. This dilemma caused the Security Council fall in an international crisis.

It is already mentioned, referring to Chesterman, reform of the international security architecture tends to be driven by international crisis. In this sense, the 2003 War of Iraq was a challenge not only to the international order but also the United Nations demonstrates that the context which the UN established has changed since 1945 with the

---

[271] Mats Berdal, "The UN Security Council: Ineffective but Indispensable," **Survival 45**, no.2 ,2003, IISS Quarterly, p. 7 in Roland Timerbaev, "The role of the United Nations in today's world", **Yaderny Kontrol Journal**, No.2, Vol. 10, Summer ,2004, p.48

emergence of the shift in the distribution of power accompanied by the new threats and concerns. In this respect, the speech of Annan in 2003 must be considered:

> "We have come to a fork in the road. This may be a moment no less decisive than 1945 itself, when the United Nations was founded. Now we must decide whether it is possible to continue on the basis agreed then, or whether radical changes are needed. And we must not shy away from questions about the adequacy, and effectiveness, of the rules and instruments at our disposal."[272]

The second wave of the reform efforts has started with this important speech of Annan. He offered the establishment of High Level Panel on Threats, Challenges and Change to put forward a new vision for the Security Council reforms. In order to advance debate, the Panel proposed two models: Model A and Model B. Model A provided for six new permanent seats, with no veto being created and three new two-year term non permanent seats, divided among the proposed new regional areas. On the other hand, Model B provided for no new permanent seats but creates a new category of eight four new-year renewable term seats and one two year non permanent seat. The Panel concluded that there was no practical way of changing existing permanent members' veto powers. This decision of High Level Panel contradicts with the requirements of the Security Council because reform of the Security Council typically means expanding the Council's membership to make it more representative and accountable and the abolition of veto to make it more democratic.

The Security Council is the representative body acting on behalf of all United Nations members. Thus, most of the countries want to be equally represented Council. As new nations accepted into the organization, the representativeness of the Council's membership declined substantially. Therefore the expansion demands of member states increased. However there is no agreement on who the new permanent members should be or how many new permanent members and non permanent members should be added? What criteria should be used? The shares of the permanent members in terms of

---

[272] The Secretary General Address to General Assembly, New York, 23 September 2003, available at: http://www.un.org/webcast/ga/58/statements/sg2eng030923.htm (20 June 2007)

economic and military contribution to the UN have also changed. Japan and Germany are the second and third largest contributors to the UN budget and India is the second populous country after China. However, there is no consensus on their permanent membership. In sum, the Security Council has been a far from adequately representative body and never sufficiently representative of the peoples of the world because not only the population of the world has grown but also the members of the UN have increased.

While most of the member states want to increase the size of the Council to make it more representative, the US, the UK, France and a few other countries have argued that larger Security Council increase its efficiency. However, this is the argument of the permanent members who do not want to lose their advantageous position in the Council. In fact wider membership of the Security Council leads to a more democratic decision making process, ultimately, more active support for decisions as well as participation in operations arising from these decisions.[273] The more democratic decision-making process means the legitimacy of the Council's decisions. The Council should be more democratic and more representative thus it would be more legitimate. On the other hand, for any international action to be efficient it must be legitimate; for it to be legitimate, it must be in conformity with international law; for it to conform to international law, it must be consistent with the Charter of the United Nations.[274] Furthermore, the decision taken by the permanent members to be legitimate, consistent with UN Charter or not, should not behind closed doors. The informal consultations of Cold War and excluding other nonpermanent members are not democratic because the Security Council decides on behalf of the all members of the United Nations. It means that, the organization should be more transparent because countries as contributors of troops and funds feel that they have a right to be consulted and actively involved in the decision making procedure.

However, another important reason of the undemocratic character of the UN is the undemocratic status of permanent membership endowed with power of veto. This special

---

[273] James A. Paul, "UN Reform: An Analysis", Global Policy Forum, 1996, available at www.globalpolicy.org/**reform**/**analysis**.htm (16 January 2007)

[274] Rhamesh Thakur, "Freedom from fear: Effective, Efficient and Equitable Security" in Paul Heinbecker and Patricia Goff (ed), p.115

privilege which was given to the victorious powers of the World War II and China was necessary after the failure of the League of Nations. In view of this experience, all efforts were for making the United Nations less fragile. Furthermore, this special privilege increased the credibility of the Security Council and made it a supreme executive organ or an elite group. However, since the end of the Cold War, the world organization has faced new challenges and threats. Thus, the new world order world order took place of the bipolar world order. The checks and balances among the five permanent members, meant to be ensured by the veto provision of Article 27 which was maintained to develop mechanisms of regulating the balance between the world blocs do not work any longer in this new world order. Naturally, the veto rule's facilitation of power politics comes to bear most dramatically in a new world order constellation: the lone superpower does not to worry about using its veto right while the other permanent members may have to consider eventual 'repercussions' before they make of their privilege. [275]As a result, the role of the veto right has changed. The veto is now considered fundamentally unjust by a majority of the states and is thought to be the main reason why the Council failed to respond adequately to humanitarian crisis especially in Darfur and Rwanda.

Actually, while the veto right is the main reason of the UN reforms, it is also one of the main barrier for the implementation of reforms. On the other hand the veto right is the main obstacle in the way of reforms. The basic dilemma faced by the United Nations a procedural provision that the United Nations Charter cannot be amended without the consent of the five permanent members. The veto provision of Article 27 continues to prevent the Council from acting on all issues that touch upon the vital interests of permanent members. With the lack of the mechanisms of democratic control in the Charter itself, the most powerful state is able to have its interest canonized.[276] Thus, the world organization cannot be free from the burdens of the post World War II situation. The veto right is like a trap which placed after the World War II not to arrange the United Nations Charter.[277] The reforms and the veto right are the two sides of the coin. In order

[275] Hans Kochler, "The United Nations Organization and Global Power Politics",p.334
[276] Hans Kochler, "The United Nations and International Democracy: the Quest for UN Reform", Studies in International Relations, XXII. Vienna: International Progress Organization, 1997
[277] Hans Kochler, "Quo Vadis, United Nations?", p.55

to reform the Security Council, the United Nations Charter to be amended. In order to amend the United Nations Charter, it is subjected to the vote of all permanent members, in other words, no veto of the permanent members is necessary. Furthermore, after the vote of all five permanent members, two thirds of the General Assembly adopt the amendment but, there is no consensus among states.

Meanwhile, the status of the US after the end of the Cold War is the other obstacle. It has been able to maintain the status of global power. As a result of the US hegemony in a post Cold War power structure, the supremacy of the US has emerged in the Security Council. This world structure and the US hegemony made possible the adoption of the Security Council resolutions with regard to the interests of the US. Actually, the key driver in Council decisions today is the agenda of the US. At that point, the willingness of the US in the direction of reforms is very important for the future of the Security Council.

