

**United Nations Security Council Reform: A Possible Canadian position**

**A Non-Paper**

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## I. Introduction

This non-paper analyses the current role of the United Nations Security Council and sets out possible changes to its composition. While not an exhaustive work, it underlines the need for Canada to take a position on Security Council expansion, and sets out options for Canada to consider.

Historically, Canada's position on UN Security Council expansion has hinged on the definition of self-interest as being what is of *direct* benefit to Canada, defined by our trade or foreign policy alignment. This presupposes that multilateral engagement is to be undertaken solely for immediate gratification, and not long-term benefit.

Given Canada's relatively small size and clout in the world, an effective multilateral system is a necessity for the promotion of Canadian interests. Failure to recognize this simple fact repudiates much of the history of Canadian involvement in multilateral organizations, and the philosophical balance that Canada has maintained between the streams of realism and idealism. Lester Pearson, who embodied these two streams as a former combatant-turned diplomat, invoked this credo when he wrote that "The growth of the United Nations into a truly effective world organization was our best, and perhaps our last, hope of bringing about a creative peace if mankind was to end a savage tradition that the strong do what they can and the weak suffer what they must."<sup>1</sup>

It stands to reason that while multilateralism is not a goal in itself, a more effective UN system would be to Canada's long-term benefit. Aside from the ongoing efforts at making institutions more transparent, accountable, efficient and coherent, the most obvious flaw in the UN is the lack of a genuinely representative Security Council.<sup>2</sup>

This flaw is recognized first and foremost whenever the issue of UN reform is raised with anyone with an interest in the UN; whether it be heads of state, ministers, diplomats, academics or university students, it is the Security Council's flaws that are first mentioned. In fact, the inability of the 2005 World Summit to bring about any meaningful Security Council reform was seen as one of its major failures. If this issue is not dealt with, the UN itself cannot help but fall into greater and greater disrepute.

Canada does have an interest in seeing the UN Security Council reformed in a way that will benefit the long-term health of the organization, and it has a role, as an important middle power that depends on an effective multilateral system. Most importantly, unlike the putative candidates for Security Council seats, we have no obvious ulterior motives in calling for change, but we have the credibility to assert the need for change. That is why the time has come for a Canadian proposal to reform the UN Security Council.

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<sup>1</sup>Lester B. Pearson, *Mike: The Memoirs of the Rt. Hon. Lester B. Pearson, Vol. 1* (Toronto: University of Toronto Press) 1972, p.283.

<sup>2</sup> There has been a tendency to eschew the word "reform" in favour of the more specific term "expansion" in this discussion. For the purposes of this paper, the two will be considered synonymous, as the lack of genuine representation at the Council from all of the regions of the world is an obvious flaw in the UNSC.

## II. Overview

The United Nations Security Council is often derided as a body that is ineffective and out of date, given the dominant role and veto power of the Permanent Five members who were the victorious powers of the Second World War. The veto, which Canada has long criticized, has seemed to paralyze the UN whenever there was a major crisis involving the vital interests of the superpowers pre-1989, and when it has threatened the P-5 since.

There is much pressure for a reform of the Council, given the increase in membership of the UN and the implied lack of recognition given to the growth in influence of several regional powers, notably Japan and India (Asia), Germany (Europe), Brazil (South America), Nigeria and South Africa (Africa). The suggestion has been made more than once that the Permanent Five reflect the world of 1945, not today's reality. Nonetheless, all are military and nuclear powers with significant GDPs, large populations (China, Russia, US) and ongoing post-colonial influence (UK and France), so their role in international diplomacy cannot be ignored.

A number of recommendations are being made to reform the Security Council, most of which involve the expansion of the body to accommodate the lack of recognition of the emerging powers. There are a number of obstacles to expansion: the veto, the role of the P-5, competing proposals and the feasibility of expansion.

**The veto:** There is no question that the P-5 will never allow the veto to be available to other parties, and by and large, the putative aspirants (save the Africans, who are more than likely taking an extreme negotiation position) have not pressed for its inclusion as part of reform. While there have been rumblings of discontent as to its existence, very few credible analysts of the UN have ever considered the possibility of the withdrawal of the veto. From time immemorial, philosophers have recognized that once acquired, power is not easily forsaken.

