

The United Nations Security Council

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This paper is one of a short series treating themes relevant to the United Nations, in its fiftieth anniversary year. A previous paper in this series dealt with attempts at conflict resolution in Cyprus, *Cyprus and the United Nations* (Research Paper 95/31). Research Note 92/16, *UN in a New Era: New Era at the UN?* looked at the organisation in 1992.

The current paper discusses the role of the United Nations Security Council and considers the arguments over its composition and possible reforms.

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Introduction

As the United Nations struggles to adapt to the changing world around it, the Security Council is the centre of particular attention. It continues to develop new approaches through the peacekeeping and enforcement operations which it authorises. At the same time, expectations of the Council are high and it is not always able to fulfil these.

The composition of the Security Council has been fixed for 30 years and has been changed only once in the 50 years of the organisation's existence. A variety of interests advocate changes to the makeup and voting of the Security Council and they forward a variety of proposals as to the form which new arrangements should take. Any changes to the Security Council would require an amendment of the Charter of the United Nations and would thus require widespread support. In practical terms, it is likely that a near consensus would be sought before making changes. If and when changes are made, it will be open to question whether the maintenance of international peace and security does progress more effectively, or whether a largely symbolic benefit will accrue.

I Role of the Security Council

The Security Council is one of the six principal organs of the United Nations, along with the General Assembly, the Economic and Social Council, the Trusteeship Council, the International Court of Justice and the Secretariat. It was established under Chapter V of the Charter of the United Nations, with specific powers detailed under Chapters VI, VII, VIII and XII.

Under Article 24 (1) of the Charter, the Security Council has 'primary responsibility for the maintenance of international peace and security'. In carrying out its duties in this regard, the Security Council acts on behalf of the Members of the UN, while the Members agree to accept and carry out its decisions¹.

A. Pacific Settlement of Disputes

The Security Council is charged with the promotion of the pacific settlement of disputes, under Chapter VI. It has the rights to investigate any situation of potential or actual dispute and to call upon the parties to a dispute to pursue peaceful means to settle it, such as

¹ Article 25.

negotiation, arbitration or mediation. In certain circumstances it may recommend a solution, although recommendations and other measures taken under Chapter VI are not mandatory. The Charter envisages a role for regional arrangements in the maintenance of peace and security, under Chapter VIII. Regional arrangements or agencies are expected to take the lead initially in attempting to resolve regional disputes through peaceful means and in a manner which is consistent with the purposes and principles of the UN².

B. Mandatory Decisions and Enforcement

The Security Council has the further right, under Chapter VII, to take mandatory decisions and to authorise the use of force in order to maintain or restore international peace and security. Such action is one of the few grounds for a legal resort to armed force, other than in self-defence. Chapter VII deals with 'action with respect to threats to the peace, breaches of the peace, and acts of aggression'. Having determined that a threat to or breach of the peace exists or that an act of aggression has occurred, the Security Council may decide on measures to be employed which do not involve the use of armed force 'to give effect to its decisions'³. These may include economic sanctions and other measures intended to isolate and hence bring pressure to bear on the party against which they are imposed, such as severance of communications, air transport or diplomatic relations, or intended to reduce the capacity for aggression, such as an arms embargo. Such measures are mandatory and binding on all members of the UN when called for in a Resolution of the Security Council which cites a Chapter VII determination.

The use of armed force is allowed under Article 42 when the Security Council considers that measures of this sort have proved or are likely to be inadequate. The relevance of Article 42 as a basis for those enforcement actions which have occurred is disputed on technical grounds by those who argue that the Security Council has used instead the provisions of Article 39 to 'make recommendations ... to maintain or restore international peace and security' by recommending that states take enforcement action on its behalf, or has used the general principle, reflected in Article 51, of the right to collective self-defence as a basis for its authorisation of the use of force⁴.

Again, regional arrangements or agencies may be brought into operation here. Article 53 states that 'the Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority'. However, regional efforts may not be undertaken without the authority of the Security Council, which must be kept informed of such activities.

² Article 52.

³ Article 41.

⁴ eg White, 1990, pp85-7; McCoubrey & White, 1995, pp235-9; Wallace, 1992, p255.

