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PROSPECTS FOR REFORM
OF THE
UNITED NATIONS SYSTEM

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PREFACE

The wind of change that has swept the international Community since the end of the '80s has highlighted new aspects of longstanding problems concerning the structure and functioning of the main intergovernmental organisations.

From this point of view the SIOI, the Italian section of the World Federation of United Nations Associations, which has always taken a special interest in the dynamics of international relations, proposed an initiative to draw attention to the repercussions that the radical changes in the international context might have on the architecture of the United Nations system.

The initiative took the form of a research project in which the observations of diplomats of various nationalities, international officials, observers and experts of international politics, members of the academic world, not to mention the mass-media were brought together. This phase was followed by the organisation of a Symposium, which not only provided a forum for debate as well as a source of reflection but was also characterised by the unusually high quality of the speakers.

It is our hope that this Symposium will not remain the only one of its kind but that the interest in the themes it dealt with will continue, giving rise to other occasions for a closer examination of the many issues concerning the United Nations.

The SIOI is here for this reason. We are proud of our role and we intend to see it through. Italy is not a great economic and military power but it is an exceedingly authoritative cultural power and it is a country where ideals of peace, international cooperation, understanding between peoples and a common will to achieve supreme peace are shared by the great majority of Italians.

The need to give greater organic unity to the various contributions made during the course of the Symposium did in some cases lead to slight changes on the agenda.

I shall conclude here. I wish to express my thanks to those who helped make this symposium so successful as well as all the staff of the SIOI and in particular Marco Moser and Daniela Staffiere, whose valuable collaboration has made the publication of this volume possible.

L. FERRARI BRAVO

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THE DECISION-MAKING PROCESS
OF THE SECURITY COUNCIL OF THE UNITED NATIONS

DUSAN SIDJANSKI

GENERAL CONSIDERATIONS

1. Introduction

It is our aim here to present the major issues regarding the decision-making and to suggest some possible reforms that could be implemented. We hope to encourage a free discussion of the topic, in order to generate a wider variety of proposals and, simoultaneously, develop as complete a report as possible.

The general statement "Pax est servanda" briefly illustrates the purpose of the United Nations. This purpose implies not only the preservation of peace (peaceful solutions and peace-keeping means), but also the security and the development of peoples, the safeguard of the right to self-determination, and of human rights in general (1). The main institutions responsible for achieving these objectives, the Security Council, the General Assembly, and the Ecosoc, still show their original traits: the concentration of power in the hands of the five permanent members: equal representation of the States at the General Assembly (one State = one voice); the coordinative role of the Ecosoc; specialized independent agencies with limited functions; little control over the World Bank, the IMF, and the GATT.

2. General indications

We will be proceeding in the following order:

1) The trends parallel to globalization and regionalization;

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(1) D. Sidjanski, *UNO and the norm* Pax est servanda, "Hellenic Review of International Law", Athens, 1955.

2) Consequently, the activity of the United Nations must be backed up by the regional organisms and by the States, according to the principle of "subsidiary";

3) The existing international institutions have been conceived to provide the foundation to a system of States where the international and regional relations reach beyond the national borders (peace, high technology, financial markets, multinational enterprises, interdependence, non-governmental organizations, the environment and development, etc.);

4) Hence, the need that the main players in international, regional or national life make their particular contribution: regional and international institutions, States, political and socio-economic operators, cultural associations, media and academic representatives, etc.;

5) The changes occurred in the balance of power and in the power structures (The Third World, the EEC, and Germany, Japan, the collapse of the Communist bloc, Russia and China; the USA-Russia relations, from confrontation to cooperation; the newly-industrialized countries), and their impact on the United Nations.

3. Changes and their consequences on the United Nations

a) The emergence of the Third-World countries has increased the number of the original members (50) appreciably. It has disturbed the early harmony and cohesion, and it has questioned the US leadership role (especially the general Assembly and the Ecosoc). It has brought about the North-South gap and greated uncertainty, by enhancing the diversity among the Third-World countries;

b) The falling apart of the Communist bloc, and the dissolution of the USSR and of Yugoslavia, have had several side-effects. As the number and the dispersion of the member States increase, the ancient monopoly of the superpowers in security matters has been replaced by a quasi-monopoly of the USA. The latter, following their relative loss of economic power, have been searching for new opportunities of growth (The EEC and Germany, Japan). The changed attitude of the former USSR and of China have facilitated the functioning of the Security Council (The Gulf War, the Yugoslavian crisis). Simoultaneously, the resurgence of nationalism and of many new States has increased instability and the probability of regional conflicts and wars;

c) A multipolar (G-7) economic world has led to a re-allocation of the responsibilities and duties among the Western developed countries, regarding underdevelopment in both the South and the East. It has caused the birth and confirmation of new national and regional political powers (Japan and Germany); the EEC, US-Canada-Mexico, India and SAARC, ASEAN).

