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Promoting a Deliberative System for Global Peace and Security:

How to Reform the United Nations' Decision-Making Procedures

Declaration

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Abstract

This thesis offers a concrete and practically applicable answer to the question of how to increase the legitimacy of the UN's decision-making procedures on issues of global peace and security. In order to provide this answer, it connects the minutia of institutional design with the abstract principals of democratic theory in a systematic and reproducible method, thereby enabling a clear normative evaluation of even the smallest technical detail of reform. The thesis elaborates criteria for the evaluation of both the normative desirability as well as the political feasibility of individual reform proposals and applies these to a compilation of all the relevant proposals in four issue-areas: Security Council (SC) membership and voting, SC working methods, relations between the SC and the General Assembly, and relations between the SC and civil society. This evaluation demonstrates that there is a range of feasible proposals for reform that could improve the SC's accountability both to the GA and to the general public, that could increase the opportunities for effective input from the UN membership and NGOs, and that would thereby promote the UN's decision-making procedures on issues of global peace and security as a more inclusive, coherent and decisive deliberative system.

ACKNOWLEDGEMENTS

Table of Contents

Introduction

The necessity of a reform of the United Nations (UN) can be approached from two different but compatible angles: Firstly, political institutions in general need to adapt to changing environments in order to continue functioning appropriately over the course of time. The fact that the most enduring constitutions contain procedures for their amendment testifies both to the wisdom of preparing for unforeseeable future developments as well as to the necessity of institutional adaptation. It could be argued that the founding of the UN was in itself such a process of institutional adaption: at the end of the Second World War, the founders of the UN used the institutional framework of the League of Nations as the primary point of reference in negative as well as in positive terms and modified it in a way that reflected their perception of the necessities imposed by their contemporary environment. Almost seven decades have passed since then, and today's environment poses a very different challenge to the UN's decision-making bodies.

The institutional procedures for the UN's decision-making on issues of global peace and security, first and foremost the Security Council (SC), were conceived with the objective of enabling a swift but internationally coordinated response to irregular situations of crises. Today, however, the UN is constantly involved in situations of conflict and has expanded its range of activities well beyond the role of an international fire brigade. This is but one example of the remarkable change in demands the UN's decision-making bodies have been facing over the past decades.[1] Opinions vary on how well the organization has managed to adapt to these changing

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[1] For an overview of the changing context of global peace and security, see, e.g., United Nations General Assembly, "A More Secure World: Our Shared Responsibility", *UN Doc No. A/59/565*, 2004, pp. 16-22.

circumstances, but virtually everyone would agree that the need for adaptation remains a constant challenge. Should the UN's decision-making procedures fail to adapt to the requirements posed by their changing environment, the organization could lose its effectiveness and risk becoming irrelevant to global politics. From this perspective, UN reform is a matter of ensuring the effectiveness and relevance of its decision-making procedures.

Secondly, international organizations play a crucial role in the democratization of global politics. Both the creation of the League of Nations as well as that of the UN were inspired by principles of democratic decision-making, and voting procedures became the key mechanism for collective decision-making in these organizations. Although the establishment of these organizations constituted a considerable advance in the institutionalization of democracy in intergovernmental relations, the application of principles of democracy in their design was severely limited by the political and social fragmentation of their respective memberships. The exclusive veto right of the five permanent members of the SC is the most prominent manifestation of this limitation. Opinions vary on whether the political and social environment today is any more permissive to the democratization of institutions of decision-making than in the past, but most commentators would agree that such democratization is desirable in principle. From this perspective, UN reform is a matter of pushing the limits of democratic decision-making in global politics.

The individual UN Member States have, of course, their very own interests with regard to the reform of the organization's decision-making procedures on issues of global peace and security. In his many articles, monographs and book chapters on the

subject, Edward Luck has applied his in-depth knowledge of the UN, acquired through years of practical engagement, in order to lay bare these interests and to analyze the political dynamics in the UN membership. By infusing the academic debate with a sobering sense of the realities at the UN and by pointing out the political limits any attempt at reform has to take into account, his work has become fundamental to any systematic treatise on the subject, but it does not provide any concrete and positive direction to UN reform.

