Beyond Extension
The UN Security Council: Insights into an Ongoing Debate

Volker Weyel

Exactly 30 years ago, in March 1978, United States President Jimmy Carter presented to the US Senate’s Committee on Foreign Relations his ‘Proposals for United Nations Reform’. The report also dealt with the role of the Security Council – just one of the six UN principal organs but, being entrusted with the ‘primary responsibility for the maintenance of international peace and security’, the most powerful one. The US proposals suggested modified veto powers and pleaded for making ‘greater use of the Council and engaging it more routinely in the search for ways to resolve threats to the peace’. This report presented no case for an enlargement of the body or for a restructuring of its composition, though it ‘recalled that Japan has for some time entertained the desire to attain a permanent seat on the Security Council’. Moreover, it purported still ‘to hold the position which President Carter expressed to Prime Minister Fukuda ... in March 1977, namely, that Japan is, in our view, fully qualified to become a permanent


A Security Council debate on peace and security in Africa, 16 April 2008. UN Photo/Eskinder Debebe

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The United Nations Charter lays down in Article 23(1): '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 Kuomintang government of the 'Republic of China', after its defeat in the Chinese civil war, was restricted to Taiwan only but continued to claim to speak for China as a nation. In 1971, the Chinese seat in the UN organs was transferred to the government of the 'People's Republic of China' following the decision of the General Assembly. In 1991, the Russian Federation notified the UN in an almost casual way that it continues the membership of the former USSR 'with the support of the 11 member countries of the Commonwealth of Independent States' (letter from President Boris Yeltsin to Secretary-General Javier Pérez de Cuéllar, 24 December). The move was not put to a legal test.

The draft resolution was not put to a vote; on 14 December 1979 the General Assembly postponed consideration of the issue to the following session. In 1980 the question raised by India was again debated; eventually postponement was agreed upon once more. Afterwards, the item continued to have its place on the agenda of the Assembly’s sessions, but was continuously deferred, serving as sort of a reminder of an unresolved issue. The topic gained fresh momentum only about a decade later, after the wind of change had blown through the international arena.

There was broad agreement on the need for adjusting the Council to realities which were quite different from those of 1945. Yet the conceptions and, above all, the interests pursued by the actors were largely contradictory. With Japan repeating her claim, the quest for additional permanent seats came into focus. Other aspiring candidates emerged, leading to concealed as well as open battles about the ‘right’ to obtain ‘P’ status. Well known are the household words commonly uttered in the corridors of the UN headquarters, like ‘quick fix’, ‘Razali plan’ or ‘Coffee Club’. Well known is the protracted campaign by Italy (at an earlier stage also an aspirant) against her ally and co-founder of European institutions, Germany, and the competition between supposedly brotherly countries of Africa or Latin America. Well known too is the debate on the veto power that the P-5 are unlikely to relinquish. Given the wealth of literature on the subject and also some flashbacks in the three following contributions, we don’t need to go into detail here. Suffice it to remind the reader that in 1994 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’, a subsidiary organ of the General Assembly, took up its work. Its nickname ‘never-ending working group’ is also well known. The expression alludes to the fact that progress, if at all this is the right word, goes at a snail’s pace, notwithstanding the finding ‘that the status quo is not acceptable to an overwhelming majority of the Member States’.

Incidentally, not all is about extension, permanency and veto power. Yet one may see these issues as background to the attempts of Council members to appease their critics who question the legitimacy of the organ’s practice, posing queries on accountability, efficiency, participation of non-members, and transparency. This has resulted in a number of improvements in the working methods of the Council over the last one and a half decades. In 2006, ‘a concise and user-friendly list of the recent practices and newly agreed measures, which will serve as guidance for the Council’s work’ was provided. Further progress would certainly be welcomed by the non-permanent members as well as the non-members of this principal organ.

