

# **A Proposal for a Reformed and Strengthened United Nations Security Council<sup>1</sup>**

by

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In a world where modern technology enables small groups of fanatics to kill millions of people and bands of thugs to take over failed states, more intervention by the international community in the sovereignty of individual nations will be necessary.

Such intervention cannot be left to the United States acting alone or with just a few allies. In the first place, the United States does not have the administrative, military, or financial capacity to carry out all of the interventions that will be necessary in the next several years even for the protection of its own self-interest narrowly conceived.

Even when it is willing to commit resources to an intervention, the United States acting alone, or with just a few allies, will often lack the political legitimacy and authority necessary to have its decision to intervene accepted by the rest of the world. Without such acceptance, any intervention becomes more difficult and more costly in American lives and money.

Three years ago, discussion of the future role of the United Nations Security Council was polarized between contemptuous dismissal of the Council and the bland assumption that the outmoded structure of the Council was fine as it was.

Times have changed. There is a growing worldwide consensus that more intervention in the sovereignty of nations will be necessary and that the current structure of the Council is inadequate. Nations are jostling for seats on the Council, the place where many of the decisions to intervene will be made. Proposals for changing the structure of the Council abound.

## *What structural changes are necessary to produce a more effective United Nations Security Council?*

At a minimum, a reformed Security Council should not be subject to paralysis by the veto power of any single nation. A reformed Council must be small enough to function efficiently, yet large enough to represent a majority of the world's population in its membership. Any proposal for reform must be acceptable to the current five permanent members and must be supported by a majority of the General Assembly. None of the proposals currently under discussion meets these tests. The following proposal just might work.

My proposal is divided into four parts. The first part concerns the selection of the members of a reformed Security Council. The second and third parts deal with the elimination of the veto power and suggest how the current five permanent members might be persuaded to give up the veto. The fourth part argues that it is the self-interest of the United States to support reform of the sort proposed.

### **Selecting the Members of a Reformed Security Council**

Instead of naming particular countries as permanent members, two simple criteria--population and economic size--would be used to select Council members. A reformed Security Council would include the ten most populous countries in the world, the ten largest economies in the world, plus four members elected to staggered two-year terms by the General Assembly, two members to be elected every year. A country that was in the top ten in both population and economic size would have two seats on the Council and thus two votes on all matters before the Council. If a Council member's population or economy dropped out of the top ten, that member would lose their seat based on population or economic size

As part of the package to secure agreement of the current five permanent members to this reform, each current permanent member would be granted one additional permanent seat on the reformed Council in addition to any seats granted on the basis of either population or economic size.

This model would give a seat based on population to China, India, the United States, Indonesia, Brazil, Pakistan, Bangladesh, Russia, Nigeria, and

Japan.<sup>3</sup> Economic size would give a seat to the United States, China, Japan, Germany, India, the United Kingdom, France, Italy, Brazil, and Russia.<sup>4</sup> Current permanent status would give one additional (permanent) seat to China, France, Russia, the United Kingdom, and the United States. Four additional members would be elected to two-year terms by the General Assembly.

In sum, 15 nations would have a total of 29 seats. China, Russia, and the United States would have three seats each based on their population, their economic size, and their current permanent seat on the old Council. France and the United Kingdom would have two seats each based on the size of their economies and their permanent seats on the old Council. Brazil, India, and Japan would have two seats each based on their population and economic size. Bangladesh, Indonesia, Nigeria, and Pakistan would each have one seat based on their population. Italy and Germany would each have one seat based on their economic size. In sum, the distribution of seats in 2006 would be as follows:

China	3 seats
Russia	3 seats
United States	3 seats
France	2 seats
United Kingdom	2 seats
Brazil	2 seats
India	2 seats
Japan	2 seats
Bangladesh	1 seat
Indonesia	1 seat
Nigeria	1 seat
Pakistan	1 seat
Germany	1 seat
Italy	1 seat
Nation elected by General Assembly	1 seat
Nation elected by General Assembly	1 seat
Nation elected by General Assembly	1 seat
Nation elected by General Assembly	1 seat

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18 Nations

29 seats.