That's why, there are countless proposals for reforming the UN, but the majority of these primarily come down to changing and expanding the membership of the Security Council. Recommendations contemplate new permanent members, new non permanent members and various combinations of these possibilities. They are particularly through a re-examination of the Charter's provisions related to the permanent members of the Security Council and their powers but it is to be noted that most of the reform proposals do not include the basic issue of veto and does not touch upon the veto privilege of the permanent members. Razali Plan is accepted as the benchmark of following proposals but none of them could be successful including High Level Panel's Model A and Model B, Blue and Green Model. Various alternatives were proposed by G-4 and Uniting for Consensus countries. But none of them could achieve the necessary majority for the amendment in the UN Charter. Furthermore, the G-4 proposal was lastly resubmitted on 5 January 2006 in the hope of keeping debate on expansion. While twenty seven countries had supported the initial draft, only three of them-Brazil, Germany and India, signed the latest effort. Japan decided to wait for a more favourable moment to bring up the issue in the future.[278] The role of the US could be taken into consideration because the US

---

[278] Simon Chesterman,, p.76

139

supports the permanent membership of Japan while it rejects the permanent membership of Germany especially after the objection of Germany to the American invasion of Iraq. A characteristic feature of the Security Council reform proposals is that they were framed to advance the political interests of the leading powers of the proposals. Not surprisingly, the traditionalist antagonists or neighbour countries meet these proposals with vigorous opposition. Therefore, it is necessary to set up a persuasive, compelling, rationale, universally applicable and universally accepted proposal

Consequently, few have done to reform the Security Council although the only way for the United Nations to accomplish its mission to adapt itself to the newly emerging world order through democratic reforms. At that point it must be considered what will happen if the United Nations failed to reform itself. There is an example of League of Nations. The world organization may suffer a fate similar with the League of Nations because we cannot predict how much time is left to the UN for a reform that would secure the organization the central place in the international order.

Finally, the thesis has attempted to demonstrate the necessity of the United Nations Security Council reforms to adapt it to the geopolitical realities of the 21st century. Nearly twenty years, after serious discussions of Council reform, no progress has been registered and change does not seem nigh but not impossible. In this respect, the words of Johann Wolfgang von Goethe are significant for the hope of a better future:

"Whatever you can do or dream, you can begin it. Boldness has genius, power and magic in it."[279]

---

[279]"German Myth 12 The Famous "Goethe" Quotation" available at:
http://german.about.com/library/blgermyth12.htm (28 June 2007)

ANNEX-I: CHARTER OF THE UNITED NATIONS

INTRODUCTORY NOTE

The Charter of the United Nations was signed on 26 June 1945, in San Francisco, at the conclusion of the United Nations Conference on International Organization, and came into force on 24 October 1945. The Statute of the International Court of Justice is an integral part of the Charter.

Amendments to Articles 23, 27 and 61 of the Charter were adopted by the General Assembly on 17 December 1963 and came into force on 31 August 1965. A further amendment to Article 61 was adopted by the General Assembly on 20 December 1971, and came into force on 24 September 1973. An amendment to Article 109, adopted by the General Assembly on 20 December 1965, came into force on 12 June 1968.

The amendment to Article 23 enlarges the membership of the Security Council from eleven to fifteen. The amended Article 27 provides that decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members (formerly seven) and on all other matters by an affirmative vote of nine members (formerly seven), including the concurring votes of the five permanent members of the Security Council.

The amendment to Article 61, which entered into force on 31 August 1965, enlarged the membership of the Economic and Social Council from eighteen to twenty-seven. The subsequent amendment to that Article, which entered into force on 24 September 1973, further increased the membership of the Council from twenty-seven to fifty-four.

The amendment to Article 109, which relates to the first paragraph of that Article, provides that a General Conference of Member States for the purpose of reviewing the Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any nine members (formerly seven) of the Security Council. Paragraph 3 of Article 109, which deals with the consideration of a possible review conference during the tenth regular session of the General Assembly, has been retained in its original form in its reference to a "vote, of any seven members of the Security Council", the paragraph having been acted upon in 1955 by the General Assembly, at its tenth regular session, and by the Security Council.

PREAMBLE

WE THE PEOPLES OF THE UNITED NATIONS DETERMINED

* to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and
* to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and
* to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and
* to promote social progress and better standards of life in larger freedom,

AND FOR THESE ENDS

* to practice tolerance and live together in peace with one another as good neighbors, and
* to unite our strength to maintain international peace and security, and
* to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and
* to employ international machinery for the promotion of the economic and social advancement of all peoples,

HAVE RESOLVED TO COMBINE OUR EFFORTS TO ACCOMPLISH THESE AIMS

Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations.

CHAPTER I

PURPOSES AND PRINCIPLES

Article 1

The Purposes of the United Nations are:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;

2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;

3. To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and

4. To be a centre for harmonizing the actions of nations in the attainment of these common ends.

Article 2

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Organization is based on the principle of the sovereign equality of all its Members.

2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter.

3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.

7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter Vll.

CHAPTER II

MEMBERSHIP

Article 3

The original Members of the United Nations shall be the states which, having participated in the United Nations Conference on International Organization at San Francisco, or having previously signed the Declaration by United Nations of 1 January 1942, sign the present Charter and ratify it in accordance with Article 110.

Article 4

1. Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.
2. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

Article 5

A Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council.

Article 6

A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council.

CHAPTER III

ORGANS

Article 7

1. There are established as the principal organs of the United Nations:

   * a General Assembly
   * a Security Council
   * an Economic and Social Council

* a Trusteeship Council
* an International Court of Justice
* and a Secretariat.

2. Such subsidiary organs as may be found necessary may be established in accordance with the present Charter.

Article 8

The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.

CHAPTER IV

THE GENERAL ASSEMBLY

COMPOSITION

Article 9

  1. The General Assembly shall consist of all the Members of the United Nations.
  2. Each Member shall have not more than five representatives in the General Assembly.

FUNCTIONS and POWERS

Article 10

The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.

Article 11

  1. The General Assembly may consider the general principles of co-operation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the Members or to the Security Council or to both.
  2. The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations,

or by the Security Council, or by a state which is not a Member of the United Nations in accordance with Article 35, paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion.

3. The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.

4. The powers of the General Assembly set forth in this Article shall not limit the general scope of Article 10.

Article 12

1. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.

2. The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and shall similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with suchmatters.

Article 13

1. The General Assembly shall initiate studies and make recommendations for the purpose of:

a. promoting international co-operation in the political field and encouraging the progressive development of international law and its codification;

b. promoting international co-operation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

2. The further responsibilities, functions and powers of the General Assembly with respect to matters mentioned in paragraph 1 (b) above are set forth in Chapters IX and X.

Article 14

Subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations

resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations.

Article 15

1. The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security.
2. The General Assembly shall receive and consider reports from the other organs of the United Nations.

Article 16

The General Assembly shall perform such functions with respect to the international trusteeship system as are assigned to it under Chapters XII and XIII, including the approval of the trusteeship agreements for areas not designated as strategic.

Article 17

1. The General Assembly shall consider and approve the budget of the Organization.
2. The expenses of the Organization shall be borne by the Members as apportioned by the General Assembly.
3. The General Assembly shall consider and approve any financial and budgetary arrangements with specialized agencies referred to in Article 57 and shall examine the administrative budgets of such specialized agencies with a view to making recommendations to the agencies concerned.