As Luck writes with regard to the SC in general, *"few institutions have generated so much commentary yet so little systematic analysis."*[2] This situation is amplified if the subject of inquiry is narrowed down to the question of institutional reform. Dimitrios Bourantonis' work is a remarkable exemption: with *The History and Politics of UN Security Council Reform* he provides a detailed and extraordinarily well researched historic analysis of the subject.[3] He does not, however, point out the direction for present attempts at reform. With his extensive knowledge and succinct analysis of the wider UN system, Thomas Weiss has shaped much of the academic debate on UN reform. But while, e.g., his monograph *What is Wrong with the UN and How to Fix it* clearly identifies the underlying trends and root problems regarding institutional change and categorically elaborates a conceptual fundament for successful attempts at reform, it does not provide the type of concrete and directly applicable guidance the title alludes to.[4]

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[2] Edward Luck, *UN Security Council: Practice and Promise*, London; New York: Routledge 2006, p. xv.
[3] Dimitris Bourantonis, *The History and Politics of UN Security Council Reform*, London; New York: Routledge 2005.
[4] Thomas Weiss, *What's Wrong with the United Nations and How to Fix it*, Cambridge; Malden, MA: Polity Press 2009.

Essentially, the reason for this lack of practical-minded and specific guidance on how to reform the UN's decision-making procedures on issues of global peace and security is that the relevant literature does not take an explicitly normative approach to the subject and does not, therefore, engage in a thorough elaboration of a theoretical standpoint from which to evaluate the desirability of specific proposals for reform. The fact that, as Kimberly Hutchings points out, *"international relations theory is not only about politics, it also is itself political"*[5] is not openly addressed. Conversely, this thesis will provide an approach to the evaluation of reform proposals that bridges theory and practice and connects the minutia of institutional design with the abstract principals of democratic theory in a systematic and reproducible method, thereby enabling a clear normative evaluation of even the smallest technical detail of reform. It will offer a concrete and practically applicable answer to the question of how to increase the legitimacy of the UN's decision-making procedures on issues of global peace and security.

In bridging the gap between theory and practice, this thesis also contributes to the 'practical turn' in the academic debate on deliberative democracy. One of the most salient criticisms of deliberative democracy has been that it gave no practical guidance on how to design political institutions.[6] This criticism brought about what Dryzek terms the 'practical turn' in deliberative democracy *"where the emphasis is on the strengthening or introduction of deliberative democracy in the real world of politics."*[7] While today much work has been done with regard to the application of

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[5] Kimberly Hutchings, *International Political Theory: Rethinking Ethics in A Global Era*, London 1999, p. 69.
[6] Anthony McGrew, "Transnational Democracy", in: April Carter and Geoffrey Stokes (eds.), *Democratic Theory Today*, Cambridge: Polity 2002, p. 279.
[7] Dryzek, John, *Foundations and Frontiers of Deliberative Governance*, Oxford; New York: Oxford University Press 2010, p. 9.

principles of deliberative democracy in the institutional design of national parliaments and mini-publics such as citizens' juries, and although Dryzek et al. outlined the design of a 'Global Deliberative Citizens' Assembly',[8] previous attempts to address the question of how to reform already existing international organizations have not led to any concrete and readily implementable recommendations.[9]

This thesis will review and evaluate all those proposals for UN reform which concern exclusively its decision-making procedures on issues of global peace and security. Such limitation of scope is necessary in order to guarantee a focused and coherent analysis. As a result, all proposals aiming at a reform of the composition and procedures of the Security Council will be included and, naturally, since it bears the "*primary responsibility for international peace and security,*"[10] much of the analysis will focus on this institution. Proposals to reform other institutions of the UN will only be considered if they are directed either at the relationship of these bodies with the SC or at internal procedures and responsibilities exclusive to decision-making on issues of global peace and security.

This generous limitation of scope will entail the evaluation of a multitude of proposals for reform. The thesis will, therefore, produce an unprecedented comprehensive and categorical overview of all such proposals put forward at the UN and in the academic debate. Reflecting the thesis' focus on an improvement of the normative legitimacy of the UN as such, rather than on the interests of its Member States, this overview will

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[8] Dryzek, John, André Bächtiger and Karolina Milewicz, "Toward a Global Deliberative Citizens' Assembly", *Global Policy*, 2 (1), 2011, pp. 33-42.

[9] See, e.g., Patrizia Nanz and Jens Steffek, "Global Governance, Participation and the Public Sphere", *Government and Opposition*, 39 (2), 2004, pp. 314-335; Joshua Cohen and Charles Sabel, "Global Democracy?", *NYU Journal of International Law and Politics*, 37 (4), 2005, pp. 763-798.

[10] *Charter of the United Nations*, Chapter V, Article 24:
http://www.un.org/en/documents/charter/chapter5.shtml

be structured in terms of the institutional target of the reform proposal, rather than according to their source, and will serve as the schematic skeleton of the evaluation. As such, it also provides the reader with easy selective access to information on specific institutional issue areas within the wider reform debate.

