THE UN SECURITY COUNCIL AND DISCUSSIONS ABOUT ITS REFORMING

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Abstract. The article is focused on discussions concerning the issue of reforming the UN Security Council. The special attention is paid to the quantitative pattern of the Security Council, its right of veto and the need of searching the ways for compromise solutions.

Keywords: United Nations, UN Security Council, right of veto, reformation, international relations.

Introduction

Geopolitical changes taking place in different countries show that in the XXI century, the world community is not immune from a number of threats existing in the world. Among them are weapons of mass killing, which in the hands of uncontrolled persons may lead to undesirable consequences not only within a single country. They can be a start of international military conflicts. Recent events in Syria forced member states of the UN to reflect on the impending danger and come to a consensus about peaceful solving the problem. Many states recalled that the functions of their authorized representatives are not only in a formal international participation in the organization seeking to ensure the safety and preservation of peace, but in making responsible decisions that do not allow provoking new wars.

It is worth of mentioning that an important role in the structure of the UN is played by the Security Council, which according to the UN Charter (Article 12) takes the primary responsibility for maintaining international peace and security.

At the present stage, there are many critical judgments about the effectiveness of its operations, functions and power. Thus, the raised issue is relevant and attracts a wide range of researchers to its discussion.

Note that certain aspects of the problem were addressed by such representatives of Ukrainian scientific community as V. Kuchinskyi (2004), V. Bruz (2001), V. Matviienko (2011), and A. Martynov (2005).

In addition, this problem has not left Russian researchers indifferent. V. Zaemskiy (2005, 2008) applied to different aspects of the reforms of the UN and the Security Council.

Above mentioned works indicate the problem and the existing points of view on the reform of the UN and the Security Council, giving the reason to the author of this article to analyze the different approaches to this aspect for identifying the most controversial issues.

V. Kuchinskyi (2004) in his considering the geopolitical challenges and the role of Ukraine, as a member of the United Nations Organization, emphasized the fact that most member states of the UN are inclined to think that the current composition of the Security Council does not meet current international realities. However, a number of unsolved issues evoke a doubt in the ability of quick achieving the results. Among those, V.P. Kuchinsky pointed out the lack of a common vision of reforms, doubts about the effectiveness of this institution mechanically expanding, contradictory positions of member states concerning the decision-making tools on security issues, as well as a number of other differences.

Another Ukrainian expert on the history and current development of the United Nations V. Bruz (2001) stressed that the need to reform the United Nations is well recognized. He also drew attention to the fact that discussions are conducted now around quantitative expansion of the Security Council, categories of new members (i.e., through which members of the Security Council, permanent or impermanent, expansion should be done), as well as the rights of authorized new permanent members (will they have the right of veto or will not).

By analyzing the existing problem and the situation around the UN Security Council, V. Bruz (2001) reaches valuable conclusions. In particular, he advocated the idea that the main direction of expansion of the UN Security Council should be towards non-permanent members, but very small amount of them should be
involved. According to the expert, it is sufficient to increase the total number of members of the Security Council to 21.

It should be noted that this point of view in relation to the number of members of the Security Council is defended by K. Shlykov (2001). The author analyzes the approaches to the issue of different states and stresses that Russia's opinion is that the number of members of the enlarged Security Council should not exceed 20-21. Developing countries require to be extended to 26 or more members, and the U.S. - up to 23-24. K. Shlykov believes that going beyond the scope of these numbers will have a negative impact on the effectiveness of the Security Council. He also claims that it is unacceptable to reform the United Nations under time pressures.

In standing for significant expansion of the Security Council, the proponents seem to forget that in terms of the law, the adopted by the Security Council has the same legal effect and does not depend on how many members participate in it. In this regard, thoughts expressed by B. Gonchar (2005) seem to be objective. He believes that talking about the importance of political and moral decisions implies that the value of decisions is generated by not the structure of the Security Council but by the degree of responsibility in their further adoption. It is also evident that to achieve unanimity with 15 members is objectively easier than with 24.

Another Russian researcher M.V. Andreev argues that the most important and fundamental issue for the future reform is not to primarily change the composition or structure of decision-making procedures but to strengthen the leading role of the Security Council in matters of international peace and security.

The next aspect that causes debates about reforms of the UN is the right of veto. By being aware of unreal elimination of the right of veto at the present stage, one should legitimately take steps aimed at limiting its use.

From our perspective, the increase in the number of members is unlikely to have a positive impact on the quality of decisions taken by the Security Council.

The idea of refusing to use the right of veto is not new. This question was raised at the Yalta Conference in 1945 and then finally developed at the conference in San Francisco where on the 13th of June, 1945, the Committee III / 3 approved the so-called “Yalta formula”. In particular, great attention was paid to the principle of unanimity of the permanent members of the Security Council primarily serving as a guarantee against the transformation of the Council into a tool used by a group of states against the Charter.

Results

If today we can find suggestions about total refusing the right of veto or possibilities of its limited use, then at the conference in San Francisco (April 25 - June 26, 1945) veto was offered to use by not only big but also small countries. Thus, Mexican specialist in international law J. Castaneda (1958) noted that “the refusing the veto in cases of serious threats to the peace, breaches of the peace or acts of aggression will not be in favor of small and medium-sized states. Veto is a barrier that prevents involvement of small countries often against their will in the endeavors mainly serving the interests of the great states. Paradoxically, the veto is more used to protect small countries than the great ones”. At the present stage, Ukraine's position on the veto looks pretty reasonably. It is based on the fact that the veto should not be used in national interests while ignoring the interests of the international community.