4. At a time when the East-West distinction is becoming blurred, divisions are occurring in the Third World, and issues are emerging that

need to be tackled, namely the allocation of aid the developing countries, and other problems of heightened severity (the proliferation of weapons, excessive nationalism, migration, drugs, poverty and lack of security, technological revolution and the environment). At the same time, there is growing awareness of a need for cooperation and solidarity in the face of the gravity of the problems and the threats to peace.

SECURITY COUNCIL

1. The role of the Security Council

The essential role of the Security Council is to maintain a fair degree of peace in the world. At the end of World War II, it became clear that peace preservation would basically be depending on the concerted action of the major power groups. The concentration of effective power in the hands of the great winners was reflected in the assignment of the fundamental responsibilities to the Security Council, and especially to its core of five permanent members.

The right to veto that the five permanent members possess, clearly testifies the dominant position they enjoy within the Security Council. Apart from the decisions concerning procedural matter, when any 9 voices out of 15 suffice to reach consensus, for all the other decisions the 9 voices out of 15 must include the positive vote of the five permanent members. Therefore, the essential function of the UNO can not be carried out unless it has the support of the permanent members. Practice has somewhat eased the terms: a permanent member's abstention or absence does not in fact preclude the making of a decision. It is the right to veto in itself that expresses the will to oppose a decision.

Moreover, experience has shown that no action can be undertaken by the Security Council without the consent of the two superpowers or, at least, without the one tacitly approving the other's will (Suez). No intervention is allowed against one of the two superpowers (Afghanistan, Nicaragua). All the military actions have been carried out with the USA leading them and the USSR watching or agreeing to them.

2. Deregulation of the process

The decision-making process of the Security Council is triggered off either by the request of the parties in a conflict, or by the initiative of a permanent member, or by the Secretary General. The latter, especially, draws the Security Council's attention to the potential or real threats to peace that may arise.

In the context of deregulation of the process, *the President of the Security Council* takes on an important role, supported by the Secretary General. The reports, the peace missions (Cyrus Vance in ex-Yugoslavia

and in the ex-USSR), the good offices of the Secretary General are often a reference point for the decisions of the Security Council. The Secretary General somehow partecipates in the decisions of the Security Council by providing information, reports, and support.

In preparing to make its decisions, the Security Council seeks advice from various sources (2):

    a) from the conflicting parties, governments and/or movements;

    b) from the permanent members: seeking support and approval;

    c) from the non-permanent members, namely those that are closer to the conflicting parties;

    d) from the members and the non-members of the UNO;

    e) from regional organizations;

    f) from the regional groups (the Latin-American, the African, etc.).

Making a decision is often a time-consuming task, covering many domains: decisions regarding the peaceful resolution of disputes (ch. VI), decisions calling for action in the case of threats to peace, breaches of the peace and aggressions (VIII).

At each stage of the decision-making process, the role of the voting procedure, i.e. of the 9-out-of-15 majority and of the power to veto, is essential. In this light, we must recognize the importance of the international situation, and, mainly, of the nature of the relations between the permanent members, and, especially, between the two superpowers (cold war, direct or indirect involvement in the conflicts, role in the peripheral conflicts).

2.1. *Utilization of the right to veto*
(see the table at the end of the text)

The result is fragility of the peace-keeping machinery. Besides, one of the major conflicts in which the two superpowers were opponents, the Cuban crisis, has taken place outside the UNO. The current favourable situation that has allowed various successful actions (Afghanistan, Iraq-Iran, Iraq-Kuwait) might not last. Also, the Gulf War has prompted numerous Third-World countries to react, namely, to criticize this new power of intervention under the US leadership. Actually, the means of the Security Council have proven rather ineffective: the sanctions and the military action have been implemented by a coalition of armed forces that has acted under the aegis of the UNO, but under the guidance of the USA.

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(2) Johan Kaufmann, *United Nations Decision Making*, "Alphen an den Rijn", Sijthoff & Noordhoff, 1980, pp. 46 and 46.