The reformed Security Council would represent well more than half of the world's population and most of its economic and military might. It would include the three largest Muslim nations in the world. Other nations with large populations or large economies that are not quite in the top ten such as Mexico, Egypt, Spain, South Korea, South Africa, or Canada might be among the four nations to be elected to the council by the General Assembly. The African Union, with 53 members out of a total of 191 in the General Assembly, would be a powerful voice in the selection of the four nations elected by the General Assembly.

In recent months, as enthusiasm for changing the structure of the Security Council has grown around the world, arguments for and against membership for specified countries are being heard. China is saying that Japan has not been sufficiently apologetic for its World War II atrocities and so does not deserve to be a member of the Security Council. Japan could reply by pointing to the atrocious behavior of the Chinese in Tibet, or the murder under Mao of millions of Chinese by their own government, or by pointing out that China is not yet a democracy.

Membership on the new Council cannot depend on an evaluation of a nation's virtue. There is not sufficient agreement worldwide on which nations are more virtuous than others.

Democracy may be a suitable criterion for entrance into the European Union, but if a democratic government is made a requirement for membership on the Security Council, the Council would not reflect the world as it is. Arguments over what democracy is and how much democracy is required would paralyze reform.

A major advantage of the proposal is that nations would have their seats on the new Council not because they are more virtuous or more democratic than others, but for the more objective and more universally acceptable reason that they are among the ten most populous nations and/or the ten largest economies in the world, or because they have been elected by the General Assembly.

The neutral principle that justifies the award of twenty seats based on size of population and economy is that the Council needs to reflect the real balance

of hard and soft power in the world, something the current Council fails to do.

Population as a criterion of Council membership has the additional advantage of conferring some democratic legitimacy on the Council even though the government of a large non-democratic nation may not "represent" that country's population.

Economic power is important not only in itself but also as an index to military power, an important qualification for Security Council membership but not one that should be rewarded directly. Nations should not be rewarded for having large armed forces but, as a matter of fact, the largest economies do support the largest armed forces. Generally, there is a rough equivalence among larger nations between economic size and military power.

In the case of those nations elected to the Council by the General Assembly, that election is what justifies their sitting on the Council.

In the future, as the economies of France, Italy, the United Kingdom and Russia become smaller relative to those of other nations, they would likely each lose a seat. If they chose, France, Italy, Germany, and the United Kingdom could be replaced on the Security Council by European Union representatives. The EU would then have four seats based on its large population and economy and the grandfathered permanent seats of France and Great Britain. The same substitution of representatives might be used by other groupings of nations that integrate as the EU may do and have a single foreign policy. Nations coming together for purposes of Security Council representation might keep their individual memberships in the General Assembly.

### **On Sovereignty and the Veto**

A guaranteed permanent seat and additional seats based on population and economic size are probably not enough to persuade the five current permanent members to give up their veto--their right to stop any Security Council resolution from passing. Why not?

The one word answer is *sovereignty*. Each of the current five permanent members has vital interests on which it might not be able to command a

majority of support on the reformed Security Council. For China, it might be Tibet or Xinjiang or Taiwan. For Russia, Chechnya. For the United States, Israel, Iran, Iraq, or Taiwan. Under the present system, whenever a permanent member fears that it will be outvoted in the Council, the permanent member can veto or threaten a veto and end discussion. Council members with a veto need not take seriously the views of other members. As a result, when one of the five permanent members of the Security Council fundamentally disagrees with a resolution or a possible resolution, the Security Council becomes useless even as a forum for discussion, much less as a body that can act effectively.

The veto power has been the major cause of the ineffectiveness of the Security Council over the sixty years of its existence. During the Cold War, vetoes or the threat of vetoes from either the United States or the Soviet Union paralyzed the Council. The United Nations went to war on the side of South Korea in 1950 only because the Soviet Union was boycotting the Security Council when the vote to intervene was taken.

In 1999, China and Russia made clear that they would veto any UN action toward Serbia. The United States and NATO intervened without the support of the United Nations.

In 2003, the United States gave up requesting Security Council support when it became clear that France and perhaps other nations would veto any resolution calling for the invasion of Iraq.