Despite differences of opinion on many subjects there is a common front between all of the permanent members: they all oppose the extension of the veto to any new permanent members. Hence, given that the permanent members may apply their veto to any modification of the Security Council, the chance is nil that there will be any expansion of the Council with the same power and authority being bestowed on new members.

While in the Cold War years, the veto was used 239 times, in the years following the fall of the Berlin Wall in 1989, the veto has not been used extensively (22 times).<sup>3</sup> Nonetheless, the threat of veto has ensured that some debates either conclude hastily, or that there is no prospect of considering possible options. In the case of the UNSC debate over WMD in Iraq in 2002, Canada's then-Ambassador, Paul Heinbecker, worked overtime to extend the debate and seek a (typically-Canadian) compromise.<sup>4</sup> Once this option was rejected, the route to invasion was opened.

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<sup>3</sup> <http://www.globalpolicy.org/security/data/vetotab.htm>

<sup>4</sup> See "Canada Got it Right on Iraq", Paul Heinbecker, *The Globe and Mail*, March 19, 2004.

**The P-5:** While recognizing the lack of credibility in an institution that reflects the power balance of 60 years ago, the P-5 are, in varying degrees, strongly opposed or very sceptical of expansion, especially of expansion to permanent membership. However, they continue to support certain candidates to further their own diplomatic interests. Within the P-5, **France** and the **UK** support Brazil, India, Germany and to a lesser extent, Japan. **China**, a nominal member of the G-77, supports Africa and Brazil. The **U.S.** supports Japan, but not Germany, and actively opposes both India and Brazil, and the U.S. opposes expansion beyond five or six additional members. **Russia** supports expansion publicly but privately is hostile to any change that would dilute its influence within the UN.

That said, the almost inexorable movement towards expansion, the calls by G-8 leaders for expansion and the fact that discussions are taking place at the UN on prospects for expansion, seem to indicate that the P-5 are now willing to at least be “in the room” if not “at the table” to consider the prospect of a negotiated expansion. While the P-5 does carry an inordinate amount of clout, it would be against their own long-term interests, both in the functioning of the UN and within their own diplomatic objectives to appear obdurate and by rejecting the prospect of allowing new members. A major sticking point is that altering the Council’s composition would require an amendment to the UN Charter, and that would require ratification from the P-5.

**Competing proposals:** There have been a number of competing proposals for Security Council expansion which have made for a “crazy quilt” of possibilities. But none has engendered enough support among member-states to break the logjam, probably because most of the proposals have been oriented around offering a reactive position.

- The **G4 (Japan, Germany, India and Brazil)** are campaigning for permanent seats without vetoes;
- The **African states** are campaigning for permanent seats with vetoes on the grounds that the Council does not reflect contemporary geo-strategic and economic realities;
- The **Uniting for Consensus** (a loose coalition of countries opposed to permanent seats, which nominally includes Canada) is proposing eight new seats with renewable two-year terms, based on opposition to individual G4 members, (e.g. China against Japan, Italy against Germany, Mexico against Brazil, Pakistan against India).

**An interim solution:** In recent months, extensive work by facilitators engaged by the President of the General Assembly has led to the prospect of a compromise, and a so-called “interim” solution. While not yet fully defined and subject to negotiation, variations of an interim solution revolve around the idea of a limited expansion (five or six new seats) that would either:

- have a duration longer than the traditional two-year term; and/or
- be renewable for consecutive terms.

While some putative members, such as Japan, would like “long-term” to mean a decade, the P-5 are mostly on record (during the discussions post High Level Panel and pre-World Summit) as opposing anything more than five years. Given that such a reform “would be reviewed after 10-15 years to determine long-term workability”, a term of seven years would be a good compromise, with review after two terms. Presumably, after two terms had been served under the “interim solution,” the change would become a part of the permanent UN fabric, and an amendment to the Charter would be passed.