3. Remarks in view of a reform of the Security Council

a) *General Conditions*

Whereas the creation of the UNO encouraged power concentration, its evolution has stimulated the decentralization of power among the States, which runs counter to the globalization trend in some leading economic and financial sectors. Paradoxically, the emergence of the Third World and the parallel dissolution of the Communist bloc, the USSR and Yugoslavia have increased the number of the independent States, and encouraged the diffusion of weapons. Simoultaneously, the world is experiencing growing interdependence and improved communication.

Many new economic-political powers (Japan, Germany, the EEC) as well as several conventional powers are now standing beside the superpowers that hold the nuclear weapons and the latest technologies. Vietnam, Afghanistan, Panama have shown the limits of the great power States. The crises which have led to the breaking up of the USSR have confirmed the weakness of the Soviet fortress and the potentiality for conflict between national and ethnic groups, that the example of ex-Yugoslavia clearly illustrates. It is also the case of the difficulties met by the EEC and the UNO whenever they undertake collective action. Their intervention often remains a late-coming reaction to somehow foreseable conflicts.

Despite the conflict between violent bouts of nationalism and socio-economic interests, between passion and reason, that apparently characterize the turmoil in ex-Yugoslavia, the concept of general security stretches beyond military security, and the armament issues, to incorporate two fundamental dimensions: the dimension of socio-economic security, and the dimension of human rights, of minorities' rights and of democracy. All these circumstances influence the working of the UNO and must the taken into consideration in view of a reform of its structures and decision-making process.

b) *Structural Problems*

First Question: the number of the members of the Security Council and their representative weight; member selection criteria that reflect the individual responsibility for peace preservation.

Do we need to expand the number of the permanent members of the Security Council? The economic weight as well as the growing political importance of Germany and Japan seem to naturally designate them for these seats of high responsibility. And what about Italy that is also a member of the G-7 and that has partecipated in several collective actions?

As far as Germany and Japan are concerned, we need to stress a point: can a State be a member of a decision-making center and have a say on concerted action, like in the case of the Gulf War, but no power of positive contribution to the action, owing to a customary or constitutional interdiction? In fact, these two States have taken part in the general sanctions against Iraq (economic, armaments) but they have not taken part in the military intervention. In order to make up for their absence, they have provided substantial financial aid. Certainly, today, power and influence have an economic component of primary importance. Still, the Security Committee also requires military actions for which the permanent members are often directly responsible. Other issues draw our attention: the admission of these two or three countries to the core of the Security Committee would create imbalances that favour the North and the West, penalizing the Third World. Hence, the foreseeable criticisms that were made at the time of the Gulf War, which was perceived by many Third-World countries as another attempt by the USA and the Western States to get hold of the world. The new permanent members would encourage this perception and prompt strong reactions. Unless a solution could be found to ensure a better distribution of power among the permanent members.

Second question: should we not consider allowing the entry into the permanent members' group of other Third-World countries in addition to China, currently the sole representative of the Third World? India, Brasil, Nigeria or Egypt could all be potential candidates, because of their economic-political weight, and because of their belonging to large world areas. Of course, their presence would give rise to some problems: the neighbours of India naturally resent its influence; Brasil, that is far from representing Latin America, often stands on its own; the same could be said for Nigeria or Egypt.

In this context, we need to consider the general issue of the role of *regions* and of regional groupings, as well as of their representation. With regard to this, the presence of Germany and of Italy among the permanent members would ensure over-representation of the EEC. However, the common foreign and security policies laid out in the Treaty on European Unification pave the way for future community solutions.

On the other hand, it is logical to wonder how these organizations or these regions should be represented at the Security Council or related to these activities. Especially if one agrees that the sharing of the responsibilities and the tasks must be decided between the United Nations and the regional organizations, according to the extent and the location of the conflicts, and to the principle of "subsidiarity". The existence of peripheral or local conflicts as well as the difficulty of main-

taining peace in ex-Yugoslavia are drawing the attention of the international community and of the EEC (3).