Chapter VII has been used to impose sanctions on Rhodesia, South Africa, Iraq, Yugoslavia and its successor states, Somalia, Libya, Liberia, Haiti, UNITA⁵ and Rwanda. The use of force has been allowed only rarely, and the language used has never been that of a Security Council 'decision', only a 'recommendation' or 'authorisation', usually to be undertaken by forces acting under national command on behalf of the Security Council. Examples include the US-led action in the Korean War, the British Beira patrol, Operation Desert Storm, the US-led Operation Restore Hope in Somalia and Operation Uphold Democracy in Haiti, and the French Operation Turquoise in Rwanda. This implied distance between the Security Council and the enforcement actions which it authorises reflects the reluctance of the Council to become involved in military decisions and the reservation by states undertaking military action on its behalf of the right to make operational judgements. Against Iraq, there was a considerable time-lag between the authorisation of the use of force and the onset of Operation Desert Storm, and the provision for the use of force in former Yugoslavia has not always translated directly into action.

In two cases, in Korea and against Iraq, the action involved took the form of a full-scale war effort. In Somalia and Rwanda the operations under national command ran alongside UN peacekeeping operations, although in both cases the UN operation had become largely ineffective and in the case of Rwanda it took the form of a tiny residual presence. In some cases a peacekeeping force of the UN, acting under a Chapter VII mandate, has undertaken the use of force. This occurred in the Congo and in Somalia, after the withdrawal of the US national command. In former Yugoslavia, under Resolution 836, the Security Council mandated both the UN force, UNPROFOR, and a regional organisation, NATO, to use force in restricted circumstances.

There has thus been a range of different ways in which the use of force has been incorporated into mandates authorised by the Security Council. Enforcement action may be taken in addition to the use of sanctions, it may be delegated to a force under national command, it may take place in parallel with a peacekeeping operation or it may be undertaken by a peacekeeping force.

⁵ Security Council Resolution 864 of 15 September 1993 decided 'with a view to prohibiting all sale or supply to UNITA of arms ... as well as petroleum' that all states should prevent the supply of such products to Angola other than through Government-controlled entry points. This was an unusual use of a Chapter VII Resolution against a non-state entity.

II Peacekeeping operations

The Security Council is responsible for the authorisation of peacekeeping operations and observer missions⁶. This is not a form of activity foreseen in the Charter, but one which has evolved from the earliest years of the UN to the present. Whereas the incipient Cold War soon curtailed the possibility of enforcement measures being taken to fulfil the purposes of the Charter, the new practice of peacekeeping, predicated on the neutrality of the forces involved and the consent of any Governments on whose territory they were to be based, proved a flexible device and came to be used with different mandates in a wide variety of situations.

The Foreign Affairs Committee gave the following account of peacekeeping in its 1993 Report:

Traditional UN peace-keeping operations have provided conciliatory help, using military personnel and/or civilians under the command of the United Nations, at the request of a state, states or even non-state entities (guerilla groups, liberation movements or political parties) in various types of political, diplomatic or military difficulties. Classic peace-keeping aims to calm and stabilise the situation and prevent it deteriorating; and to help to resolve the dispute, usually by supervising and verifying an agreement reached between the parties. Troops are usually lightly armed and operate under rules of engagement which allow them to use their weapons only in self defence and to protect their own positions. Soldiers serving as military observers with an observation mission or with a peace-keeping force or as military advisers are generally unarmed. A crucial precondition for a UN peace-keeping operation is that it has to be requested by the parties concerned: the UN cannot just decide to intervene unilaterally⁷.

Peacekeeping may not have an explicit constitutional base in the Charter, but its legality was tested and upheld in 1962 by the International Court of Justice in the so-called *Expenses Case*. The judgement in this case pointed to certain relevant considerations, namely that peacekeeping operations are established with the consent of the states concerned, are undertaken to fulfil a prime purpose of the UN, to promote and maintain international peace and security, and do not involve preventive or enforcement measures against a state under the terms of Chapter VII⁸.

⁶ There is a distinction between peacekeeping activities (usually called 'operations') and observation activities (or 'missions'), in that the former contain armed units with the capacity for self-defence and occasionally for resort to force in the pursuit of their aims, while the latter may consist of civilians or military personnel, but work to a much more restricted mandate of observing, advising and reporting back.

⁷ *The Expanding Role of the United Nations and its Implications for United Kingdom Policy*, Foreign Affairs Committee, Third Report, HC 235 1992/93, 15 July 1993, para 62.