Since this comprehensive outlook on reform entails a wide array of proposals, it is necessary to fashion methodological tools that enable a systematic and comparative evaluation of the many individual proposals. The thesis will elaborate criteria for the evaluation of both the normative desirability as well as the political feasibility of the proposals and quantify their level of fulfillment of these criteria, producing two comprehensive indicators: the 'Desirability Score' and the 'Feasibility Score'. Although these indicators are developed against the specific background of the UN's decision-making procedures on issues of international peace and security, they are transferable and may be applied in, or inspire the evaluation of efforts at reform of decision-making procedures in other institutional contexts.

The existing studies on the reform of the UN's decision-making procedures and those on the legitimacy of international organizations in general tend to single out a decision-making body and treat it as a unitary actor. Even though Allen Buchanan and Robert Keohane, e.g., go one step further and consider an organization's links to external actors and institutions, they elaborate these links only with regard to 'contestation and revisability', i.e., they focus on the question of how the latter can give feedback to the decision-making of the former instead of considering external

input in the decision-making itself.[11] By approaching the UN's decision-making procedures in terms of a deliberative system, this thesis will emphasize the interconnections between individual institutions and explore the opportunities and challenges inherent in inter-institutional input. This systemic outlook will bring into focus the relations between the SC and the General Assembly (GA) as well as those between the SC and Non-Governmental Organizations (NGOs).

The latter relationship, particularly, has been largely disregarded in the academic literature, leaving a lacuna in the study of the UN's decision-making. The only exception to this is James Paul who provides a historic overview of the relationship between the SC and NGOs. However, while Paul offers an enlightening introduction to the subject and convincingly explains why and how this relationship has become more important since the end of the Cold War, he does not offer a systematic analysis of the institutional procedures involved.[12] Others, such as Jonathan Graubart, have analyzed this relationship in terms of policy implementation, but not in terms of decision-making.[13]

The comprehensive and systemic approach will not only entail a broadening but also a deepening of the outlook on the reform of the UN's decision-making procedures. So far, the academic literature has largely focused on the debate regarding an expansion of the membership of the SC and the modification of its voting procedures. But, as

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[11] Allen Buchanan and Robert Keohane, "The Legitimacy of Global Governance Institutions", *Ethics & International Affairs,* 20 (4), 2006, p. 432.

[12] James Paul, "Working with Nongovernmental Organizations", in: David Malone (ed.), *The UN Security Council: From the Cold War to the 21st Century*, Boulder, CO; London: Lynne Rienner 2004, pp. 373-390.

[13] Jonathan Graubart, "NGOs and the Security Council: Authority all Around but for Whose Benefit?", in: Bruce Cronin and Ian Hurd (eds.), *The UN Security Council and the Politics of International Authority*, London; New York: Routledge 2008, pp. 154-172.

Thomas Weiss and Karen Young point out, the area in which reform is the most likely is in its working methods: "*The potential to foster them and to invent new ones is a more promising way to improve Security Council accountability and effectiveness than overly optimistic notions about amending the Charter.*"[14]

There are two exceptions to the dearth of systematic analyses of the Council's working methods: Sydney Bailey and Sam Daws' monograph, *The Procedure of the UN Security Council,*[15] and Susan Hulton's chapter on Council Working Methods and Procedures in David Malone's *The UN Security Council: From the Cold War to the 21st Century.*[16] Both of these contributions to the literature are, however, somewhat outdated. Not only has the political context of the debate on working methods changed, but it is also the one area of reform in which there is a palpable dynamic of institutional progress. Ian Hurd[17] and Jochen Prantl[18] have elaborated on particular phenomena of this progress, but a comprehensive and up-to-date analytical overview of the dynamics in the Council's working methods is lacking. By shedding light on this progress, this thesis counters the impression that the UN is incapable of adjusting its decision-making procedures, and it thereby also attempts to defuse the correlated danger of a reform fatigue among both practitioners and academics that could hamper further progress altogether.

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[14] Thomas Weiss and Karen Young, "Compromise and Credibility: Security Council Reform?", *Security Dialogue*, 36 (2), 2005, p. 152.
[15] Sydney Bailey and Sam Daws, *The Procedure of the UN Security Council*, Oxford: Clarendon Press 1998.
[16] Susan Hulton, "Council Working Methods and Procedures", in: David Malone (ed.), *The UN Security Council: From the Cold War to the 21st Century*, Boulder; London: Lynne Rienner 2004, p. 237-251.
[17] Ian Hurd, "Security Council Reform: Informal Membership and Practice", in: Bruce Russett (ed.), *The Once and Future Security Council*, New York: St. Martin's Press 1997, pp. 135-152.
[18] Jochen Prantl, *The UN Security Council and Informal Groups of States: Complementing or Competing for Governance?*, Oxford: Oxford University Press 2006.