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There are controversies galore. In fact, the ongoing debate on the reform of the Security Council brought to the fore a wealth of arguments – not all of them new or innovative – but so far it appears inconclusive. It remains to be seen whether the strenuous efforts of the President of the General Assembly, his ‘facilitators’ and ‘task force’ members will lead to the adoption of an ‘intermediary arrangement’ as a kind of transitional approach.

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This issue of the Critical Currents series intends to take stock of the debate and to present alternatives to the existing state of affairs. Obviously, as Erskine Childers and Brian Urquhart described it in a slightly different context in the preface to another publication of the Dag Hammarskjöld Foundation, ‘anyone proposing reforms of the UN system faces the constant risk of being labelled “utopian” or “unrealistic”, even if the proposals are eminently sensible’. Nevertheless, a radical approach is taken here, inasmuch as it transcends the extension debate.

Ambassador Kaire Mbuende, representing Namibia as a small African country with a special bond with the UN (given the role the world organisation played during the process leading to the independence of former South West Africa), undertakes a critical appraisal of the state of the debate. He gives an overview of the continuous efforts of, for example, the ‘Open-ended Working Group’ and names the central issues. In his view, enlargement of the Council is not an end in itself; he quite convincingly points out the deficiencies of the permanent members, existing as well as possible future ones. He counsels that more attention should be given to the task of improving the working methods of the Council. His benchmark is accountability, and his guiding principle is effective regional representation.

Jim Paul and Céline Nahory of ‘Global Policy Forum’ argue forcefully against Council enlargement and especially against new permanent seats. They see national self-interest behind the aspirations of medium-sized powers, and they see a net loss rather than gain in any expansion of the Council. They doubt the viability of any reform proposals that would require a revision of the United Nations Charter. Instead, they favour measures which could increase policy coordination within the different regions, as a prelude to future regional seats. They are cautiously optimistic about the readiness of UN members for such a transitional approach.

Professor Richard Hartwig advocates a radical restructuring of the Security Council called the ‘Regional/Economic Proposal’ (REP), which would entail revising the Charter. Change from a uni-polar to a multi-polar world would be required for his proposal to become politically feasible; in his view, the required conditions may be present by 2020. The REP suggests that representation in the Security Council should be determined by objectively balancing the claims of legitimacy, power/wealth and

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mutual advantage. It envisions a Council composed of 10 geographic Regions. Each Region would be presided over by an anchor country or by co-anchor countries. There would be no veto power.

The three contributions in some respects represent different positions. But they concur on central issues: their approach is anti-hegemonic, and they are in favour of phasing out the veto. They moreover have an imperative common denominator: the case for regional representation.

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Regional representation, however, is not a fast-selling item. The survey undertaken by the ‘facilitators’ on the consultations regarding the reform of the Security Council shows that there are quite different conceptions of this idea. Some countries understood ‘regional representation’ as nothing other than the ‘equitable geographical distribution’ enshrined in Article 23(1) of the Charter. Others felt that the term should be understood as the regional seat leading to regional accountability. They argued that the notion of regional representation, in the sense of Member States representing regional views, could be explored further. Different options were suggested, such as candidatures to be proposed directly by Member States or through regional consensus, it being understood that the final decision is to be taken by the General Assembly through the election process as set out in the Charter. Another suggestion was that members of the Council should be deemed, if they so wish, to also represent the views of regional groups to which they belong while continuing to act in accordance with the purposes and principles of the United Nations.

It was a widely held view that presently the non-permanent members of the Council, though elected according to a regional distribution pattern, are not the representatives of their respective regions. ‘Rather, as members of the Council, they should have a global accountability and an obligation to the international community as a whole.’ Neither the regional groups of the General Assembly nor the alliances of states currently outside the UN framework were seen as proper candidates for having a seat, partly because a contradiction with the intergovernmental character of the UN was perceived. Despite those apprehensions, there seems to be a preparedness to give more thought to the regional representation issue. The challenge will be to strike a viable balance between global and regional responsibilities.