⁸ *Certain Expenses of the United Nations (Article 17, Paragraph 2, of the Charter) (Advisory Opinion)*, 20 July 1962, *ICJ Yearbook 1962-63*, pp77-83. The final point, on the use of force, no longer strictly applies. Many authors have sought a tangential basis in the Charter for peacekeeping forces, though this might be regarded as a somewhat self-contained discourse, since no explicit basis exists, nor has been felt necessary by the Security Council. See

The *Expenses Case* also highlighted the point that the competence of the Security Council in matters relating to peace and security is primary but not exclusive, indicating that while the Security Council alone can authorise enforcement action or make other measures mandatory, it shares with the General Assembly the right to recommend measures not involving the use of force. The first UN Emergency Force in the Middle East (UNEF I) was authorised in 1956 by the General Assembly after France and the UK had vetoed action in the Security Council⁹, and there seems no reason in principle why the Assembly could not authorise such operations in general. However, politically the onus lies very much with the Security Council, not least because in general its permanent members carry the greatest burden of finance for peacekeeping activities, and it would take exceptional circumstances for a peacekeeping operation to go ahead without the agreement of the major powers.

There has been a great increase in the number of peacekeeping operations undertaken by the UN in the last six years. The major factor behind this was the ending of the Cold War, which had three relevant effects.

A. New Conditions

The first was the appearance of many local, often intra-state conflicts. Sometimes these were new conflicts, as elements within formerly communist states fought over the direction they wished to take after the collapse of unitary ideology; sometimes they were intensified versions of old conflicts, as sponsorship of one or other party wavered and allowed a change in the military equilibrium. The second effect of the end of the Cold War was the retreat of superpower interest, which had inhibited the emplacement of forces in Soviet and American spheres of interest in the past. The third, related, effect was the growth of cooperation in the Security Council, including a reduction in the use of the veto. With more conflicts and less direct superpower interest in them, neutral UN forces found a growing role.

McCoubrey & White, 1995, p175. A slightly different, and much fuller, account can be found in an older source, Bowett, 1964, pp274-85.

⁹ The constitutional basis is discussed in Higgins, 1969, vol 1, pp260-73.

B. New Operations

As the number of peacekeeping operations has grown, so the nature of those operations has changed. Early operations were typically 'buffer zone' patrols, a force which oversaw a ceasefire by interposing itself between former combatants. More recently, two new types of operation have appeared.

In El Salvador, Cambodia, Namibia and Mozambique, the UN has been involved in overseeing the implementation of peace accords, including disarmament of factions and the organisation of elections, and in sharing in the administration of the country during a transitional period leading up to elections. In Angola a less successful effort has been made in this direction and similar operations are intended for Liberia and Western Sahara.

In Somalia, former Yugoslavia and Rwanda, the UN has authorised forces (sometimes working under national rather than UN command) to be sent where no peace exists to safeguard the distribution of humanitarian aid and maintain 'safe areas' for the civilian population. Again, these developments reflect historical trends, as media and public interest grow in distant conflicts and demands for action in the name of common humanity encourage multilateral efforts to restrain the impact of wars on civilian populations. There are also other interests at stake, as the burden which large refugee movements place on neighbouring countries may have a destabilising effect on regional economies.

C. New Criteria

As the number and scope of peacekeeping operations has mounted, major contributors have begun to complain of overstretch, in terms both of personnel and of finance. At the same time, the results of these operations have been mixed. As a result, many governments have begun to reject the notion that the UN can usefully or should become involved in all conflicts; a desire has grown that a clear, timetabled set of achievable objectives should be in place before a new peacekeeping operation is authorised¹⁰.

It may be that financial considerations ultimately underlie many of these concerns. Permanent members of the Security Council bear the greater burden of financing peacekeeping operations and have grown impatient over certain of the very long-running operations in which the UN presence itself has become a feature of a delicate status quo, leading to a virtually open-ended commitment. However, there is also a genuine feeling that a UN force can make little or no

¹⁰ The British Government's view was given, for instance, in Dep 9675 of July 1993. Further discussion of this point is included in Section IV of Research Paper 95/31, *Cyprus and the United Nations*.

impact on certain conflict situations and that there is little point deploying in such circumstances: indeed it may even be counter-productive. Nevertheless, some have suggested that the UN may provide a cover for inaction on the part of its member states, since little in the way of alternative doctrines for conflict resolution has been developed other than referral to the UN, with all the legal and practical constraints its involvement implies.