This thesis addresses both audiences, academics as well as practitioners, and makes specific policy recommendations. In this regard, it attempts to provide useful insights and may prove to be helpful to the process of setting priorities in efforts for reform. The thesis is, in general, action-oriented and offers a particular take on the future of the UN's decision-making procedures on issues of global peace and security.

Since there is scarce academic literature on many of the issue areas touched upon, primary sources will play a salient role in this thesis. On the one hand, it will make extensive use of the meeting records and other reports in the UN's archives, and on the other hand, it will integrate various perspectives and insights gathered in a number of interviews with practitioners as well as some of the personal experiences I made while working at the UN. While some of the interviews with NGO representatives will be attributed directly, all of the interviews with UN staff and representatives of the Member States are off the record. The interviews were conducted in person in the UN Secretariat as well as in various permanent representations and NGO offices in New York in the course of October and November of 2010 and in June of 2012.

The first part of the thesis will establish the framework for the evaluation of the reform proposals. On the one hand, it will conduct an inquiry into democratic theory and its applicability to international organizations such as the UN, resulting in the elaboration of an analytical tool for the evaluation of the normative desirability of individual reform proposals: the Desirability Score. On the other hand, it will scrutinize the political dynamics of the reform debate at the UN, crystalize the challenges and opportunities that reform efforts face in this environment, and create an analytical tool for the evaluation of the feasibility of individual reform proposals:

the Feasibility Score. The second part of the thesis will apply these analytical tools to the full range of relevant reform proposals in order to determine their desirability and their feasibility. It will begin with those proposals that concern the membership and the voting procedures of the SC, continue with those targeting its working methods, then move on to those that aim at the Council's relationship with the GA, and conclude with the evaluation of those that address the SC's relationship with Civil Society.

The key findings of the thesis will be that there is, first of all, a range of feasible proposals for reform that could improve the SC's accountability both to the GA and the general public, that could increase the opportunities for effective input from the UN membership and NGOs, and that would thereby promote the UN's decision-making procedures on issues of global peace and security as a more inclusive, coherent and decisive deliberative system. In addition, there are several significant improvements that are unlikely in the immediate future, but that might be possible in the mid-term. This process of promoting a deliberative system is not one of revolutionary change, but a sequence of incremental innovations.

Secondly, the analysis will demonstrate that the SC is not the static and torpid institution of the past as it is often portrayed,[19] but a highly adaptable and vivid decision-making body, i.e., the 'Polymorph Security Council'. Since the prospects for a formal reshaping of its membership and voting arrangements are very low, the Council has learned to use informal procedures in order to adapt to the changing demands of its institutional and socio-political environment.

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[19] For a compilation of these opinions, see Ian Hurd, "Myths of Membership: The Politics of Legitimation in UN Security Council Reform", *Global Governance*, 14 (2), 2008, p. 201.

Thirdly, much as with the common perspective on SC reform, the thesis will show that there is too much emphasis on the formal inclusion of civil society in the UN's decision-making procedures on issues of global peace and security as opposed to more flexible informal arrangements. Instead of overregulating the channels for input by establishing civil society assemblies, it would be more appropriate to multiply and diversify the opportunities for interaction. There are some feasible innovations through which the SC itself could enhance its engagement with civil society, but the greatest potential for improvement lies in the NGO's own hands.

Part One:

Framework

I. Promoting a Deliberative System: The Desirability Score

Introduction

How can one evaluate the potential of reform proposals to increase the legitimacy of the United Nations' decision-making? In this chapter, I will lay out my Habermasian approach to conceptualizing the UN's decision-making procedures on issues of global peace and security as a deliberative system. The promotion of such a system is both normatively desirable and empirically feasible. The fundamental argument is that, rather than considering the Security Council in isolation, a comprehensive evaluation of the potential of reform proposals to increase the democratic legitimacy of the United Nations' governance of issues of international peace and security must be based on its conceptualization in terms of a deliberative system. On the basis of this argument, I will elaborate a procedure to determine the 'Desirability Score' of individual reform proposals.

The chapter will begin with an discussion of the public sphere and democracy, continue with an explanation of how deliberative synergy can create deliberative systems that increase the democratic legitimacy of a decision-making process, proceed to an analysis of the UN as a deliberative system and, finally, determine how to evaluate the potential of proposals for institutional reform to promote the UN as a deliberative system of decision-making.

The Public Sphere and Democratic Legitimacy

According to Jürgen Habermas, every society is based on the construction of communicative coherence in the lifeworld, which is the domain of informal and unmarketized life. The unregulated everyday communication with family and friends

ensures a repository of meaning and understanding that serves as the glue of society. The default modus of communication in the lifeworld is a consensus oriented coordination of collective action, i.e., communicative action. The latter is based on discourse, the rational give and take of reasons, which is, in general, the only alternative to coercion in bridging a breakdown of consensus between members of a society. As with the syntactics of a language, the practice of discourse requires the implicit and often unconscious acknowledgment of certain rules of discourse. Just as much as it is impossible to effectively communicate linguistically without the adherence to a syntax, it is impossible to successfully engage in discourse without the adherence to its pragmatic presuppositions.