Third question: the decision-making process has often been hindered by the exercizing of the right to veto. Certainly, as long as the current attitude of cooperation lasts, it ensures the achievements of consensus. Still, if the situation deteriorates or a conflict divides the permanent members, the effectiveness and efficiency of the Security Council will be compromised. Moreover, by increasing the number of the members, we multiply the chances of disagreement and failure. In the case of a larger Security Council, we would have to device new voting procedures. For instance: the *proportional majority* of the permanent members; confirmation of abstention; a *weighing* method that would take into account, for instance, the difference between the permanent members with global responsibility and those with regional responsibility. We could set up a flexible weighing scale on the basis of the size or the geographical location of the conflict. The President of the Security Council could extend the term of his office in order to ensure continuity. Also, he could be assisted by two vice-presidents, one of whom would come from the region where the conflict is occurring. The role of the Secretary General would be adjusted accordingly, to enhance his contribution to the making and the implementation of the decisions of the Security Council.

c) *Means of observation and control, of forecasting and prevention*

In most cases, the Security Council is taken by surprise and is forced to decide hurriedly and quite unprepared. In the years to come, the Security Council will have to be provided with central and regional means of observation that will enable it to monitor the world evolution and to spot potential sources of conflict. In addition to that, the Security Council should make use of advanced forecasting techniques, consisting in the evaluation and analysis of data, especially those collected by the Council's regional antennas. In fact, it is not sufficient to be able to gather information and hints. These data must be analyzed, and their impact evaluated, in order to try and anticipate possible outbursts. The proliferation of national and ethnic conflicts and the risks associated with their spreading to other regions (Eastern Europe, Western Europe, Africa, Latin America) makes it necessary to develop means of forecasting and control.

The principal aim of these tools would be to allow the effective monitoring of an evolving situation so as to be able to foresee and, above

(3) Press conference of the Secretary General of the UNO, April 13, 1992, Geneva. At pag. 7, the Secretary General mentions the division of the task between the UNO and the EEC in the Yugoslavian crisis.

all, prevent the occurrence of a conflict. The recent experiences of the Gulf War and of the Yugoslavian crisis are undisputable proof of the lack of forecasting and prevention. In both cases, there were clear signs that of a conflict would eventually break out, and that the chances of it spreading out were high (ex-Yugoslavia). An early assessment of the situation would have set the basis for effective prevention, whereas late reactions normally have limited success (ex-Yugoslavia) or exaggerated costs (Iraq).

These tools would make it easier to "customize" sanctions, considering the actual situation and the effects given. In fact, experience has shown that economic sanctions, blockades, etc., have limited impact in some cases, owing to the "megalomania" of leaders that find support in swollen nationalism. The prompt intervention of a "mediating force" could prevent violent confrontations. Whereas, intervening in the middle of the war is a difficult operation indeed, which can only take place after the cease-fire is actually respected.

The Department, or Unity, in charge of observing, evaluating and forecasting, of which ORCI (Office for Research and Collection of Information) is a beginning, would support the Secretary General in the accomplishment of his task. Namely, the task consists in "drawing the attention of the Security Council to any circumstances that, in his opinion, might endanger the international state of peace and security" (art. 99). It would assist the Secretary General in carrying out his duties (mediation, inquiries, good office, etc.) and in working out the reports and the suggestions to be presented to the Security Council. Here is how Brian Urquhart concludes on this point: "In the first place, the Security Council should try consistently, by preventive action, to pre-empt a crisis before it develops, instead of acting only after the worst has occurred. Secondly, the different phases of maintaining peace and security should be linked by an element of automaticity. That is to say, a seriously negative valuation of a situation should trigger off appropriate preventive action within or outside the Security Council. On occasion it might be decided to deploy a peace-keeping presence in an instable area as a source of objective information, as a symbol of international concern, and as a warning that further UN action will be taken if one or other of the parties concerned oversteps the lines laid down by the Security Council. Such advanced stationing of trip-wire peace-keeping units, even on one side of a national border, would be a major step in enhancing the preventive capacity of the Security Council" (4).

d) *Logistic and military and financial means*

Primary data would be provided by the members of the Security Council, and especially by the permanent members, as well as by the

(4) *The United Nations: From Peace-Keeping to a collective System?* IISS Adelphi papers, no. 265, Winter, 1991/1992, pag. 23.

various subsidiary organisms, like the Committee of the High Command and its regional sub-committees (art. 47), the commission for observation, responsible for the collective measures. Actually, since internal divisions had totally compromised the normal operation of the Committee of the High Command, the Resolution of 1950 "unity for the preservation of peace" set up a special commission for observation. Simoultaneously, it charged the Secretary General with nominating a "cadre of military experts" that would compensate for the deficiencies of the Committee of the High Command, that was rapidly becoming obsolete (5).