The desire to define more closely the type of situation in which the UN can usefully intervene was in part a reaction against involvements such as that in Somalia where no peace existed and the UN and US forces were unable to maintain the faith of all parties in their neutrality, coming to be seen as parties to the conflict. Clearly, if this were to become a common complaint, the organisation would find it much harder to gain consent for its presence from the governments of states within which it sought to operate, and without that consent it would be left in the same position as the major powers acting individually - able to intervene only in a hostile manner through enforcement action.

On 3 May 1994, in a statement by the President of the Security Council, the following were put forward as factors which should be taken into account, among others, when considering a prospective peacekeeping operation:

whether a situation exists the continuation of which is likely to endanger or constitute a threat to international peace and security;

whether regional or subregional organizations and arrangements exist and are ready and able to assist in resolving the situation;

whether a cease-fire exists and whether the parties have committed themselves to a peace process intended to reach a political settlement;

whether a clear political goal exists and whether it can be reflected in the mandate;

whether a precise mandate for a United Nations operation can be formulated;

whether the safety and security of United Nations personnel can be reasonably ensured, including in particular whether reasonable guarantees can be obtained from the principal parties or factions regarding the safety and security of United Nations personnel¹¹.

Emphasis was also placed on the need to provide estimates of the costs of an operation and to determine the availability of resources to cover these costs.

¹¹ S/PRST/1994/22.

D. Nature of the Mandate

There is much concern over the possibility that missions which start out as peacekeeping efforts may drift into peace enforcement efforts. This happened in Somalia with unfortunate consequences for the reputation of the UN, the safety of its personnel and the prospects of the aid operation it was supposed to facilitate. Limitation and timetabling of objectives could help to overcome this problem.

However, in terms of public perceptions, most of the worst failures of peacekeeping missions occur when the mission does retain a limited mandate and the situation drifts around it. The impotence of the small UN force in Rwanda in April 1994 to stop the massacres as they broke out and the eventual withdrawal of that contingent led to a great deal of criticism. While it may be unrealistic to imagine that a force could have been sent to actually part the combatants to the civil war and put an end to all the killings of civilians, there are those who would point to the humane efforts of the residual force command which stayed in Kigali, negotiating safe passage for refugees, protecting a few civilians in UN quarters and so on, as evidence that a larger force might still have afforded protection to substantial numbers of those who actually died. In contrast, in the early days of its intervention in Haiti, the US force there responded to public concern by abandoning its original, tightly circumscribed role and acting to halt the activities of the police and paramilitaries in harassing the civilian population. Failure to do so seemed likely to exacerbate popular dissatisfaction with the UN.

A central question in contemporary peacekeeping is this: are UN forces to adhere to strictly legalistic mandates, or are they to adapt to the developing situation around them? The organisation and its members tend to prefer the first option. Militarily, it is the most reliable approach, being clear cut and providing a level of certainty on which operations may be based, while politically it allows agreement among a range of parties. However, as mentioned, it can lead to failures to achieve what, in a larger, more commonsense way, the organisation is expected to achieve - the relatively peaceful resolution of conflict. At the same time, to develop a mandate as a mission progresses can be very difficult, given the number of competing interests which members bring to the Security Council.

III Composition and Procedure

A. Membership

The Security Council has fifteen members. There were originally eleven, but the number was increased in 1965 in an effort to allow each of the major regions of the world to be

represented more easily. There are two distinct categories of membership in the Security Council: permanent and non-permanent, the latter being elected by the General Assembly.

The five permanent members are the principal allied powers during World War II or their successors: China, France, Russia, the UK and the USA. The non-permanent membership is the group which was increased, from six to ten, in 1965. These members are elected by a two-thirds majority of those present and voting in the General Assembly for two year terms which may not be renewed immediately. There is no formal process of nomination or declared candidacy, although in practice groups of states confer on the choice of which among them should seek election.

The Charter sets out the following criteria in the choice of states for election to the Security Council. Due regard should be 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 distribution¹².

The final point here is addressed through the allocation of seats to the different regional groups. These groups operate in the General Assembly and elsewhere and have a semi-formal status¹³. The non-permanent seats in the Security Council are allocated as follows: five are filled from the African and Asian groups combined, two from the Latin American group, one from the Eastern European group and two from the group for Western European and other states. Within this scheme, it has tended to be the case that states making a particular contribution to the maintenance of peace and security have been better represented: the most frequent non-permanent members have been Japan, which makes a substantial contribution to the financing of peacekeeping operations, India, Pakistan and Canada, each of which contributes prominently in terms of troops, and Argentina and Brazil, also important troop contributors, but which have benefitted also from their dominance of the relatively small Latin American group.