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In terms of economic and political cohesion, the European Union (EU) is seen worldwide as the most advanced regional organisation, and it is held in high esteem by representatives from other regions as a model. This, plus the recurrent debate on a

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11 Hartwig’s very elaborate REP proposal might lend itself to testing in Model United Nations exercises.  
13 A/61/47, p. 18.  
14 Ibid.
‘European seat’ in the Security Council, is a good reason for taking a closer look.

It can be put on the record that the EU described the strengthening of the United Nations and ‘equipping it to fulfil its responsibilities and to act effectively’ as ‘a European priority’ and that it declared ‘effective multilateralism a central element of its external action, with at its heart a strong UN’. This commitment was prepared by a position paper in September 2003 with the virtually programmatic title ‘The European Union and the United Nations: The choice of multilateralism’. One might see this in part as a response to the notorious de facto unilateral action which had characterised that year – that is, the US military campaign against Iraq. Self-interest, however, also plays its part, not least the desire to establish the EU as a relevant ‘global actor’ in the international field.

The EU indeed plays a significant role in the United Nations, its member states together presently contributing 38.857 per cent to the regular budget. Even so, it finds its influence in the UN system limited, due to the somewhat peculiar division of labour between the European Council, the European Commission (EC) and the Presidency-in-office which changes twice a year. In fact, it is not easy for outsiders to understand who speaks in which capacity for the EU in a given context.

In the UN General Assembly the EC, acting through its New York delegation, is an observer. It is a major provider of humanitarian aid and development assistance. There is participation of the EC in the governing bodies of a number of UN agencies and organs, based on its role as a donor. The involvement in the World Health Organization (WHO) and the International Labour Organization (ILO) as well as in the United Nations Development Programme (UNDP) and the United Nations Environment Programme (UNEP) is described as one of ‘active observer’, meaning ‘participation in and contribution to the work of governing bodies including contribution to decision-making’. With regard to the Executive Board of the World Food Programme (WFP) it even might boast of having a sort

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19 Observer status was granted to the European Economic Community in 1974.
of veto power without being a member, since it is a ‘privileged observer’, meaning that ‘the Commission sits at the table of the Executive Board and its participation is deemed necessary for a consensus’.23

In one specialised agency, the Food and Agriculture Organization of the United Nations (FAO), the ‘European Economic Community’, described as a ‘regional economic integration organization’, is a member. In 1991 it was admitted as a ‘Member Organization’ (still being the only one in this category). As such it is entitled to participate ‘in matters within its competence’, such as agriculture and fisheries, in FAO meetings. In these matters it can exercise ‘membership rights on an alternative basis with its Member States that are Member Nations of the Organization’.24 In the World Trade Organization (WTO) – which is not a specialised agency of the UN but can be considered as a related organisation – the ‘European Communities’ have been a member since 1995, whilst the EU nations continue their individual membership. In most WTO meetings the EC speaks for all EU member states. This arrangement is based on the Community responsibility for customs and trade.

Politically even more relevant is the fact that in the various United Nations fora the 27 EU members usually put forward common positions25 – achieved in at times difficult internal processes – and thus are an important partner for the ‘G–77’ group of developing countries, for example. So it appears quite logical to see the EU as being bound to take the regional seat for Europe once a model of regional representation in the Security Council is put into practice.

Judging from the state of affairs now and in the near future, however, this appears to be premature, even in view of the forthcoming strengthening of the EU role in the international field through the Lisbon Treaty. Whereas the African Union (AU), albeit only in theory, unites all African states,26 the EU does not cover the European continent in its entirety. It accounts for 2627 of the 43 UN member states from the continent, so about two fifths of these presently do not belong to the EU. Apart from Russia the absentee list includes heavyweights like Norway, Switzerland and the Ukraine. It should be noted that as long as the EU has not transformed itself into a federal state like the United States of America or the Russian Federation (or as long as the UN Charter has not been amended in order to accommodate a supranational organisation like the EU), the proposal to have a ‘EU seat’ is not in line with realities. But realities change over time, and innovative approaches are possible. The European Parliament, when