We emphasize that the UN has had a certain experience of transformations since 1963. It was the year when the Security Council was expanded from 11 to 15 members of the non-permanent member states. Then, in 1993, it was decided that the reform would cover three key areas: activities of the United Nations as a whole, the work of the Security Council and the fiscal system.

However, significant changes have not still happened. Modern composition of the Security Council consists of 15 members: five permanent members - China, Russian Federation, United Kingdom, United States and France, and ten non-permanent members elected for two years.

Note that the UN member states have different views on the reform of the Security Council. Discussions about this issue have been fostered since September 15, 2004, when the UN Secretary General Kofi Annan stated about the need to reform the UN Security Council. This led to the battles for the status of permanent members of the Security Council.

On the 22nd of September, 2004, before the 59th session of the UN General Assembly, the joint statement was delivered by the Brazilian President Luiz Inacio Lula da Silva, German Foreign Minister Joschka Fischer, Indian Prime Minister Manmohan Singh and Japanese Prime Minister Junichiro Koizumi. They noted the intentions of their countries to obtain permanent representation on the Security Council because Japan and
Germany are among the most industrialized countries of the world and the main sponsors of the UN, India is a country with billions of people, rapid development, high technology and nuclear weapons and Brazil is the largest country in Latin America. They also believed that the structure of the Security Council, established in 1946, is hopelessly outdated and found it necessary to increase the number of permanent members in the Security Council with having the right of veto so that emerging global issues can be effectively confronted.

In May 2005, the four countries have circulated a draft resolution of the UN General Assembly, which proposed to ensure the expansion of the UN Security Council to 25 members. The project implied the creation of additional six permanent seats (two for Asia and Africa and one for Latin America and Western Europe) and four additional non-permanent seats.

African countries have put forward their own project of expansion of the UN Security Council to 26 members with the provision of this regional group with five non-permanent seats and granting them all the prerogatives including the right of veto.

In realizing that the expansion of the UN Security Council due to permanent members may look problematic, Spain, Italy, Turkey, Malaysia and some Scandinavian and Latin American countries united in the so-called “coffee club” proposed to add 10 non-permanent members to the Council in accordance with the principle of equitable geographical distribution with the possibility of immediate re-election of member states. These ideas were embodied in the draft resolution entitled “Uniting for Consensus”.

However, the status of a non-permanent member of the Security Council is not a simple statement of the participation of a state in the Council; it entails certain obligations. If a state becomes a non-permanent member due to the election, it means that within a certain time, it should effectively support the work of the Security Council in accordance with the goals and principles of the Charter, acting not only in its own interests but in the interests of all the members, and especially ensuring the peaceful coexistence of all states and close cooperation between them.

We emphasize that during its membership in the UN, Ukraine thrice was elected to be a non-permanent member of the Security Council: in 1948-1949, 1984-1985, 2000-2001. It participated actively in the work of the Security Council, strengthening international security in the world.

Given the current conditions, Ukraine believes that those that are able and willing to assume increased responsibility in the maintenance of peace, as well as the necessary support at the international and regional levels, can get the status of new permanent member of the UN Security Council.

Ukraine supports the enlargement of the Security Council through the allocation of additional non-permanent member seats to the Eastern European regional group.

In general, it is clear that the problem of reforming the UN Security Council is accompanied by a number of disagreements. For example, members of the “Five” are reluctant to increase the number of permanent members. In turn, the countries of so-called “coffee club” do not only block the UN reform but stand against new members of the Security Council. So, A. Egorov (2011) notes that the Germany’s desire to become a permanent member of the Security Council is facing appropriate response of the influential forces. In particular, strong opposition to Germany had been demonstrated by the states united in the group “Unity in harmony”. They spoke out strongly against increasing number of permanent members of the UN Security Council. In addition, there is a tendency of some disagreement between individual countries aspiring to permanent seats in the Security Council. For example, Argentina and Mexico are against the entry of Brazil and South Korea; while Japan and Pakistan are against India.

By summarizing all said above, we should come to the conclusion that the main discussions on reforming the UN Security Council are held around such issues as the expansion of permanent and non-permanent members and the right of the veto.

The essence of the problem is that the process of reforming the Security Council will affect the fundamental principles of the UN Charter - namely the principle of unanimity of the permanent members of the Security Council with the right to veto. Therefore, such a situation is not desirable for the permanent members of the Security Council. The logic of their arguments boils down to the fact that although the Charter was created over half a century ago, its principles have not lost their relevance today. It is obvious that the decisive opinion will have the permanent members of the Security Council considering reforms unacceptable due to intended restricting their prerogatives and powers. Since the countries of the “Five” consider the rule of unanimity to be the important and necessary component of the mechanism of the coordination and decision-making in the UN Security Council, it is unlikely that they will refuse it.
Discussion

Thus, it is seen that a single version of the reform of the Security Council at the moment does not exist. It is a long process. It must be approached thoughtfully and carefully, having the consensus in decision-making that would contribute to the credibility of the Security Council and the United Nations Organization.

Therefore, sufficient importance in this regard is found in the words of the Secretary General Ban Ki-moon said on the 17th of, 2013 during the conference devoted to the opening session of the General Assembly 68: “The events of recent days have shown that the strength of the UN is to identify the facts and seek to settle differences in order to prevent bloodshed and find the consensus for peace and progress”. He stressed that the international community should make every effort to overcome the crisis and achieve long-term goals.

The reality shows that the UN member states still have not come to a consensus. Accordingly, the debate around the issue of the UN Security Council reform is not completed. Since there is no answer to the question of how to implement new decisions effectively, many states prefer the current system functioning in the Security Council and try not to destroy it.

References