States or other entities which are not members of the Security Council may be invited to participate without vote in the discussions of the Council, in certain circumstances. These circumstances cover discussions of a dispute to which the non-member is a party, a dispute

¹² Article 23(1).

¹³ The functioning and membership of the regional groups is not absolutely straightforward. See, eg, Bailey, 1988, pp141-5.

which the non-member has brought to the attention of the Council, or a matter which the Council considers may affect the interests of the non-member¹⁴.

In order to allow the Security Council to 'function continuously', states have Permanent Representatives at the seat of the United Nations in New York¹⁵; there is provision also for states to be represented in the Council by government members or other chosen delegates. The Permanent Representatives serve as President of the Council on a monthly rota, in alphabetical order of the name of their state.

B. Voting

The members of the Security Council each have one vote, but their votes are not equal in importance. In order for a Resolution of the Security Council to be passed, it must receive the affirmative vote of at least nine members, and must not be voted against by any of the permanent members¹⁶. Resolutions may be adopted by consensus or without a vote, and those on procedural matters require only the affirmative vote of nine members. Members may vote for or against a Resolution, they may abstain, or they may choose not to participate in the voting. Parties to a dispute may not participate in voting on a Resolution relating to that dispute which is made under Chapter VI or under certain provisions of Chapter VIII of the Charter.

The requirement that none of the permanent members should vote against a draft Resolution in order for it to be passed creates the power of veto for those members. The non-permanent members have a power of collective veto: if they withhold seven votes, the permanent five plus the remaining three non-permanent members will have only eight votes between them and cannot thus reach the nine votes in favour necessary to pass a Resolution.

During the period of the Cold War, the USA and the USSR cast a great many negative votes in order to veto draft Resolutions or portions of them, often on ideological rather than practical grounds. The USSR/Russia has used the veto 116 times, the USA has used it 70 times, the UK 30, France 18 and China three¹⁷. The patterns of vetoes cast provide an interesting account of shifting balances of power in the Security Council and developments in the issues which face its members. States tend not to use the veto when they have sufficient influence to achieve their objectives through persuasion, and generally resort to it

¹⁴ Charter, Articles 31 & 32; Rules of Procedure, Rule 37. See also Article 44, although Article 43 on which it depends has never become operative.

¹⁵ Charter, Article 28. The Permanent Representatives are accredited the personal rank and status of Ambassador.

¹⁶ Charter, Article 27(3). The total was seven votes in favour before the expansion of the Security Council.

¹⁷ Based on figures in FCO Foreign Policy Document No 249, *Tables of Vetoed Draft Resolutions in the United Nations Security Council 1946-1993*, January 1994, updated through press reports.

when they are isolated within the Security Council or find their vital interests at stake in a dispute under consideration.

The Security Council works closely with the Secretary-General. Many of its Resolutions are produced on the basis of reports which the Secretary-General submits on issues of concern. These are worked up in close collaboration with officers present in the field, but the Secretary-General may add his own gloss and sometimes, in the area of peacekeeping operations, include options for future approaches which the Security Council can consider. Resolutions are first presented as drafts which are subject to a good deal of amendment outside the formal voting procedures.

C. Transparency

It has become normal for groups of members of the Security Council to meet informally before the plenary sessions, with or without other members of their regional groups, in order to develop common positions on drafts. In particular, the USA, the UK and France have used a 'cabal' procedure to allow them to present the full Council with draft Resolutions which are highly developed and have considerable political momentum, thus cutting down room for debate in the plenary sessions. This practice is a source of particular concern among the non-permanent members and states which are not members of the Security Council and is part of a general culture of non-communication which has been much criticised in recent times.

Among the permanent members, France has been supportive of the case for greater openness and was influential in gathering support for a statement on the matter by the President of the Security Council in December 1994¹⁸. This called for greater recourse to open meetings of the Council and in particular for these to be held at an early stage in the consideration of issues. The French Permanent Representative, Jean-Bernard Merimée, described 'a certain uneasiness in the relations between the Security Council and the other members of the United Nations', largely because 'informal consultations have become the customary way for the Council to work, while public meetings, which originally were the normal form ... are becoming ever-rarer and more and more empty'. He went on to describe this as a 'dangerous derogation', as the Council's Rules of Procedure held public meetings to be the norm¹⁹.

The Council has also initiated a procedure to hold meetings as a matter of course between the Council, the Secretariat and troop contributors, in order to allow those states which are not

¹⁸ S/PRST/1994/81.