Habermas identifies the following pragmatic presuppositions for discourse: Firstly, there are logical rules, such as the principles of non-contradiction and consistency that structure discourse. Secondly, there are procedural rules including the requirement for truthfulness and accountability, i.e., the readiness to justify one's assertions by providing adequate reasons. Finally, there are the rules that guarantee the exclusion of coercion from the process of deliberation: everyone has to be allowed to freely participate in the discourse by asking questions, by introducing assertions as well as by expressing attitudes, desires and needs.[20] The aim of reaching a completely uncoerced consensus is an idealization of empirical processes which are usually only approximations to this ideal.

I shall return to the full range of pragmatic presuppositions further below. At this point, the focus must be on the third set of presuppositions that immunize discourse

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[20] Jürgen Habermas, *Moral Consciousness and Communicative Action*, Cambridge: Polity Press 1990, p. 89.

against coercion. In this regard, the question of equal participation takes on special significance in the context of international organizations. As mentioned above, societal consensus must be rooted in communicative action; the behavior of individuals has to be coordinated by the discursive creation and affirmation of norms. In the traditional case of decision-making within the political framework of the state, the objective of norm-setting is the coordination of the social interaction of the state's citizens, which is why only said citizens need to be afforded the opportunity to participate in the discourses that shape the decision-making within the state. It is only they who have to be guarded against coercion: since outsiders will not be affected by the decisions being made, there is, logically, no danger that they might be coerced. Consequently, Habermas' discourse principle states that "*only those action norms are valid to which all possibly affected persons could agree as participants in rational discourse.*"[21]

The case is, of course, not as straight forward with respect to the decision-making of international organizations. Most international organizations are limited legally in the reach of their governance: the International Criminal Court, e.g., has no jurisdiction over citizens of the United States and other non-state parties to the Rome Statute (that is, unless they commit crimes within the territory of a state party), and its decisions, therefore, can only legally affect a defined population. In the case of the UN's decision-making procedures on global peace and security, the situation is different. Since the decisions of the Security Council are binding upon all the member states of the UN and since, at present, there is virtually no internationally acknowledged state outside of the UN framework, its decisions are imperative to all of humanity.

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[21] Translated from Jürgen Habermas, *Faktizität und Geltung: Beiträge zur Diskurstheorie des Rechts und des demokratischen Rechtsstaats*, Frankfurt a.M.: Suhrkamp 1994, p. 107.

Consequently, when dealing with such an international organization whose decisions potentially affect all of humanity, the question must be how to determine whether all of humanity could agree to these decisions as participants in rational discourse?

In order to answer this question, it is necessary to first review Habermas' conception of the public sphere and its role in modern societies. The public sphere is a communicatively constructed and reproduced social space in which societal problems are identified, analyzed and discussed. It is the space in which people communicate with each other on matters of public concern, be it directly or via media such as newspapers or the internet. As it grows out of the lifeworld, the public sphere is characterized by communicative action unrestrained by the imperatives of monetary and administrative systems. Although there is an implicit aim to reach common judgment, the public sphere is not the locus of definitive decision-making. Its main purpose, instead, is to remain constantly flexible and open to any input from the lifeworld which it filters through a process of public reasoning.

Ultimately, it is from the public sphere that political institutions gain their legitimacy: the more open the decision-making procedures of these institutions are to the input of the public sphere, the more legitimate they are. This input must be ensured through the institution's proactive engagement with the arguments put forward in the public sphere and with decision-making that is rationally coherent with these debates, on the one hand, and, on the other hand, through a process of decision-making that is transparent to the public, so that the latter can check the institution's decision for consistency with the respective discourse in the public sphere. It is the public sphere that affords every potentially affected person the opportunity to engage in the

discourses that - via public institutions - produce the laws that govern society.

Before I can discuss the concept of the public sphere in the specific context of international organizations, it is necessary to elaborate Nancy Fraser's concept of multiple publics. In *Strukturwandel der Öffentlichkeit*, Habermas conceptualized the public sphere in its bourgeois appearance.[22] As such, this public sphere has two characteristics that are of importance here: Firstly, the bourgeois conception of the public sphere claims it to be the only public sphere existent in society, and secondly, it claims to be something fundamentally different from the state and categorically separate from it. Fraser, in contrast, argues that there always have been alternative public spheres alongside the bourgeois public sphere and that today we must think in terms of multiple and overlapping spheres: instead of there being a singular sphere, there exist dominant, subaltern, comprehensive and many more types of public spheres.[23] Moreover, Fraser problematizes the clear-cut separation between the public sphere and the state.