### III. Past Canadian positions

There are key criteria for being on the Security Council as an elected member, as set out in article 23 of the UN Charter, “to due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security (i.e. the willingness to send military and other personnel to support UN intervention) and to the other purposes of the Organization, and also to equitable geographical distribution.”

Canada has held a seat on the Security Council on several occasions, and one of the reasons cited in support of its candidacy has been its demonstrated willingness to pay its share of “the other purposes of the Organization,” and to engage in UN missions. As a country that has contributed to almost every peacekeeping mission, and peace enforcement as well, Canada has always insisted on the application of these criteria as a foundation for membership.

Until now, Canada has opposed the addition of new permanent seats on both “principled” and “pragmatic” grounds. Fundamentally for Canada, adding new permanent members to the Council is neither in our national interest nor in the interest of an effective Security Council. We have not opposed adding new non-permanent members (who are elected for two-year terms) so long as the functioning of the Security Council is not negatively affected.

Canada had been taking a lower profile on this issue to allow the new government to fully consider it. Last July, with discussions intensifying around a possible interim solution to the expansion issue, Minister MacKay wrote to the Prime Minister recommending that Canada continue to oppose any new permanent seats while supporting discussions toward an interim solution based on longer-term elected seats. This position has been endorsed by the Prime Minister, but there has been no articulation of what the Canadian position might involve.

Discussions on an interim solution are set to continue this fall, requiring UN member states to clarify their positions. This confluence of events could be an opportunity for Canada. In the same way that Poland made recommendations for reform of the UN in 2003, which presaged the creation of the High-Level Panel on Threats, Challenges and Change, Canada could be a catalyst for change at the UN with an innovative proposal.

#### IV. A new Canadian position

The prospect of a new interim solution should be seen by Canada as an opportunity, but it must also take into consideration the state of play and the dynamics between Member-states at the UN. There is the relationship between the P-5 and the contenders for elected seats; the relationship between the OECD countries (or industrialized) and the G-77 (or developing countries). And within these groups there are the various contenders for permanent or long-term seats (the G-4 and Africa).

Canada should explicitly set out a new position based on a number of fundamental principles, which are both based in our historical support for multilateral organizations and our own political foundations within the parliamentary system. The new position should take into consideration these power dynamics of the UN, and attempt to ensure an effective system of “counterweights” so that the system is more open to all actors, but is not so bogged down in process so that it is unworkable. The key principles which should be the basis for the Canadian position should be the following:

- That no more than 6 new seats should be introduced;
- That new long-term seats should be representative of each region in the world;
- That the new seats would be endowed with rights and responsibilities to the UN;
- That each prospective new member should embrace the application of Article 23 of the Charter, “due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security,”
- That each prospective new member should be a signatory to the Nuclear Non-proliferation Treaty.

Having established these principles, each would have to be articulated. In brief, the explanation of each, and the consequences of each, would also have to be set out. The objective of each criterion would be to resolve and strengthen some of the current challenges faced by the UN.

- **Six new seats:** there is an argument (supported by the US) which emerged from the World Summit 2005 that a body with more than 21 seats would be unworkable;
- **Representative of each region:** the growth of regional organizations in the world, and their growing role in the UN and in security issues, is well-documented. Currently, among the putative candidates, each is a significant regional power. Africa, while one continent, has serious challenges between northern and sub-Saharan countries, and is not currently represented among the P-5.
- **Rights and responsibilities:** there should be no “free-riders;” aspirants to these seats should recognize their commitment as being more than a diplomatic achievement.
- **Article 23:** Members should have the capacity to contribute significantly to both peacekeeping and rapid reaction, for security or humanitarian emergencies.
- **The Nuclear Non-proliferation Treaty:** being a signatory means that one is not a threat to any other power in one’s region, nor to the Permanent Five.