¹⁹ *Reuter News*, 17 December 1994.

among its membership but which contribute personnel to current peacekeeping operations to remain involved in the decision-making processes which may affect their troops²⁰.

IV Proposals for Reform

For some time there has been a debate over possible reform of the composition of the Security Council, in particular the permanent membership. Two of the substantial changes which have occurred since the foundation of the UN inform this concern. The first is the rehabilitation of the former Axis powers and the growth of Germany and Japan; the second is the expansion in the membership of the UN which has occurred largely as a result of the waves of decolonisation which took place in the first three decades of its existence. The Security Council now represents a far smaller proportion of the total membership of the organisation than it did in 1945, and for the permanent members the ratio is even more exaggerated.

There is a general feeling that the Security Council should be enlarged. It is also widely felt in principle that Germany and Japan should be given permanent membership of the Security Council. Beyond this, however, there is little agreement.

A. Permanent Membership

Germany and Japan have expressed concern for some time that their substantial financial contributions to the various parts of the UN system are not reflected in their category of membership of the Security Council. They do exert considerable influence, of course, in specialised agencies and through their economic and other relationships with other members; equally, as permanent members of the Security Council, they would actually incur further financial burdens. Nevertheless, both have expressed their wish for permanent membership, despite some misgivings internally over the added responsibilities this would bring. Moves have been made to relax constitutional restrictions on the posting of troops abroad, thus removing the possible objection that the Governments concerned would be in a position to use troops from other states to effect their will, without being prepared to send troops of their own.

The British Government has made clear its support for Germany and Japan, as has the USA, but it is not clear to what extent other countries are ready to agree to their inclusion in advance of a wider solution to the question of Security Council reform. A possible objection

²⁰ S/PRST/1994/62.

to Germany's inclusion would be that Western Europe would then have three states in the permanent membership; Japan's inclusion would further emphasise the 'northern' or industrial bias. It could be argued against this that the leading industrial economies are always likely to be among the most powerful states and the most important military players. However, such objections lead on to a discussion of wider expansion, whether among the permanent or elected membership.

Some have argued for leading Third World countries such as Nigeria or India to be given a permanent seat. There are three main lines of thought behind this. One stresses the geographical distribution of the permanent membership and holds that greater attention should be paid to achieving equitable representation for the main regions. A second stresses the importance of population size, offering a model of a democratic order at the UN in which a Security Council which gives voice to the largest populations plays a senatorial role. A third line of thought stresses the important part that many developing countries have played in peacekeeping, particularly during the Cold War years, when superpower tensions resulted in a convention that the permanent five did not normally commit troops to peacekeeping operations.

Bearing these factors in mind, countries such as Brazil, India, Nigeria, Indonesia and Egypt have been mentioned.

The argument concerning geographical representation is perhaps the most persuasive at first sight, yet it also indicates the underlying difficulties to be overcome. Choosing a single state from each of the regions of the developing world would be fraught with difficulties: few could genuinely claim to 'represent' without controversy the views of their neighbours. To a large extent, this problem is already addressed in the use of regional groupings to provide the candidates for election to the non-permanent seats on the Security Council. This ensures that each region is represented, but that no state can monopolise that representation over time. The promotion to the permanent membership of a few states for intrinsic reasons (population size, involvement in peacekeeping) would likely spark off a series of counter-claims from their regional rivals. India, for instance, appears to have a strong case as a country with a very large population, experience of peacekeeping affairs and a relatively long-established democracy. Yet it is hard to see Pakistan, or perhaps even China, consenting to its inclusion prior to a solution to the various regional tensions surrounding it, most notably the Kashmir dispute. Similarly, strong arguments could be made out for a representative of the Muslim world, but as that world is itself divided along sectarian and political lines, finding a suitable representative could be very difficult.

The question of the size of population appeals to particular sentiments which would stress the notion of the UN as a putative 'world government', but it is not entirely coherent with the established ethos of the Security Council. The Council has never been seen as a democratic

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organ, and indeed the whole UN system is democratic only in restricted ways. Article 2(1) of the Charter states:

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

but this does not imply equality of representation for the citizens of those member states, not least because the smallest of populations has the same representation as the largest.