VOTING

Article 18

1. Each member of the General Assembly shall have one vote.
2. Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election of the members of the Economic and Social Council, the election of members of the Trusteeship Council in accordance with paragraph 1 (c) of Article 86, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions.

3. Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting.

Article 19

A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

PROCEDURE

Article 20

The General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. Special sessions shall be convoked by the Secretary-General at the request of the Security Council or of a majority of the Members of the United Nations.

Article 21

The General Assembly shall adopt its own rules of procedure. It shall elect its President for each session.

Article 22

The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions.

CHAPTER V

THE SECURITY COUNCIL

COMPOSITION

Article 23

1. The Security Council shall consist of fifteen Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom

of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council. 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.

2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members after the increase of the membership of the Security Council from eleven to fifteen, two of the four additional members shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.

3. Each member of the Security Council shall have one representative.

FUNCTIONS and POWERS

Article 24

1. In order to ensure prompt and effective action by the United Nations,its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.

2. In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII, and XII.

3. The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.

Article 25

The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

Article 26

In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Article 47, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

VOTING

Article 27

1. Each member of the Security Council shall have one vote.
2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members.
3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

PROCEDURE

Article 28

1. The Security Council shall be so organized as to be able to function continuously. Each member of the Security Council shall for this purpose be represented at all times at the seat of the Organization.
2. The Security Council shall hold periodic meetings at which each of its members may, if it so desires, be represented by a member of the government or by some other specially designated representative.
3. The Security Council may hold meetings at such places other than the seat of the Organization as in its judgment will best facilitate its work.

Article 29

The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions.

Article 30

The Security Council shall adopt its own rules of procedure, including the method of selecting its President.

Article 31

Any Member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Security Council whenever the latter considers that the interests of that Member are specially affected.

Article 32

Any Member of the United Nations which is not a member of the Security Council or any state which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute. The Security Council shall lay down such conditions as it deems just for the participation of a state which is not a Member of the United Nations.

CHAPTER VI

PACIFIC SETTLEMENT OF DISPUTES

Article 33

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.
2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

Article 34

The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

Article 35

1. Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.
2. A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.
3. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.

Article 36

1. The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.

2. The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.

3. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

Article 37

1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.

2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

Article 38

Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

CHAPTER VII

ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE, AND ACTS OF AGGRESSION

Article 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Article 40

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39,

call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

Article 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

Article 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

Article 43

1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

Article 44

When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfilment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

Article 45

In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

Article 46

Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

Article 47

   1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.
   2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.
   3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.
   4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional sub-committees.

Article 48

   1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.
   2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

Article 49

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

Article 50

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

Article 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

CHAPTER VIII

REGIONAL ARRANGEMENTS

Article 52

1. Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.
2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.
3. The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council.
4. This Article in no way impairs the application of Articles 34 and 35.

Article 53

1. The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against any enemy state, as defined

in paragraph 2 of this Article, provided for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state.

2. The term enemy state as used in paragraph 1 of this Article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter.

Article 54

The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.

CHAPTER XVI

MISCELLANEOUS PROVISIONS

Article 102

1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.

2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations.

Article 103

In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

Article 104

The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.

Article 105

1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes.

2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connexion with the Organization.

3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose.

CHAPTER XVII

TRANSITIONAL SECURITY ARRANGEMENTS

Article 106

Pending the coming into force of such special agreements referred to in Article 43 as in the opinion of the Security Council enable it to begin the exercise of its responsibilities under Article 42, the parties to the Four-Nation Declaration, signed at Moscow, 30 October 1943, and France, shall, in accordance with the provisions of paragraph 5 of that Declaration, consult with one another and as occasion requires with other Members of the United Nations with a view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security.

Article 107

Nothing in the present Charter shall invalidate or preclude action, in relation to any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the Governments having responsibility for such action.

CHAPTER XVIII

AMENDMENTS

Article 108

Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations, including all the permanent members of the Security Council.

Article 109

1. A General Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds

vote of the members of the General Assembly and by a vote of any nine members of the Security Council. Each Member of the United Nations shall have one vote in the conference.

2. Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations including all the permanent members of the Security Council.

3. If such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present Charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council.

CHAPTER XIX

RATIFICATION AND SIGNATURE

Article 110

1. The present Charter shall be ratified by the signatory states in accordance with their respective constitutional processes.

2. The ratifications shall be deposited with the Government of the United States of America, which shall notify all the signatory states of each deposit as well as the Secretary-General of the Organization when he has been appointed.

3. The present Charter shall come into force upon the deposit of ratifications by the Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, and by a majority of the other signatory states. A protocol of the ratifications deposited shall thereupon be drawn up by the Government of the United States of America which shall communicate copies thereof to all the signatory states.

4. The states signatory to the present Charter which ratify it after it has come into force will become original Members of the United Nations on the date of the deposit of their respective ratifications.

Article 111

The present Charter, of which the Chinese, French, Russian, English, and Spanish texts are equally authentic, shall remain deposited in the archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of the other signatory states.

IN FAITH WHEREOF the representatives of the Governments of the United Nations have signed the present Charter.

DONE at the city of San Francisco the twenty-sixth day of June, one thousand nine hundred and forty-five.

ANNEX- II: ELECTED MEMBERS OF THE SECURITY COUNCIL

Term in Council	Member States
Jan 2007-Dec 2008	Belgium, Indonesia, Italy, South Africa, Panama
Jan 2006-Dec 2007	Congo, Ghana, Peru, Qatar, Slovakia
Jan 2005-Dec 2006	Argentina, Denmark, Greece, Japan, United Republic of Tanzania
Jan 2004-Dec 2005	Algeria, Benin, Brazil, Philippines and Romania
Jan 2003-Dec 2004	Angola, Chile, Germany, Pakistan and Spain
Jan 2002-Dec 2003	Bulgaria, Cameroon, Guinea, Mexico, and Syria
Jan 2001-Dec 2002	Colombia, Ireland, Mauritius, Norway, Singapore
Jan 2000-Dec 2001	Bangladesh, Jamaica, Mali, Tunisia, Ukraine
Jan 1999-Dec 2000	Argentina, Canada, Malaysia, Namibia, Netherlands
Jan 1998-Dec 1999	Bahrain, Brazil, Gabon, Gambia, Slovenia
Jan 1997-Dec 1998	Costa Rica, Japan, Kenya, Portugal, Sweden
Jan 1996-Dec 1997	Chile, Egypt, Guinea-Bissau, Poland, Rep. Korea
Jan 1995-Dec 1996	Botswana, Germany, Honduras, Indonesia, Italy
Jan 1994-Dec 1995	Argentina, Czech Republic, Nigeria, Oman, Rwanda