These two arguments are combined and best explained in the concept of 'strong' and 'weak' public spheres. According to Fraser, a weak public sphere is one that enables the discursive formation of public opinion in an informal and virtually unrestricted fashion without encompassing any type of authoritative decision-making. The bourgeois public sphere is an example of such a weak public sphere. A strong public sphere, on the other hand, is characterized by the combination of formalized discursive opinion formation with the ability to translate these opinions into

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[22] Jürgen Habermas, *Strukturwandel der Öffentlichkeit. Untersuchungen zu einer Kategorie der bürgerlichen Gesellschaft*, Frankfurt a. M.: Suhrkamp 1990.
[23] Nancy Fraser, "Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy", in: Craig Calhoun (ed.), *Habermas and the Public Sphere*, Cambridge (MA); London: MIT Press 1992, pp. 122-123.

authoritative decisions. Sovereign parliaments are an example of strong public spheres as they engage both in public deliberation as well as in authoritative decision-making.[24] In doing so, they also cut through the categorical distinction between the state and the public sphere. In *Faktizität und Geltung,* Habermas adopts both Fraser's idea of multiple public spheres in general and her differentiation between strong and weak public spheres in particular.[25]

In theorizing the globalization of democracy without a state, Hauke Brunkhorst adapts the theme of strong and weak public spheres. Brunkhorst, however, takes a conceptual step away from the way Fraser and Habermas conceive of this distinction. He writes that "*key elements of a strong public are not only - and here I depart from Fraser and Habermas - democratic parliaments and other spaces of highly formalised discourse such as court procedures and decisions, but also a diverse network of public debates, publications, advertising, television talk-shows, teach-ins, political demonstrations, protest movements, associations, political parties, unions, cooperative public administration and the like.*"[26] As is evident from this section, the difference between Brunkhorst's conception of weak and public spheres to that of Fraser and Habermas is actually more significant than he has spelled out. Brunkhorst conceives of a democratic parliament, in this context, as being an element of a strong public sphere, and the reader is left to believe Fraser and Habermas do the same, when really, in the latter's view, a democratic parliament is a strong public sphere in itself. The key is that Brunkhorst conceives of the public sphere in the singular - what Fraser would call the comprehensive public sphere - whereas Fraser developed the idea of strong and

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[24] Fraser, *Rethinking the Public Sphere*, pp. 133-135.
[25] Habermas, *Faktizität und Geltung,* pp. 373-374.
[26] Hauke Brunkhorst, "Globalizing Democracy Without the State: Weak Public, Strong Public, Global Constitutionalism", *Millennium,* 31 (3), 2002, p. 677.

weak public spheres in the context of multiple public spheres within society.

Brunkhorst upholds the categorical separation of public sphere and state: in this perspective the essential difference between a strong and a weak public sphere is that the former's opinion formation is interlinked with those institutions that produce authoritative decisions, whereas that of the latter is not. More specifically, a strong public sphere "*is legally bound to procedures of decision making through rights and organisational norms.*"[27] As noted above, in this perspective, a strong public sphere also requires a diverse network of public debates, publications, advertising, etc. Brunkhorst conceives of public spheres in this comprehensive manner because the object of his inquiry is *the* global public sphere. Having clarified this crucial distinction, I will adopt, for the present purposes, Brunkhorst's conceptions of strong and weak public spheres. The global public sphere is comprehensive in the sense that it includes multitudes of spheres within itself and addresses virtually all of humanity as an audience as well as attempting to be open to input from all of humanity. I will return to Fraser's distinction between strong and weak public spheres further below and recast it in the light of John Dryzek's work.

I agree with Brunkhorst's case for the existence of a rudimentary global public sphere. For both legal and social reasons, however, today's global public sphere must definitely be categorized as weak. Even though Brunkhorst argues that there is 'a strong global public in the making', he also points out that the legal prerequisites for a strong public sphere are far from being fulfilled. The opinion formation within the global public sphere has virtually no direct legal linkages to the decision-making

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[27] Brunkhorst, *Globalizing Democracy Without the State*, p. 677.

procedures of institutions such as the UN Security Council.[28] Regarding the social prerequisites – in Brunkhorst's words 'a diverse network of public debates, publications, advertising, television talk-shows, teach-ins, political demonstrations, protest movements, associations, political parties, unions, cooperative public administration and the like' – although some of these elements exist on the global level and justify the argument for a weak public sphere, cumulatively, they do not live up to the requirements of strong public spheres as they exist in the domestic societies of constitutional states.