The Charter does not mention democracy in this connection, but speaks repeatedly of efficiency in relation to the Council an organ which is used precisely as a way of circumventing the voting procedures of the General Assembly. There, each state has one vote and the great powers can easily find their proposals defeated, or others adopted against their wishes. Far from controlling the influence of those powers, this has the effect of diminishing the influence which General Assembly Resolutions hold, although their non-binding status is also a factor. Problems are also experienced in achieving consensus or broad agreement among the membership of the General Assembly, on account of its size.

It does not follow, then, that the Security Council is bound to attempt a form of democracy through the inclusion of representatives of the largest populations, especially since certain of the largest populations are not represented by democratic governments.

The question of peacekeeping contributions is somewhat more persuasive. Although the permanent members are now playing a very substantial role in troop contributions, and although there may have been questions in the past over the opportunism of certain states in seeking the financial rewards associated with peacekeeping duties, it is clear that many developing nations have made an important contribution to peacekeeping, both in practice and in the development of its concepts. However, it is arguable that this situation is already addressed in the provision that non-permanent members should be elected to the Security Council with due regard to their contributions to the maintenance of international peace and security.

B. Non-Permanent Membership

It may be easier to find a solution to these problems in an expansion of the non-permanent membership. The original, 11-member Security Council functioned in a UN of 51 members. In 1965, when the Council was expanded to 15 seats, the total number of states in the UN stood at 118, and that has now risen to 185. There are suggestions that the Council could be expanded not only by the addition of Germany and Japan and perhaps one or two others to

the permanent membership, but also by the addition of as many as four other seats in the non-permanent membership, making a total of 21 or so. The Secretary-General has expressed scepticism over whether the Council can function properly with more than 17 or 18 members in total, and it seems more likely that just one or two extra elected seats may be created.

One fairly simple move would be the abandonment or amendment of the final sentence of Article 23(2), which prohibits immediate reelection of outgoing non-permanent members. It might be considered desirable to allow successive reelection over an indefinite period, or to allow a limited number of successive terms to be served. The main disadvantage of this would be that the number of seats open to the remaining members of the regional groups would be reduced. Suggestions have been made by Italy for a third category of rotating membership which would favour selected developing countries of particular importance, giving them a kind of semi-permanent membership. A short list of perhaps 10 or 20 states could be used to fill two or more seats, perhaps for slightly longer periods, allowing those states greater involvement in the Council and at the same time allowing their regional neighbours greater chance of election to the existing non-permanent seats.

C. What to do With the Veto?

The main thrust behind the argument for reform is political. Yet many analysts point out that if the Security Council is to be reformed in line with the spirit of the Charter, its efficacy should remain a primary objective.

If the permanent membership were expanded, the Council could be presented with a major obstacle to decision-making, in that as many as ten or twelve members would hold the veto. At the same time, once those decisions had been reached, they would have overwhelming political credibility. There is much support for the idea that new permanent members should not hold the veto. The abolition of the veto altogether, implying a shift to a system of voting based solely on special majorities would be unacceptable to the great powers, which would veto any such suggestion (see below). Some have suggested a system of 'double veto', whereby the negative votes of two permanent members would be required to block a draft Resolution. Whether or not the effective veto of the non-permanent members acting in coordination were to be made easier to achieve, by increasing the number of affirmative votes needed in total to pass a Resolution, would have implications for the empowerment of the non-permanent membership.

D. Making the Changes

The debate over reform is carried by an Open Ended Working Group on 'the question of equitable representation on and increase in the membership of the United Nations Security Council'. On 10 February 1993 the General Assembly adopted Resolution 47/62 on this matter, requesting the Secretary-General to invite written comments from all member states and to produce a report collating these responses²¹. Following the presentation of this report, the General Assembly passed Resolution 48/26 on 10 December 1993. This established the working group, which is open to all member states, in order to consider the proposals and take discussion further. The group has not made great progress so far, other than to agree that enlargement of some sort is needed: the nature and scope of that enlargement has not been agreed.

The British position favours expansion and holds that any expansion which does take place should include the award of permanent membership to Germany and Japan. In common with the other permanent members, there is no willingness to relinquish the veto. The British Government is not supportive of changes which would lead to the creation of a third category of member.

An enlargement of the Security Council or a change to its permanent membership would require an amendment to the Charter, since the composition of the Council is set out there. Under Article 108, amendments must be adopted by a vote of two-thirds of the members of the General Assembly and ratified in accordance with their respective constitutional requirements by two-thirds of the members of the United Nations, including all the permanent members of the Security Council. The permanent five thus retain the right of veto over the reform process.