In 2006, the Security Council may again be sidelined in the matter of Iran's nuclear program because of the threat of a veto from China or Russia.

Elimination of the veto would clearly strengthen the influence of the Council because discussion of any issue could continue to a final vote on any proposed resolution. Given the more representative character of a reformed Security Council, the weight of world opinion might be shown to be against the United States on the question of Israel or Iraq, or against China on Tibet or Iran, or against Russia on Chechnya or Iran. What might persuade these nations to give up the power to stop discussion on any of these matters?

*My proposal is that the United Nations Charter be amended so that Security Council resolutions are not binding on United Nations member states.* Resolutions could give specific nations or groups of nations

permission for the use of military force, but they would not compel nations to use their military forces for interventions they opposed. Furthermore, if they chose, member states could use military force to oppose an intervention approved by the reformed Council without violating the Charter. As a matter of international law, Security Council decisions could not override the sovereign decision of a member state to oppose an intervention.

To illustrate, suppose that the reformed Security Council voted 20 to 9 to permit the Arab states to intervene militarily in Israel to secure the establishment of a Palestinian State. The United States would be permitted by an amended United Nations Charter to use military force to oppose that intervention.

*The proposal represents a major change in the basic purposes of the United Nations.* As originally conceived, the United Nations was a collective security arrangement in which the victors of World War II tried to bind one another contractually to keep the peace. The model was the old League of Nations.

Article 2 of the current United Nations Charter sets out the basic principles that the member nations must honor. One of these principles is,

"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."<sup>5</sup>

In a reformed United Nations, this principle would be given up. Every nation would retain the right to refuse to support and even to use force to oppose an intervention authorized by a Security Council resolution and still remain a member in good standing of the United Nations.

*In sum, the old ideal of the Security Council as an international legislature would be given up.* Unless this fundamental change is made, the five permanent members will not give up their veto power.

What must be given up is the ideal of the United Nations as a world government of which member states are citizens. In the current world government model, the Security Council is a super legislature, Security Council resolutions are laws, and member states are bound to follow those

resolutions for the same reasons that citizens of a state are bound to follow the laws of their state.

Because the current United Nations Charter embodies this world government model, the veto power is seen by citizens of the states possessing the veto as a device for ensuring that they will not be bound by laws not of their own making. Rejecting Security Council reform is seen as similar to rejecting membership in the European Union because citizens do not want the laws that govern their lives to be made in Brussels.

In the model I am suggesting, a Security Council resolution could legitimize an intervention by a state or a group of states in the internal affairs of another state, but such a resolution would not be legally binding on any UN member. When the Security Council voted to intervene in some way that violated the normal sovereignty of a nation, the members who disagreed with that resolution would not be bound to participate in enforcing that resolution and indeed could oppose its enforcement by force, and still remain members in good standing of the Security Council and/or of the General Assembly

To return to the example mentioned above, many in the United States would oppose doing away with the veto because the veto can now be used by the United States to protect Israel against a possible Security Council resolution authorizing the Arab states to intervene militarily in the Israeli-Palestinian conflict on the side of the Palestinians. After reform, the United States would not be able to veto such a resolution but as a matter of international law under the United Nations Charter, the United States would be free to use military force to protect Israel's sovereignty from the intervention permitted by the resolution.

*Objectors will say that this reform would reduce the Security Council to a debating society.* This is true only in a legal sense. In a reformed Council, the current five permanent members could not stop debate by using or threatening to use their veto. Voting in a reformed Security Council would more clearly reflect the real balance of power and opinion in the world. Whatever the Council lost in legal authority, it would gain in social and political authority. The legitimacy and thus the effectiveness and usefulness of the Security Council would be increased.

Whether one opposes or supports this change may depend on one's view of



the role of nation states in the world. Are nation states an obstacle to world peace or are they a necessary condition for world peace?

If nation states are seen as part of the problem, and the United Nations is seen as a potential world government, as an eventual replacement for the nation state, then my reform will seem to go in the wrong direction. People believing this will oppose any cutback in the legally binding nature of Security Council resolutions. But then they will be stuck with the veto and the present weak Security Council.