Jan 1993-Dec 1994	Brazil, Djibouti, New Zealand, Pakistan, Spain
Jan 1992-Dec 1993	Cape Verde, Hungary, Japan, Morocco, Venezuela
Jan 1991-Dec 1992	Austria, Belgium, Ecuador, India, Zimbabwe
Jan 1990-Dec 1991	Côte d'Ivoire, Cuba, Romania, Yemen, Zaire
Jan 1989-Dec 1990	Canada, Colombia, Ethiopia, Finland, Malaysia
Jan 1988-Dec 1989	Algeria, Brazil, Nepal, Senegal, Yugoslavia
Jan 1987-Dec 1988	Argentina, Germany, Italy, Japan, Zambia
Jan 1986-Dec 1987	Bulgaria, Congo, Ghana, UAE, Venezuela
Jan 1985-Dec 1986	Australia, Denmark, Madagascar, Thailand, Trinidad and Tobago
Jan 1984-Dec 1985	Burkina Faso, Egypt, India, Peru, Ukraine
Jan 1983-Dec 1984	Malta, Netherlands, Nicaragua, Pakistan
Jan 1982-Dec 1983	DR Congo, Guyana, Jordan, Poland, Togo
Jan 1981-Dec 1982	Ireland, Japan, Panama, Spain, Uganda
Jan 1980-Dec 1981	German Democratic Republic, Mexico, Niger, Philippines, Tunisia
Jan 1979-Dec 1980	Bangladesh, Jamaica, Norway, Portugal, Zambia
Jan 1978-Dec 1979	Bolivia, Gabon, Kuwait, Nigeria, Czechoslovakia
Jan 1977-Dec	Canada, Germany, India, Mauritius, Venezuela

1978	
Jan 1976-Dec 1977	Benin, Libyan AJ, Pakistan, Panama, Romania
Jan 1975-Dec 1976	Guyana, Italy, Japan, Sweden, UR of Tanzania
Jan 1974-Dec 1975	Belarus, Cameroon, Costa Rica, Iraq, Mauritania
Jan 1973-Dec 1974	Australia, Austria, Indonesia, Kenya, Peru
Jan 1972-Dec 1973	Guinea, India, Panama, Sudan, Yugoslavia
Jan 1971-Dec 1972	Argentina, Belgium, Italy, Japan, Somalia
Jan 1970-Dec 1971	Burundi, Nicaragua, Poland, Sierra Leone, Syria AR
Jan 1969-Dec 1970	Colombia, Finland, Nepal, Spain, Zambia
Jan 1968-Dec 1969	Algeria, Hungary, Pakistan, Paraguay, Senegal
Jan 1967-Dec 1968	Brazil, Canada, Denmark, Ethiopia, India
Jan 1966-Dec 1967	Argentina, Bulgaria, Japan, Mali, New Zealand (1966 only)*, Nigeria, Uganda (1966 only)
Jan 1965-Dec 1966	Jordan, Malaysia*, Netherlands, Uruguay
Jan 1964-Dec 1965	Bolivia, Côte d'Ivoire, Czechoslovakia (1964 only - resigned)
Jan 1963-Dec 1964	Brazil, Morocco, Norway, Philippines (1963 only)*
Jan 1962-Dec 1963	Ghana, Ireland (1962 only)*, Venezuela, Romania (1962 only - resigned)*,
Jan 1961-Dec 1962	Chile, United Arab Republic (Egypt), Liberia (1961 only - resigned)*, Turkey (1961 only)*

Jan 1960-Dec 1961	Ecuador, Poland (1960 only - resigned)*, Ceylon (Sri Lanka)
Jan 1959-Dec 1960	Argentina, Italy, Tunisia
Jan 1958-Dec 1959	Canada, Japan, Panama
Jan 1957-Dec 1958	Colombia, Philippines (1957 only)*, Sweden
Jan 1956-Dec 1957	Australia, Cuba, Iraq, Yugoslavia (1956 only - resigned)*
Jan 1955-Dec 1956	Belgium, Iran, Peru
Jan 1954-Dec 1955	Brazil, New Zealand, Turkey
Jan 1953-Dec 1954	Colombia, Denmark, Lebanon
Jan 1952-Dec 1953	Chile, Greece, Pakistan
Jan 1951-Dec 1952	Brazil, Netherlands, Turkey
Jan 1950-Dec 1951	Ecuador, India, Yugoslavia
Jan 1949-Dec 1950	Cuba, Egypt, Norway
Jan 1948-Dec 1949	Argentina, Canada, Ukrainian SSR
Jan 1947-Dec 1948	Belgium, Colombia, Syrian AR
Jan 1946-Dec 1947	Australia, Brazil, Egypt (1946 only), Mexico(1946 only), Netherlands(1946 only), Poland

ANNEX-III: THE USE OF VETO IN THE SECURITY COUNCIL

Period	China*	France	Britain	US	USSR/ Russia	Total
Total	5-6	18	32	82	123	261
2007	1	-	-	-	1	2
2006	-	-	-	2	-	2
2005	-	-	-	-	-	-
2004	-	-	-	2	1	3
2003	-	-	-	2	-	2
2002	-	-	-	2	-	2
2001	-	-	-	2	-	2
2000	-	-	-	-	-	0
1999	1	-	-	-	-	1
1998	-	-	-	-	-	0
1997	1	-	-	2	-	3
1996	-	-	-	-	-	0
1986-95	-	3	8	24	2	37
1976-85	-	9	11	34	6	60
1966-75	2	2	10	12	7	33
1956-65	-	2	3	-	26	31
1946-55	(1*)	2	-	-	80	83

ANNEX IV: TABLES OF REFORM PROPOSALS

MODEL A (DECEMBER, 2004)

Regional Area	No. of States	Permanent seat (continuing)	EXPANSION		TOTAL
			Proposed new permanent seats	Proposed two years seats (non-renewable)	
Africa	53	0	2	4	6
Asia and Pacific	56	1	2	3	6
Europe	47	3	1	2	6
Americas	35	1	1	4	6
Total	191	5	6	13	24

MODEL B (DECEMBER, 2004)

Regional Area	No. of States	Permanent seat (continuing)	EXPANSION		TOTAL
			Proposed four year renewable seats	Proposed two years seats (non-renewable)	
Africa	53	0	2	4	6
Asia and Pacific	56	1	2	3	6
Europe	47	3	2	1	6
Americas	35	1	2	3	6
Total	191	5	8	11	24

UNITING FOR CONSENSUS PROPOSALS

BLUE MODEL (APRIL, 2005)

| REGION | NO. OF STATES | CURRENT | | EXPANSION (Non-Permanent) | | TOTAL | Elected seats as % of regional groups |
		Permanent	non-permanent	Longer-term	2 years		
Asia	54	1	2	2	1	6	9.4
Africa	53	0	3	2	1	6	11.3
GRULAC	33	0	2	2	0	4	12.1
WEOG	29	3	2	1 (or 2)	0	6	11.5
Eastern Europe	22	1	1	1		3	9.5
Total	191	5	10	10		25	10.8(Overall)

GREEN MODEL (APRIL, 2005)

| Regional Area | No. of States | PERMANENT | NON-PERMANENT | | TOTAL | Elected Seats as % of Regional Groups |
			Current	Expansion		
Asia	54	1	2	3	6	9.4
Africa	53	0	3	3	6	11.3
GRULAC	33	0	2	2	4	12.1
WEOG	29	3	2	1	6	11.5
Eastern Europe	22	1	1	1	3	9.5
Total	191	5	10	10	25	10.8 (overall)

ITALIAN PROPOSAL

Regional Model (April, 2005)