More importantly, the global public sphere is weak in the sense that access to it, although world-wide, is partial rather than universal. This fact is very tellingly visualized by a map created by Facebook of the global interconnections of its users:[29] Whereas there are glowing connections between most of the world's urban centers, two black spots catch the eye. One of them is China, where Facebook is confronted with political obstacles, and the other is Central Africa, where access to the internet is sparse. There are still immense political and technological/economic obstacles preventing the global public sphere from being truly inclusive in principal.

The weakness of the global public sphere brings with it the problem that the legitimacy which it could bestow on institutional decision-making procedures whose outcomes affect all of humanity is still very limited, especially when compared to the legitimacy that strong domestic public spheres - reproduced by a plethora of fora for inclusive public debate, rooted in constitutionally guaranteed rights, and with institutionalized linkages to authoritative decision-making - bestow upon the

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[28] Brunkhorst, *Globalizing Democracy Without the State*, pp. 687-688.
[29] http://www.bbc.co.uk/news/science-environment-11989723

respective states. Habermas points out furthermore that "[t]*oday any conceptualization of a juridification of world politics must take as its starting point individuals and states as the two categories of founding subjects of a world constitution. The (as we would like to assume) legitimate constitutional states qualify as founding members already in virtue of their current role in guaranteeing the political self-determination of their citizens. In addition to the potential world citizens, the states represent possible sources of legitimation because patriotic citizens (in the best sense of 'patriotic') have an interest in preserving and improving the respective national forms of life with which they identify and for which they feel themselves responsible – in a self-critical way that also extends to their own national history.*"[30]

Habermas acknowledges at the same time that at present only a limited number of states qualify as 'legitimate constitutional states', which means that the legitimacy which international organizations can indirectly derive from strong domestic public spheres via the state is also inherently limited. Consequentially, when conceptualizing the legitimacy of international organizations whose decision-making potentially affects all of humanity, one is left with two partial but inadequate streams of legitimacy. On the one hand, such an organization can derive legitimacy from a weak global public sphere, on the other hand, it can derive legitimacy from a limited number of strong domestic public spheres via the respective states.

This means that in the present context of global politics, these organizations cannot rely exclusively on one or the other source of legitimacy, but that they instead must

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[30] Jürgen Habermas, "The Constitutionalization of International Law and the Legitimation Problems of a Constitution for World Society", *Constellations*, 15 (4), 2008, p. 449.

process the input of both in their decision-making. But how can the input from these two sources be combined and reconciled with each other? Since global referenda are infeasible in the near future,[31] it is impossible to assign numeric values to the input received from the global public sphere, which means that it cannot be weighted quantitatively against the input received via the states. In fact, weighing the input of different states against each other is itself already a somewhat arbitrary exercise.

The best solution for a process of decision-making which in principle is equally open to the input both from states as well as from the weak global public sphere, without categorically favoring one over the other, is a deliberative screening. Rather than focusing entirely on the nature of the source, the input received needs to be evaluated on its own merits, and instead of assigning fixed percentages to various sources of input, deliberation enables a case-by-case screening of arguments and options in the procedure of decision-making. This means that an international organization's capability to tap and combine both sources of legitimacy is dependent on the deliberative quality of its decision-making procedures.

This emphasis on deliberation does not equal a disregard of aggregative procedures and authoritative decision-making. Anthony McGrew criticizes that "*there is significant silence about how intractable conflicts of interests or values can be resolved deliberatively without recourse to some authoritatively imposed solution. Therefore, deliberative democracy may be of marginal value in dealing with many of the most pressing global distributional or security issues - from debt relief to*

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[31] Jan Aart Scholte, *Globalization: A Critical Introduction*, Basingstoke: Macmillan 2000, pp. 270-271.

humanitarian intervention - which figure on the world political agenda."[32] It is, of course, essential for international organizations to arrive at legally binding decisions at the pace that is required by the rapid development of events in global politics.

This critique assumes, however, that theorists of deliberative democracy contend that political debates always have to be resolved by a wide consensus. But what Habermas and others really are saying is simply that political debate is, in principle, only possible under the assumption that consensus is an achievable option.[33] If all the parties to a dispute knew from the start that consensus is impossible, they would resolve to act in a purely strategic fashion and the matter would be settled by the 'tyranny of the majority'. The assumption that, under ideal circumstances of deliberation, consensus would be achievable is the only alternative to the forceful imposition of one party's will upon the other and it does not exclude the recourse to a vote should the less than ideal circumstances of the real world (time-pressure, lack of resources, etc.) demand it. In general, deliberative democracy does not prevent the possibility of settling issues by political authority. It concerns itself instead with the questions of how much the decision-making process supports public deliberation and how much, in turn, the decisions of political authorities are supported by public deliberation. In this sense, the practical objective of reform should not be to ensure deliberative decision-making, but to create space for deliberation in decision-making.