If self-governing nation states are seen as necessary to world peace, then the United Nations should be a place where nations can express their views, bargain among themselves, and agree to cooperate on interventions they deem necessary. The veto power undermines this possibility and should be eliminated even at the cost of surrendering the legal authority to bind members to majority opinion.

The current legal structure of United Nations pits the Security Council against the sovereignty of the members that comprise the Council. The Security Council currently has the legal authority under the present Charter to override the sovereign decisions of member nations. No wonder the veto power is treasured by the five nations that have it. It ensures their freedom from Council decisions by making it impossible for the Council to make a decision.

My suggested change removes the conflict between the protection of sovereignty and Security Council resolutions. Nation states are free to express their agreement or disagreement with Security Council resolutions. Those that do not agree are free to oppose militarily actions taken in accord with the resolutions of the Council majority. They will still be members in good standing of the international community but they will not escape the full weight of world opinion as expressed by a truly representative world body.

### **Is the Proposed Reform Politically Feasible?**

Any proposal for reform must be acceptable to the current five permanent members and must be supported by a majority of the General Assembly.

The proposed reform would certainly be acceptable to the major nations of the world other than the five current permanent members. Brazil, Bangladesh, Germany, India, Italy, Indonesia, Japan, Nigeria, and Pakistan would each be given seats based on the size of their population and/or their economy. Other major nations such as Egypt and Mexico would either qualify in the future on the basis of their growing population or economy, or would almost certainly be elected to a reformed Council by the large number of smaller nations in their region.

Smaller nations would have more input into Security Council decisions than they do now. The General Assembly would be electing two Council members each year. At first these representatives would tend to be represent regions such as Africa or South America. Over time, individual nations running for the seats elected by the General Assembly might take specific positions on issues that closely divided the reformed Security Council. The yearly elections would allow all of the members of the General Assembly to vote for candidate nations that supported their views on those issues.

The elimination of the veto is an advantageous reform for every nation not now possessing the veto. But is the elimination of the veto a win-win solution? Would the five permanent members agree to give up their veto power? Let us look at each one of the permanent members separately.

China would have three seats--parity with the United States--and a permanent advantage over India which would have two seats. More important for China might be the elimination of the world government model from the Charter.

Even more than the Americans, the Chinese see the veto as an essential protection of their sovereignty. In the United States, the country most responsible for the founding of the United Nations, there is still a large Wilsonian minority of the citizens who favor the world government model and see the nation state as one of the obstacles to world peace. China takes a more zero-sum view of the rise and fall of states. The only world government acceptable to China would be a Chinese government.

The Chinese often abstain in Security Council votes. They are not crusaders for abstract universal values. They might agree to give up the veto if in return the ability of the Security Council to legally bind China was permanently removed from the United Nations Charter.

Russia may be the hardest country to sell on the proposed reform. Russia's decline in population and in the relative size of its economy means that Russia will eventually lose its second and third seats on a reformed Council to two developing countries. The main reason that they might give up the veto is that, in exchange, other permanent members, especially China and the United States, would also lose their veto power. The Russians would need to believe that a stronger Security Council, in which they played a permanent but lesser role, was more in Russia's long term interest than having the veto power in the current weak Council. The Russians would also be attracted to the revision of the Charter that would allow them to act contrary to Council resolutions and still remain a member in good standing of the Council.

Both the United Kingdom and France are less isolated diplomatically than China or Russia. They are part of a European project that, if it succeeds, would be entitled to four seats on the Council, more than either the United States or China. Because they are smaller and geopolitically less ambitious, they are less likely to be defeated on issues of vital interest to them than Russia, China, or the United States. They would welcome a stronger more influential Security Council that would not be subject to the veto power of the United States, or China, or Russia. If China, Russia, and the United States agreed to give up their veto, the French and the British would likely follow suit.