Region	No. of States	Current National Seats		EXPANSION Regional Seats	TOTAL
		Permanent	Non-permanent	Permanently Assigned to regional groups	
Asia	54	1	2	3	6
Africa	53	0	3	3	6
GRULAC	33	0	2	2	4
WEOG	29	3	2	1	6
Eastern Europe	22	1	1	1	3
Total	191	5	10	10	25

Annex I: Source: Charter of the United Nations is available at: http://www.un.org/aboutun/charter (01 July 2007)

Annex II: Source: Bailey and Daws **The Procedure of the UN Security Council**, 3rd Edition , Clarendon Press, Oxford, 1998.cited in Elected Members of the Security Council, http://www.globalpolicy.org/security/membship/mem2.htm , (5 July 2007)

Annex III: Source: Table compiled by Global Policy Forum from UN information available at: http://www.globalpolicy.org/security/data/vetotab.htm (2 July 2007)

Annex IV: Source: Walter Hoffman & Ayca Ariyoruk, Special Paper No.4, "Security Council Reform Models: Models A and B, Italian (Regional)Proposal, Blue and Green Models and A New Model C", May 2005, Center for UN Reform website, available at: www.centerforunreform.org/node/ (10 January 2007)

BIBLIOGRAPHY

BOOKS AND BOOK CHAPTERS

Axworthy, Lloyd, "Making the Case for Change", in Paul Heinbecker and Patricia Goff (ed): **Irrevelant or Indispensable**, Waterloo: Wilfrid Laurier University Press,2005

Ayman, Gülden, **Neo Realist bir Perspektiften Soğuk Savaş Sonrası Yunan Dış Politikası: Güç, Tehdit ve İttfaklar**, Ankara:Ankara Üniversitesi Basımevi, 2001

Bailey, Sydney .D, **The procedure of the Security Council**, 2nd Ed, Oxford: Clarendon Press, 1988

Bayly, Christopher Alan, **The Birth of Modern World: 1780-1914**, Oxford: Blackwell Publishing, 2004

Bennet, A.LeRoy, and Oliver, James K, **International Organizations: Principles and Issues**, New Jersey: Prentice Hall,2002

Berdal, Mats, "Bosnia", in David Malone**, The UN Security Council: From the Cold War to the 21st Century**, Boulder: Lynne Rienner Publishers, 2004

Boyd, Andrew, **Fifteen Men in a Powder Keg: A History of a UN Security Council**, New York: Stein and Day, 197

Claude, Inis L, **Swords into Plowshares: The Problems and Progress of International Organizations**, 4th Edition, New York: Random House, 1971,

Claude, Inis L., **Power and International Relations**, New York: Random House, 1962

Chadwick F. Alger, "The United Nations in Historical Perspective" in Chadwick F. Alger, Gene M. Lyons and John E. Terent (ed), **The United Nations System: the Policies of Member States**, Tokyo: United Nations University Press, 1995

Davutoğlu, Ahmet, **Stratejik Derinlik**, İstanbul: Küre Yayınları, 2001

De Wett, Erika **The Chapter VII Powers of the United Nations Security Council during the Cold War**, Oxford: Hart Publishing 2004

Fassbender, Bardo, "Security Council Reform" In David Malone (ed) **The UN Security Council: From the Cold War to the 21st Century**, Boulder: Lynne Rienner Publishers Inc., 2004

Fassbender, Bardo, **UN Security Council Reform and the Right of Veto: A Constitutional Perspective**, Hague, Kluwer Law International, 1998

Franck, Thomas M, **The Power of Legitimacy Among Nations**, New York: Oxford University Press, 1990

Gilpin, Robert, **War and Change in World Politics,** Cambridge: Cambridge University Press, 1981

Goldstein, Walter, **Security in Europe: the role of Europe after the Cold War**, London: Brasseys, 1994

Heinbecker, Paul and Goff, Patricia, "Introduction" in Paul Heinbecker and Patricia Goff (ed), **Irrelevant and Indispensable**, Waterloo: Wilfrid University Press, 2005

Heywood Andrew, **Politics**, 2nd Edition, New York: Palgrave Foundations, 2002

Hurd, Ian, "Security Council Reform", Bruce Russett (ed),**The Once and Future Security Council**, New York: St-Martin's Press,1997

Kennedy, Paul, **The rise and the fall of Great Powers**,New York,Random House,1987

Keohane, Robert, "Theory of World Politics: Structural, Realism and Beyond" in Paul R.Viotti and Mark V. Kauppi, **International Relations Theory: Realism, Idealism and Globalism**, 2nd Ed.,Boston: Allyn & Bacon, 1993

Kissinger, Henry, **A World Restored Castlereagh, Metternich and the Restoration of Peace 1812-22**, Boston: Houghton Mifflin, 1957, p.1-2 cited in Robert Gilpin

Lepor, Keith Philip "Introduction",in Keith Philip Lepor (ed), **After the Cold War**, Texas: University of Texas Press, 1997

Luck, Edward C, **Reform,Adaptation and Evolution in The UN Security Council:Practice and Promise** ,London:Routledge,2006

Lyons, Gene M., "Competing visions: Proposals for UN Reform" in Chadwick F. Alger, Gene M. Lyons and John E. Terent (ed), **The United Nations System: the Policies of Member States**, Tokyo: United Nations University Press, 1995

Mahbubani,Kishore, "the Permanent and Elected Council Members", in David Malone, **The UN Security Council: From the Cold War to the 21st Century**, Boulder: Lynne Rienner Publishers, 2004

Malone, David, "Introduction" in David Malone(ed**), The UN Security Council: From the Cold War to the 21st Century**, Boulder: Lynne Rienner Publishers, 2004

Mathur, Shairi, **Voting for India: India in a Reformed UN**, London: Foreign Policy Center, 2005

Modelski, George, "The Long Cycle of Global Politics and Nation-State", **Comparative Studies in Society and History 20**, no.2, April 1978

Morgenthau, Hans J, **Politics Among Nations: The Struggle for Power and Peace**, 5th Edition, New York: Alfred A. Knoph, 1978

Chilton,Patricia, Nassauer, Otfried, Plesch, Dan, and Pattern, Jamie, **NATO, Peacekeeping, and the United Nations**, BASIC Report 94.1, Washington and London: BASIC, 1994

Riggs, Robert E, and Plano, Jack C, **The United Nations: International Organization and World Politics,** California: Brooks/Cole Publishing Company, 1988

Russett, Bruce, O'Neill, Barry, and Sutterlin, James S, "Breaking the Logjam." In Bruce Russett (ed): **The Once and Future Security Council**, St-Martin's Press, New York,1997

Scheltema, Hugo, "Transformations within the United Nations". In Jeffrey Harrod and Nico Schrijver (ed):   **The UN Under Attack**, Aldershot, England: Gower House, 1988

Schwartzberg, Joseph E, **Revitalizing the United Nations**, New York: Institute for Global Policy, World Federalist Movement, 2004

Schwartzberg, Joseph E, **Revitalizing the United Nations Reform through Weighted Voting**, New York and the Hague: Institute for global Policy, 2004

Schwartzberg, Joseph E. **Universal Regional Representation as a Basis for Security Council Reform**, New York: Ralph Bunch Insititute, Twentieth Anniversary Meeting of the Academic Council on the United Nations System, June 2007