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23 Ibid.
24 This means, according to Article II(10) of the FAO Constitution, that either the member states exercise their voting rights or the ‘Member Organization’ votes with ‘a number of votes equal to the number of its Member States which are entitled to vote in such meeting. Whenever a Member Organization exercises its right to vote, its Member States shall not exercise theirs, and conversely.’
26 Except Morocco which left the then Organisation of African Unity after the admission of the Sahrawi Arab Democratic Republic.
27 EU member state Cyprus geographically is part of Asia. In the UN General Assembly it belongs to the Asian Group.
adopting its first comprehensive report on EU-UN relations in 2004, however, acted in a remarkably uninspired way when soliciting for a European place on the ‘P’ side of the Council table in addition (sic) to the British and French permanent seats.28

A future regional set-up of the Security Council29 might, for a transitional period, even find another solution for European regional representation, for example through the Organization for Security and Co-operation in Europe (OSCE) or through the Council of Europe.30 A possible gain in representativeness, however, would be outweighed by losses in clout and cohesiveness.

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28 In its resolution of 29 January 2004 on the relations between the EU and the UN the European Parliament called for ‘increasing the composition of the Security Council (permanent and non-permanent members), which should better reflect the current situation in the world, including the European Union, as a permanent member, as soon as its legal personality is recognised, as well as a supplementary permanent seat for each of the following regions: Africa, Asia and Latin America’.


30 A counter-argument might point to the danger of overstretching. Presently the OSCE, a ‘regional arrangement’ under Chapter VIII of the UN Charter, consists of 56 members from Europe, Asia and North America (i.e. both Canada and the US). The geographical scope of the Council of Europe with its 47 members (including Cyprus, the Caucasus republics and Russia, not including Belarus which so far is stalled with candidate status) is more limited, but so is its mandate.

Whether the veto power should be kept, but be invested in future seats for the regions, would be open to debate. Taking issue with the veto power made available by the UN Charter (though the term itself is not used there) to the happy few is not only justified but necessary. This privilege nevertheless should not be discarded too easily, since it exerts a binding force on its beneficiaries, at least to some degree. Problematic (and disgusting) as the international behaviour of some of the major actors is at present, things certainly would not be better if they were completely free of any responsibility under their special role, since they tend to ignore majority decisions of the General Assembly anyway. The resort to ‘Nyet’ or ‘No’ allowed the USSR and later the US to preserve what they saw as their interest in view of a majority of states rightly or wrongly perceived as hostile to them; this enabled them to remain inside the UN instead of cutting the painter.

In defence of the veto power, the privileged class likes to argue ‘that this arrangement ruled out the possibility of disagreement among the permanent members and ensured that when the Security Council did act, it acted with the support of its most powerful members’31 – not too convincing an assertion given the mixed record of the Council regarding the implementation of its own decisions. A more civilised international environment certainly will eventually do without the veto; in the meantime nations should strive to agree on as many

31 Müller, 2006, p. 16.
restrictions to its use as possible. Anders Lidén, Sweden’s Permanent Representative to the UN, in the November 2007 General Assembly debate on the Security Council, called for a ‘veto-free culture’. This concept is indeed worth promoting – as well as the crafting of a practicable model of regional representation.

32 One of the ideas put forward is the ‘double veto’, which was also taken up by the European Parliament in its resolution of 29 January 2004. There it called for ‘improving the decision-making process of the Security Council by replacing the current veto system by a system of double veto (veto only relevant if by 2 permanent members) and only in the cases referred to in chapter VII of the UN Charter (threats to peace, breaches of peace and acts of aggression)’. 

Members of the Security Council voting unanimously to extend the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO), 30 April 2008. UN Photo/Paulo Filgueiras