### **A Reformed Security Council is in the Enlightened Self-Interest of the United States**

Recent polling by The Pew Research Center for the People and the Press shows that a majority of the world's people are now anti-American.<sup>6</sup> This is not good for American well-being or American security. The illusion that many Americans have that the American five percent of the world's population can bully or dominate the rest is hard for non-Americans to understand. Americans seem to be treating the rest of the world as if it were North America in the 19th Century. In 19th Century North America, Americans could dominate the Indian tribes, and the Mexicans, and even the British in Oregon because of an enormous advantage in population. They do not have that advantage when they take on the world. The asymmetrical warfare practiced by opponents of the Americans, combined with the

existence of biological and nuclear weapons of mass destruction, has lessened the usefulness of conventional military forces. The Americans have squandered much of their soft power over the last few years.

Americans need to return to the projects of enlightened self-interest that won them leadership of the world. World leadership is possible only if others consent to follow, and the only way to secure consent from a knowing world is to have national aims and goals that benefit most of mankind at the same time they benefit America. A reformed Council representative of the world as it really is could be the forum where the consent of the world for American projects could be openly and visible obtained. The absence of the veto will allow for the open democratic exchange of opinions that Americans are used to and see as the model for how serious disagreements should be handled.

Reform of the United Nations, and especially of the Security Council, is a good place for the United States to begin to reassert its lost leadership role. The United Nations is essentially an American invention. A reformed, structurally stronger Security Council is politically a realistic possibility if the United States supports it. The United States has little to fear in giving up its veto power and a great deal to gain. Even the United States needs the help of a stronger Security Council to achieve national security.

### Notes

1. Copyright © Richard Barron Parker (2006).
2. Haverford College, BA (1962); Brown University, MA (Philosophy, 1963); University of Chicago, PhD (Philosophy, 1968); Harvard Law School, JD (1971); Professor of Law, Hiroshima Shudo University since 1990.
3. Rankings of the size of national populations are from <http://www.census.gov/cgi-bin/ipc/idbrank.pl>
4. Rankings of the size of national economies, using purchasing power parity, are from [http://siteresources.worldbank.org/DATASTATISTICS/Resources/GDP\\_PPP.pdf](http://siteresources.worldbank.org/DATASTATISTICS/Resources/GDP_PPP.pdf)

5. See Article 2, Paragraph 4 of the United Nations Charter at <http://www.un.org/aboutun/charter/>
6. The Pew Research Center for the People and the Press <http://people-press.org/> does state-of-the-art polling on world public opinion and global attitudes towards the United States.
7. Some authors whose books are relevant to the topics of this paper are:

John Lewis Gaddis, *Surprise, Security, and the American Experience* (Harvard 2004). It is Gaddis who argues for the similarity between American policy in the 19th Century in North America and current US policy in the world. Brief and brilliant.

Joseph Nye, *Soft Power: The Means to Success in World Politics* (Public Affairs, 2004). Nye invented the label "soft power" in his book *Bound to Lead: The Changing Nature of American Power* (Basic Books, 1990 ). See also *The Paradox of American Power: Why the World's Only Superpower Can't Go It Alone* (Oxford, 2002 ). As Assistant Secretary of Defense in the Clinton Administration, Nye reknit the Japan-US military alliance in the mid-1990s.

Walter Russell Mead, *Special Providence: American Foreign Policy and How It Changed the World* (Knopf, 2001). I use this extraordinary book, especially the chapters on Jacksonianism and Wilsonianism, to explain American foreign policy to my Japanese students. Mead has recently published, *Power, Terror, Peace, and War* (Knopf, 2004) which is good, but not as good as *Special Providence*.

Niall Ferguson, *Empire: The Rise and Demise of the British World Order and the Lessons for Global Power* (Basic Books, 2002) is an interesting history of the British Empire. *Colossus: The Price of America's Empire* (Penguin Press, 2004) argues that America is an empire in denial, that it should be more like the British Empire, but that it cannot be.

Francis Fukuyama, *America at the Crossroads: Democracy, Power, and the Neoconservative Legacy* (Yale, 2006). A reappraisal by a leading neoconservative of the limits of American power. A useful history of the neoconservative movement and a good explanation of why the Americans invaded Iraq.

Richard N. Haas, *The Opportunity: America's Moment to Alter History's Course* (Public Affairs, 2005) A sober but optimistic view of the good that America might do in the world even after Iraq. His diagnosis of the problems of the United Nations is especially good, but he recommends going around the Security Council rather than trying to reform it.