Stearns,Peter N, Adas, Michael, Schwartz Stuart B, and Gilbert, Marc, **World Civilizations: the Global Experience**, New York: Pearson Education, 2007

Tadokoro, Masayuki, "A Japanese View on Restructuring the Security Council" in: Russett, Bruce (ed.): **The Once and Future Security Council,** New York, St. Martin's Press, 1997

Tarpley, Webster G, and Chaitkin, Anton, Chapter -XXIV- The New World Order in **George Bush: The Unauthorized Biography,**   Washington: Executive Intelligence Review, 1991 available at: http://www.tarpley.net/bush24.htm (25 June 2007)

Thakur, Rhamesh, "Freedom from fear: Effevtive, Efficient and Equitable Security" in Paul Heinbecker and Patricia Goff (ed), **Irrelevant and Indispensable**, Waterloo: Wilfrid University Press, 2005

Tharoor, Shashi, **Nehru: the Invention of India**, New York: Arcade Publishing, 2003

Waltz, Kenneth, **Theory of International Politics**, New York: McGraw Hill, 1979

Zedillo, Ernesto, **Comments on the Report of the High-level Panel on Threats, Challenges, and Change in Reforming the United Nations for Peace and Security: Proceedings of a Workshop to Analyze the Report of the High-level Panel on Threats, Challenges, and Change**. New Haven, Conn.: Yale Center for the Study of Globalization,2005

ARTICLES

Blavoukos, Spyros and Bourantonis, Dimitris,"The Chair in the UN Context: Assesing Functions and Performance", Netherlands Institute of International Relations, available at www.clingendael.nl/publications/2005/20051100_cli_paper_dip_issue101.pdf(10 January 2007)

Boutros-Ghali, Boutros, "UN Peacekeeping: Challenging A New Era", **Brown Journal of World Affairs.** Vol:3 (1) , 1996

Chandler, David, "Kosovo and remaking of international relations", **The Global Review of Ethnopolitics**, Vol. 1, no. 4, June 2002, 110-118, available at: www.ethnopolitics.org/ethnopolitics/archive/volume_I/issue_4/chandler.pdf (19 July 2007)

Chesterman, Simon, "Reforming the United Nations: Legitimacy, Effectiveness and Power after Iraq", **Singapore Year Book of International Law and Contributors**, vol.10,2006,p:16 available at http://law.nus.edu.sg/sybil/downloads/coming/Chesterman_SYBIL_2006.pdf (15 March 2007)

Currie, Duncan E. J, "'Preventive War' and International Law After Iraq", **Globelaw: International Environmental and Transnational Law**, 22 May 2003, available at: http://www.globelaw.com/Iraq/Preventive_war_after_iraq.htm (15 June 2007)

Davis, Ian, and Fraser, Trudy, "Security Without Borders? The U.N. High Level Panel and the Challenge of U.N. Security Council Reform**", Occasional Papers on International Security Policy**, No:48, March 2005 available at: http://www.basicint.org/pubs/Papers/BP48.htm (10 December 2006)

Dobbins, James F. "America's Role in Nation-Building From Germany to Iraq", Heinrich Böll Stiftung, 2003, available at: http://www.boell.de/downloads/demokratiefoerderung/dobbins_americas_role.pdf (20 July 2007)

Emiroğlu, Hüseyin, "Soğuk Savaş sonrası Birleşmiş Milletler: İşlevi-Sorunları", **C.Ü. İktisadi ve İdari Bilimler Dergis**i, vol.2, 2006

Fassbender, Bardo, "All illusions shattered? : Looking Back on a Decade of Failed Attempts to Reform the UN Security Council" ,**Max Planck Yearbook of United Nations** Law; vol. 7, 2003

Fassbender, Bardo, "UN Reform and Collective Security The Report of the UN High-level Panel on Threats, Challenges and Change of December 2004 and the Recommendations of the UN Secretary-General from March 2005", Institute for International and European Law at the Humboldt University, Berlin, April 2005

Gorbachev, Mikhail, "Realities and Guarantess for a Secure World, Pravda", September 17,1987, (Reprinted in UN document A/42/574 18 September 1987

Goto, Hirofimi, "New Initiatives on Security Council Reform", Asahi Shimbum, January 31, 1998, available at: http://www.globalpolicy.org/security/reform/secrefrz.htm (20March 2007))

Hoffman, Walter Hoffman and Ariyoruk, Ayca, Special Paper No.4, "Security Council Reform Models: Models A and B, Italian (Regional)Proposal, Blue and Green Models and A New Model C", Centre for UN Reform, May 2005, available at: www.centerforun**reform**.org/node/148 - 12k (10 January 2007

Kochler, Hans, "Quo Vadis, United Nations?", **Law Review**, Polytechnic University of the Philippines, College of Law, 2005, Paper prepared fort he lecture in the Polytechnic University of the Phillipinnes and the third anniversary of the foundation of the College of Law, 22 June 2004, Manila

Kochler, Hans, "The United Nations and International Democracy: the Quest for UN Reform", Studies in International Relations, XXII. Vienna: International Progress Organization, 1997

Kochler, Hans, "The United Nations Organization and Global Power Politics: The Antagonism between Power and Law and the Future of World Order", **Chinese Journal of International Law**, Vol.5, no.2, 2006

Liang, Yuen-Li, "Notes on Legal Questions Concerning the United Nations: The so-called Double Veto", **The American Journal of International Law**, vol.43, no:1, January 1949 available at: http://links.jstor.org/sici?sici=00029300%28194901%2943%3A1%3C134%3ATS%22V%3E2.0.CO%3B2-T&size=LARGE&origin=JSTOR-enlargePage (28 April 2007)

Luck, Edward, "Reforming the United Nations: Lessons from a History in Progress", International Relations Studies and the United Nations, 2003, available at: www.globalpolicy.org/reform/intro/2003history.pdf (10 January 2007)

Mearsheimer, John J, "The False Promise of International Institutions", **International Security**, Winter 1994-95.p:5-49

Mehta, Vijay, "UN Institutional Reform, How can we make the Security Council more representative and work towards abolishing the veto?", A discussion paper for the panel on UN reforms, World Peace Forum, Vancouver, Canada,25 June 2006 available at: www.arcuk.org/pages/UN%20Institutional%20Reform,%20WPF,%20Condensed.doc (25 January 2007)

Misra, Shefali, Treading a tortuous path, Indian Express Newspaper, Bombay: 20 July 1997, available at: http://www.expressindia.com/ie/daily/19970720/20150613.html(20 March 2007)

Nahory, Céline, "The Hidden Veto", Global Policy Forum, May 2004 available at: http://www.globalpolicy.org/security/veto/2004/0519hiddenveto.htm (24 April 2007)

Ozgercin, Kevin, "Collective Security and the United Nations The Work of the High Level Panel on Threats, Challenges and Change", FES Briefing Paper, September 2004, available at:
www.responsibilitytoprotect.org/index.php?module=uploads&func=download&fileId=15 (21 March 2007)

Paul, James and Nahory, Celine, "Thesis towards a democratic reform of the UN Security Council", Global Policy Forum, July 13,2005, available at: www.globalpolicy.org/eu/en/annualr/2005_annual_report.pd (13 April 2007)