The question of reform could be formulated in two ways. First, would the inclusion of particular new states in the permanent membership benefit the Council, and in what ways? Second, would their exclusion hinder the work of the Council?²² In practical terms, the inclusion of states from a wider regional base could help to make the Resolutions of the Council more broadly acceptable, although in practice breaches of Resolutions tend to result less from a sense of regional exclusion from the decision-making process, than from specific difficulties felt by individual states. The exclusion of powerful players such as Germany and

²¹ A/48/264, 20 July 1993 and Addenda. The British response is available as Dep 9430, of 1 July 1993. At this stage the documents submitted were of a fairly general nature. More recent and specific statements include the Foreign Secretary's address to the General Assembly on 28 September 1994 (VS15/94), entitled *Thoughts for the Anniversary*, and Baroness Chalker's comments in a Lord's debate on the United Nations 50th Anniversary (HL Deb 22 March 1995, cc1281-2).

²² The question is posed in similar if slightly different terms in Bailey, 1988, pp157-61.

Japan could have negative effects in that, over time, they might come to feel alienated from the UN and might eventually reduce their financial support.

The long term credibility of the Security Council may be felt to rest on its inclusion of the major powers at any given period on an equal footing. It is likely that Germany and Japan will at some stage join the permanent membership. A proposal to reduce the numerical over-representation of Europe by collapsing the British, French and future German seats into a single EU seat is most unlikely to proceed in the foreseeable future, since the European Common Foreign and Security Policy is not highly developed. What approach is taken on the issue of equitable geographical representation remains to be seen, but it is possible that moves could be made which stop short of an overhaul of the Security Council, concentrating instead on changes to its procedures and increases in transparency and communication with non-members, whether states or regional organisations.

V Conclusion

The Security Council occupies the most sensitive role of any part of the UN, and there is concern to see it function both efficiently and fairly. It is arguable to what extent these two imperatives contradict, or back one another up.

The main strength of the Council has been its inclusion of the major world powers. This relates primarily to the USA and the USSR/Russia, but the inclusion of the other permanent members has been important in containing the potential for their development of unilateral approaches. Further, it has allowed the UN system as a whole to maintain broadly the confidence of the international community and to be seen still as a genuine world body. To maintain this position will require sensitive handling of the reform question, as it relates to the position of the current permanent members, any powerful states outside the permanent membership and other, regional, interests.

The Security Council cannot transcend the interests of the states which make it up. Ultimately, if it is to be effective, this will not be a result simply of its organisation and procedures, but of the prevailing will amongst the states of the world.

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Annex: List of Missions

A list is given below of current UN peacekeeping missions. The dates given are those for the initial authorisation of the operation, which need not always correspond to its eventual deployment. Likewise, some operations undergo changes in their mandate, such that they become technically a different operation (eg UNOSOM II, UNAVEM II): in these cases the date given is for the authorisation of the first version of the operation.

Asterisks indicate those operations which contain troops and may be thought of as genuine peacekeeping forces; the others are observer missions.

United Nations Military Observer Group in India and Pakistan (UNMOGIP), established 1948.

UN Truce Supervision Organisation (UNTSO), 1948. Provides support for UNIFIL and UNDOF, and has a presence in the Sinai.

* UN Force in Cyprus (UNFICYP), March 1964.

* UN Disengagement Observer Force (UNDOF), May 1974. Israel/Syria.

* UN Interim Force in Lebanon (UNIFIL), March 1978.

* UN Angola Verification Mission (UNAVEM), December 1988.

UN Mission for the Referendum in Western Sahara (MINURSO), April 1991.

* UN Iraq-Kuwait Observer Mission (UNIKOM), April 1991.

* UN Protection Force in the Former Yugoslavia (UNPROFOR), February 1992. This was redefined in March 1995 into three separate missions: the UN Confidence Restoration Operation in Croatia (UNCRO), the UN Preventive Deployment Force (UNPREDEP) in Macedonia and UNPROFOR in Bosnia.

UN Observer Mission Uganda-Rwanda (UNOMUR), June 1993. Administered as part of UNAMIR, but with a distinct mandate.

UN Observer Mission in Georgia (UNOMIG), August 1993.

UN Observer Mission in Liberia (UNOMIL), August 1993.

* UN Mission in Haiti (UNMIH), September 1993.

* UN Assistance Mission to Rwanda (UNAMIR), October 1993.

UN Aouzou Strip Observer Group (UNASOG), May 1994.

UN Mission of Observers in Tajikistan (UNMOT), December 1994.

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