In practice, the six new interim member status be nominated by non-P-5 members on each continent and require 2/3 endorsement by the General Assembly. Their rights and responsibilities would be as follows:

a. **Accountability:** the seats would have a six year duration and would be renewable, based on a nomination and election by UNGA membership. Each Member would represent the regions of the world (one seat each for America, Asia, Europe and Pacific, plus two for Africa). Should the countries chosen fail to fulfil their obligations after their six-year term, they could be replaced by another country willing to do so, or by per-arrangement within the regional group.

There is no question that the regional groups are completely anachronistic, with the former Eastern Europe in place and Vanuatu and Jordan in Asia. Changes were recommended by the High-Level Panel and the Secretary-General, but rejected in the run-up to the 2005 World Summit. However, given that this would be a temporary alignment, it could operate with the status quo of GRULAC, WEOG, Eastern Europe and Asia. It is notable that the regional groups are creations of the conventions of the UN, and nothing identified in the Charter. Thus, this could be a first step towards re-aligning the membership in a new tradition according their genuine geographic placement (see attached).

b. **Responsibility:** Each Member state would have responsibility for providing a core group of 2,500 troops for SHIRBRIG or a rapid reaction force in any theatre the UN required. This would be for one calendar year on a rotating basis for the six years of the mandates.<sup>5</sup> This would permit proper interoperability, planning, and unity of command, all of which are problems in the managing of forces; this might prove a challenge for Japan, as Article 9 renounces war as the way to solve disputes. This has been liberally interpreted to allow peacekeeping missions and even some operations in Iraq;

Each long-term Member of the new UNSC would have to be a signatory of the nuclear on-proliferation pact. This could be a challenge for India, but if India sincerely wished to become a long-term member of the Council it would have to abide by it. It would also provide a renewed boost to efforts to restrict the proliferation of WMDs, at a time of concern over terrorist access to them.

c. **Rights:** each long-term Member of the new UNSC would have the prospect of extending debate via a 30-day suspensive veto only when combined with the other five associate members in majority. This idea comes directly from the British Parliamentary tradition, where the Senate or the House of Lords has the capacity to delay legislation through rejection, but it does not have the right to stop it outright. Thus, a majority of long-term Members could insist on continued discussions for 30 days. This was, in effect, what Paul Heinbecker attempted to do in 2003. Today, he admits that such a suspensive right would have permitted further dialogue.

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<sup>5</sup> The decision on deployment would be subject to discussion and possible rejection by these troop-contributing governments, in recognition of the principle of sovereignty and to ensure that no country was forced to interpose in a country with which it had a history of conflict or a particular self-interest.

## V. Conclusion

Any proposal Canada might bring forward would require extensive consultation at the UN, a detailed rationale and a scenario for a “best-case” scenario. Although some might doubt the value of Canada making such an effort at this time, there are few, if any countries with as much invested in the multilateral system, which aspires to a leadership role internationally, and which is as linked to as many countries through its diplomatic agreements and alliances (Commonwealth, Francophonie, OAS, NATO, NAFTA).

Given the prospect of a wide-ranging debate on the issue of Security Council expansion, this Canadian proposal offers a practical reform to an institution Canadians care deeply about. It also comes at a time when we are beginning our campaign for an elected seat on the Security Council. By setting out a role of genuine leadership on the issue of UNSC reform, we are saying we deserve to be on the Council, for at least a two-year term. In addition, as a member in 2011-2012, we would have more leverage to press for reforms.

Some might question whether such an effort is worthwhile – whether we should leave the prospect of reform to the P-5 or to the multilateral innovators like Norway, Denmark or even Poland. There is a tendency for Canadians, especially those engaged in foreign policy, to modestly downplay the country’s role in the international field, or to doubt that we can make a contribution. However, in the last decade, our contributions to UN reform via the High-Level Panels in 2004 and 2006, the Responsibility to Protect and the Land Mines Treaty were all important Canadian multilateral innovations.

The advent of a muscular multilateral role in a more dangerous world has seen Canada return to its status as a country willing to make great sacrifices to ensure a better world. No one can any longer suggest that we are “going to the washroom when the bill is paid.” Canada should have no qualms about expressing its values and interest in a more secure world. There is no better time than now to be pursuing this objective, through meaningful reforms to the UN Security Council.