Meanwhile, the changed world circumstances seem to have confirmed the need for the organisms prescribed by article 47. Putting these means back into operation would enhance the effectiveness of the actions of the Secretary General and of his department for observation, evaluation and forecasting. It would also provide an efficient supply and transport network for the future. With reference to the collective force, we would have to, first, set up a permanent core with the contribution of the permanent members mostly, second, arrange for contingents of national armies (according to the importance of these armies and the potential of the various members) that could operate in both general and special, or regional missions. It would be a form of commitment and guarantee similar to that offered by banks. This way we would ensure continuity between observation and forecasting on one side, and the various peace-keeping actions on the other. Then these different stages and steps would make up a chain of subsequent actions relying on the efficient networks and organisms that complement the Security Council and the Secretary General. The existence of these means would add credibility to the undertakings and the promises of peace of the Security Council. A logical pre-condition would be the total freedom of the Security Council to exercise its functions. Additionally, once the decisions were made, the Security Council should have the necessary authority to enforce them.

e) *Conclusions*

The extent to which the suggested improvements and corrections will be implemented will naturally depend upon the motivation of the single member States, Successful implementation requires additional financial commitments and, first of all, the keeping of these commit-

(5) J.P. Cot and A. Pellet, *op. cit.*, pag. 747.

(6) *End Schoettle, Getting serious about the United Nations,* Council on Foreign Relations, March 30, 1992.

ments. Indeed, declarations of good intention (namely that of the G-7, London, 1991) are hardly enough. Many are the member State, and the USA come first, that are non relieved of their funancial obligations towards the UNO, that is experiencing a severe financial crisis (6). Peace has a cost, too, although much smaller than the human and material cost of war.

COMPLEMENTARY NOTE
ON THE GENERAL ASSEMBLY OF THE ECOSOC

1. *GENERAL ASSEMBLY*

a) *The role*. The attention of the general Assembly should focus on the general political and economic trends, on planning for development, and on the primary issues, like drugs and the environment.

b) *The composition*. The future delegations of the member States should be consisting of representatives from the governments and the opposition, in order to have a more faithful reflection of the national realities in the meetings of the general Assembly.

c) *The procedure*. It would be preferable to assign votes proportionally, i.e. according to ctiteria, yet to be defined, that will have to match the relative political and economic weights. The weighing would clearly reflect the differences between the member States. Also, it would contribute to improve the power of the general Assembly and the effective partecipation of the large countries.

d) *The priorities*. It would be preferable not to deal with too many issues. Instead, a list of a few general and primary topics should be drawn up before start, to which more urgent or specific questions could be added on later.

2. *ECOSOC*

a) *The role*. The Ecosoc is responsible for providing the general guidelines relative to the development and the protection of the human rights, as well as for coordinating the policies and the activities of the organisms of the United Nations and of the specialized institutions. Currently the Ecosoc is only partially accomplishing its multiple purpose. Its quality as an orientation and coordination center should be reinstated.

b) *The composition*. With the intent to increase the authority of the Ecosoc, tri-party or multi-party representation could be envisaged: government, management and unions, and eventually another large category (university and research, the environment). The most specialized groups could partecipate in the works of the specialized commissions.

c) *The procedure*. The procedure would be revisited according to the new structure of the Ecosoc: weighing of the votes, allowances by representative categories rather than by State, etc.

d) *The priorities*. Each session could be tackling one major topic.

Geneva, May 14, 1992 (DS/tr)

UTILIZATION OF THE RIGHT TO VETO (1946-1988)

	1946	1947	1948	1949	1950	1951	1952
China						.	
USA							
France	1	1					
UK							
USSR	9	13	7	14	4		8

	1953	1954	1955	1956	1957	1958	1959
China			1				
USA							
France				2			
UK				2			
USSR	1	4	17	2	3	5	

	1960	1961	1962	1963	1964	1965	1966
China							
USA	.						
France							
UK				1			
USSR	5	7	1	1	2		1

	1967	1968	1969	1970	1971	1960	1973
China					1	2	
USA				1		1	3
France							
UK			2		1	4	1
USSR		1			3	1	

	1974	1975	1976	1977	1978	1979	1980
China							
USA	1	6	7	3			1
France	1	1	2	3			
UK	1	1	1	3			
USSR	1					2	2

	1981	1982	1983	1984	1985	1986	1987
China							
USA	4	8	2	2	3	7	2
France	4					1	
UK	4	1			1	2	2
USSR			1	1			

	1988	Totals
China		4
USA		57
France		16
UK		28
USSR		116
TOTAL		221