Paul, James A, "UN Reform: An Analysis", Global Policy Forum, available at www.globalpolicy.org/**reform**/**analysis**.htm (16 January 2007)

Penketh, Anne, "New Security Council Enlargement Plan Unveiled", Agence France Presse March 20, 1997, available at: http://www.globalpolicy.org/security/reform/razref2.htm (22 March 2007)

David Long, "The Euro and the Transformation of International Relations", Ottowa: Carleton University, The Centre for European Studies (CES) and The Institute of European and Russian Studies (EURUS), Vol.1, No. 2 ,March 2001, available at: www.carleton.ca/ces/papers/occasional/long.pdf (11 June 2006)

Sivonen, Pekka "European Security: New, Old and Borrowed", **Journal of Peace Research**, no.4 1990, in "The Security Council" available at: www.cimun.com/BGPapers/2007/SC.pdf (12 June 2007)

Snyder, Robert S, "Reforming the Security Council for the Post Cold War Era", **International Journal on World peace**, vol. XIV, March 1997

Stoett, Peter J, "A Case of Misplaced Focus? Reforming the UN's Security Council" **Canadian Foreign Policy,** Vol:3 No:3, Winter 1995

Thakur, Ramesh, "Ashamed responsibility for a more secure world" **Global Governance** Vol.11, No.3, 2005

Thakur,Ramesh, "United Nations Security Council Reforms", Paper prepared fort he lecture in the Institute for Security Studies, Pretoria, 18 November 2004, available at: www.issafrica.org/seminars/2004/1811unsc.pdf (20 June 2007)

Timerbaev, Roland, "The role of the United Nations in today's world", **Yaderny Kontrol Journal**, No.2, Vol. 10, Summer, 2004

Weiss, Thomass G, "Overcoming the Security Council Reform : The Implausible versus the Plausible', **Dialogue on Civilisation Occasional Papers,** No.14 ,New York: Friedrich-Ebert-Stiftung, 2005

Winkelmann, Ingo, "Bringing The Security Council into a New Era", **Max Planck Year Book of United Nations Law**, vol.1, London: Kluwer Law International, 1997

Zumach, Andreas, "Reform or Collapse: Is there a Future for the UN in a Unipolar World Order?", 29 June 1997, available at: http://www.globalpolicy.org/reform/radiorep.htm#Razali%20Proposal (22 March 2007)

INTERNET SOURCES

Changing Patterns in the Use of the Veto in the Security Council is available at: http://globalpolicy.igc.org/security/data/vetotab.htm (23 April 2007)

Conference on Reform and Restructuring of the Security Council, May 23, 1994 in James A. Paul available at www.globalpolicy.org/**reform**/**analysis**.htm (16 January 2007)

Federation of American Scientists, Armed Force, available at: www.fa**s**.org/a**s**mp/profile**s**/wmeat/WMEAT99-00/03-hl-**ArmedForces**.pdf (15 April 2004)

Fearon, James D., Comments on A More Secure World: Our Shared Responsibility: Report of the High Level Panel on Threats, Challenges, and Change, prepared for the workshop at Yale Center for the study of globalization, available at: http://www.stanford.edu/~jfearon/papers/yalehlpconf.rtf (26 March 2007)

George W. Bush, remarks at the UN General Assembly, New York, September 12, 2002; see the full text at: http://www.whitehouse.gov/news/releases/2002/09/print/20020912-1.html (15 April 2007)

Germany, Statement made by Ambassador T.Eitel in the Working Group on 23 April 1996,availableat: http://www.globalpolicy.org/security/docs/gerold10.htm (10.May.2007)

"German Myth 12 The Famous "Goethe" Quotation" available at:http://german.about.com/library/blgermyth12.htm (28 June 2007

"History of the Charter of the United Nations: Dumbarton Oaks and Yalta", available at http://www.un.org/aboutun/charter/history/dumbarton.shtml (15 April 2007)

India hopes for resolution on UNSC expansion soon', http://news.indiainfo.com , 22 March 2005

Indian Cabinet , Background Paper, available at: www.yale.edu/yira/imscsy/**india**n.doc (15 April 2004)

"Ismail Razali",Malaysia,Elected President of the 51st Session of the General Assembly, available at: http://www.un.org/ga/55/president/bio51.htm (15 January 2007)

"Japan says aid to UN could be affected if denied to UNSC seat.", The Hindu, 28 July 2005, available at: www.**hindu**.com/the**hindu**/holnus/001**2005**07**28**1013.htm (10 March 2007)

Joint Press Statement - India, Brazil, Japan and Germany Meeting on UN Reforms, (21 September 2004) Embassy of India web site, available at: http://www.indianembassy.org/press_release/2004/sep/21_2.htm (15 March 2007)

Malaysia, Statement of Ambassador Ismail Razali of 28 February 1996, available at: http://www.globalpolicy.org/security/docs/razali.htm (11.05.2007)

"Meeting of the Leaders of Brazil, Germany, India and Japan on UN Reform Joint Press Statement", 21 September 2004, The Japanese Ministry of Foreign Affairs, available at: http://www.mofa.go.jp/policy/un/reform/joint0409.html (15 March 2007)

"Meeting the Challenges of UN Reform: A South Perspective", The South Centre Analytical Note, Doc No:SC/GGDP/AN/GPG/1, August 2006, p:1 available at: www.southcentre.org/publications/AnalyticalNotes/GlobalEconomicGov/2006Aug_**UN_Reform**.pdf (10 January 2006)

Non Alignment Movement, Ibid, available at: http://www.globalpolicy.org/security/reform/secwg7.htm#Indonesia (10 May 2007)

President's Remarks at the United Nations General Assembly, 12 September 2002, New York available at: http://www.whitehouse.gov/news/releases/2002/09/20020912-1.html (20 June 2007)

President Bush Discusses Iraq Policy at Whitehall Palace in London,19 November 2003, available at: http://www.whitehouse.gov/news/releases/2003/11/20031119-1.html (15 June 2007)

"Reform of the United Nations", available at: http://en.wikipedia.org/wiki/Reform_of_the_United_Nations_Security_Council (10 March 2007)

Secretary-General's remarks at dinner with the board of trustees of the Brookings Institution, 1 March 2004, available at: http://www.un.org/apps/sg/sgstats.asp?nid=799 (26 March 2007)

Speech by Mr. Wong Kan Seng, Minister for Foreign Affairs of the Republic of Singapore, at the 48th Sess. of the General Assembly, 6 October 1993, available at: http://globalpolicy.igc.org/security/reform/secwg7.htm (15 February 2007)

Statement by Mr. Nirupam Sen, "Permenent Representative, on Informal Consultation the Report of the High-Level Panel on Threats, Challenges and Change and on the United Nations Millenium Project 2005" Report at The Informal Meeting of the 59th Session of the UN General Assembly on February 23, 2005, Full text is available at: www.un.int/india/2005/ind1075.pdf (16 March 2007)

Statement of the Ambassodor Tello of Mexico in the United Nations on the Veto Mexican Mission to the UN, 21 April 1998, available at: http://www.globalpolicy.org/security/docs/mexrefmp.htm (23 April 2007)

The African common position established 58th ordinary session of the OAU and was presented in in August 1993 by Tanzania. There were 29 states. For more details please see: http://www.africa-union.org/root/au/index/index.htm (10 May 2007)

The Biography of Anand Panyarachun available at: http://www.un.org/News/dh/hlpanel/panyarachun-bio.htm (10 March 2007)

The National Security Strategy of the United States of America, September 2002, p.34; see the full text at: http://www.whitehouse.gov/nsc/nss/2002/nss.pdf (18 April 2007)

"The Security Council" available at: www.cimun.com/BGPapers/2007/SC.pdf (12 June 2007)

UN Security Council available at:
http://www.biocrawler.com/encyclopedia/United_Nations_Security_Council (18 March 2007

Uniting for Consensus Group of States Introduces Text on Security Council Reform to General Assembly: Proposes Maintaining Permanent 5, with 20 Elected Members, 27

July 2005,United Nations Information Service, available at: http://www.unis.unvienna.org/unis/pressrels/2005/ga10371.html (15 March 2007) or see the full text available at: http://www.un.org/News/Press/docs/2005/ga10371.doc.htm (15 March 2007)

OFFICIAL DOCUMENTS

A/RES/2758(XXVI) of 25October 1971 available at
http://www.un.org/documents/ga/docs/53/plenary/a53-145.htm (10 January 2007)

A/RES/48/26 of 3 December 1993 available at:
http://www.un.org/documents/ga/res/48/a48r026.htm (15 March 2007)

Declaration on the Occasion of the Fiftieth Anniversary of the United Nations, 24 October 1995, A/RES/50/6 of 9 November 1995, para:14 available at: http://www.un.org/documents/ga/res/50/ares50-6.htm (15 January 2007)

Doc. A/49/965 of 18 September 1995 and Doc.A/50/47 Add. 1 of 9 September available at: http://www.un.org/news/Press/docs/1997/19970310.ga9222.html (22 March 2007)

Doc No: GA/9945, Fifty-sixth General Assembly Plenary 36th Meeting, 1 November 2001 available at: http://www.un.org/News/Press/docs/2001/ga9945.doc.htm (20 January 2007)

Doc No:GA/10276, Fifty-ninth General Assembly Plenary
28th & 29th Meetings 13October 2006 available at: http://www.un.org/News/Press/docs/2004/ga10276.doc.htm (13 January 2007)

Doc. No:GA 10552, 72nd and 73rd plenary meeting, 11 December 2006 available at: http://www.un.org/News/Press/docs/2006/ga10552.doc.htm (20 January 2007)

Draft Resolution Doc.A/34/L.57 of 11 December 1979 presented by Algeria, Bangladesh, Bhutan, Cuba, Grenada, Guyana, India, Japan, Maldives, Mauritius, Nepal, Nigeria, Sri Lanka, and Syrian Arab Republic

Full Text of UN Charter and Chapters are available at appendix and available at the website of the United Nations: http://www.un.org/aboutun/charter/ (20 April 2007)

"General Assembly concludes Considerations of Security Council Reform", UN Press Release, GA/9693, 20 December 1999, available at: http://www.un.org/News/Press/docs/1999/19991220.ga9693.doc.html (18 April 2007)

General Assembly Resolution 1991A(XVIII), "Question of Equitable Representation on the Security Council and Economic and Social Council, 17 December 1963, available at: http://daccess-ods.un.org/TMP/4205188.html (21 April 2007)

"History of the Charter of the United Nations: Dumbarton Oaks and Yalta", United Nations web page, available at http://www.un.org/aboutun/charter/history/dumbarton.shtml (15 April 2007)

In Larger Freedom – the changing role of the United Nations", Secretary General's public lecture, New Delhi, 28 April 2005, available at: www.un.org/av/photo/sgtrips/sgindiaapr05.htm - 10k (16 April 2007)

In the replies the Secretary General received during the 48th Session, eight member states referred to Germany and Japan by name see doc name: A/RES/48/264 available at http://www.un.org/documents/ga/res/48/a48r264.htm (13 January 2007)

Indian Cabinet , Background Paper, available at: www.yale.edu/yira/imscsy/**india**n.doc (15 April 2004)

Indonesia,,Working Paper, Doc.A/49/965 of September 1995, available at: http://www.globalpolicy.org/security/reform/secwg7.htm#Indonesia (10 May 2007)

Informal Group of Small and Medium- Sized Countries: discussion paper, Doc.A/49/965 of 18 September 1995, available at: http://www.globalpolicy.org/reform/0115wkgreport.htm (10 May 2007)

Ismail Razali,Malaysia,Elected President of the 51st Session of the General Assembly, available at: http://www.un.org/ga/55/president/bio51.htm (15 January 2007)

"Italy: working paper", Doc.A/50/47/Add.1, Annex IX,para.3 available at: http://www.globalpolicy.org/security/reform/wkgrp96.htm (25 March 2007)

Norway, Working paper, Doc.A/50/47/Add.1 of 9 September 1996, Annex XVII, available at:
http://www.globalpolicy.org/security/reform/wkgrp96.htm (11 May 2007)

Organization of African Union Doc. NY/OAU/POL 84/Rev.2 of 29 September 1994 available at: www.cinu.org.mx/onu/reforma_cs/a50_47rev1.pdf (10 May 2007)

Resolution 1483, available at: http://www.un.org/documents/ga/res/18/ares18.htm (10 March 2007)

Rule 35 of Security Council's Rules of Procedure available at: http://www.un.org/Docs/sc/scrules.htm (15 January 2007)

"Question of equitable representation on and increase in the membership of the Security Council", Doc. No:A/RES/47/62,84th plenary meeting, 11 December 1992 available at: http://www.un.org/documents/ga/res/47/a47r062.htm (15April2007)

Secretary-General Names High-Level Panel to Study Global Security Threats and Recommended Necessary Changes, Doc. SG/A/857, November 4, 2003, available at: http://www.un.org/News/Press/docs/2003/sga857.doc.htm (15 March 2007)

Strengthening the United Nations: an Agenda for Further Change, Doc.A/57/387 of 9 September 2002, para: 20 available at: www.un.org/events/action2/A.57.0387.pdf (25 March 2007)

The Full Text of the Panel's Report: A more Secured World: Our Shared Responsibility is available at:
www.un.org/**secureworld**/report2.pdf (10 March 2007)

The Secretary General-General Adres to General Assembly, Doc.A/58/PV.7,58th Sess., 7th plen. Sept. 23, 2003, available at: http://www.un.org/webcast/ga/58/statements/sg2eng030923.htm (5 March 2007))

The Secretary General Adress to General Assembly, New York, 23 September 2003, available at: http://www.un.org/webcast/ga/58/statements/sg2eng030923.htm (20 June 2007

The Secretary General Adress to General Assembly, New York, 23 September 2003, available at: http://www.un.org/webcast/ga/58/statements/sg2eng030923.htm (20 June 2007)

Turkey:Position Paper, Doc.A/49/965 of 18 September 1995,110

The UN Millennium Declaration, Doc A/57/387 of September 2000, para:30 is available at: www.un.org/events/action2/A.57.0387.pdf (25 March 2007)