Democratization via the Promotion of a Deliberative System

How can we evaluate the potential of proposals for reform to enhance the deliberative

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[32] Anthony McGrew, "Transnational Democracy", in: April Carter and Geoffrey Stokes (eds.), *Democratic Theory Today*, Cambridge: Polity 2002, p. 280.
[33] Rainer Schmalz-Bruns, "Deliberativer Supranationalismus: Demokratisches Regieren jenseits des Nationalstaats", *Zeitschrift fürInternationale Beziehungen,* 6 (2), 1999, p. 207.

quality of the UN's decision-making procedures and to thereby increase its democratic legitimacy? Until the late nineties, deliberative democracy was a purely theoretical issue dominated by philosophers. But with "*the coming of age of deliberative democracy*"[34], as James Bohman puts it, theorists have increasingly developed interest in methods for its practical application. Robert Goodin points out that various efforts by linguists, comparative politics experts and international relations scholars to establish criteria for the evaluation of institutional deliberation have had remarkably similar results, and thus there exists among them a broad consensus on the key elements.[35] He comes to this conclusion after comparing with each other the respective works of philosopher of language Paul Grice, of a group of scholars of international relations brought together by Knut Midgaard and of a team of political scientists around Jürg Steiner. Even though Grice and Midgaard et al. base their approach on John Austin, and Steiner et al. base theirs on Habermas' pragmatic suppositions for discourse, the differences between the criteria they elaborate are only marginal and largely a matter of differing categorizations of similar content. Keeping in line with my Habermasian approach, I will base the evaluation of the potential of proposals for UN reform to increase the organizations democratic legitimacy on the criteria of the 'discourse quality index' elaborated by Jürg Steiner et al.:[36]

The first criterion of the index is that of open participation, meaning that, in principle, all individuals should have access to the deliberation. There is a significant difference between the manner in which Steiner et al. and Goodin apply the criterion of open participation. Whereas Steiner et al. are interested in determining the degree of

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[34] James Bohman, "The Coming of Age of Deliberative Democracy", *Journal of Political Philosophy,* 6 (4), 1998, pp. 400–425.

[35] Robert Goodin, "Sequencing Deliberative Moments", *Acta Politica*, 40 (2), 2005, p. 183

[36] Jürg Steiner et al., *Deliberative Politics in Action: Analysing Parliamentary Discourse*, Cambridge: Cambridge University Press 2004, pp. 16-73.

participation within a specific debate, Goodin applies it as an indicator of general access to a debate, i.e., with regard to the role of the public sphere.[37] For the former, it is mainly a matter of procedure, for the latter, it is more of a socio-political question. This unexpressed difference is exemplary for the often overlooked difference between issues of deliberative quality on the one hand and issues of deliberative democracy on the other.

Secondly, there is the need to justify assertions and validity claims. The connection between premises and conclusion should become clear through coherent argumentation and the orderly exchange of information. Speakers should back up their claims with generally comprehensible and reproducible reasoning rather than merely utter demands. The possibility for engaging in extensive explanations and justifications is also a question of the amount of time available.

Thirdly, participants in deliberation should feel some measure of solidarity with each other in that they recognize that they are united in the endeavor to improve the common good. Speakers should take into account not only their personal interests, but also those of the partners in deliberation and should be able to justify any claim made with reference to this common good.

The fourth criterion is that of respect. The deliberations should be based on the equality of the participants, and all should acknowledge that some of the partners in deliberation may be from social groups whose needs differ from one's own and show respect towards counterarguments. Negative statements about groups and their claims

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[37] Compare Steiner et al., *Deliberative Politics in Action*, pp. 56-57*,* and Goodin, *Sequencing Deliberative Moments*, p. 184.

inhibit the uncoerced exchange of arguments.

The fifth element is that of an orientation towards consensus. A discourse should aim to reach a rationally motivated compromise that is acceptable to all its participants. The ideal of deliberative decision-making is based on the Habermasian discourse principle that all those affected could agree as participants in rational discourse.

Finally, all the statements and arguments should be made sincerely rather than motivated by strategic calculation or with the aim of deceiving other participants. Whereas Goodin applies the criterion of authenticity in his analysis, Steiner et al. actually exclude it from their deliberative quality index. This exclusion is based on the argument that authenticity "*causes the greatest difficulties from a measurement perspective. To judge if a speech act is truthful is to make a judgement about a person's true versus their stated preferences. This is exceedingly difficult, since true preferences are not directly observable.*"[38]

If these criteria were applied to individual decision-making bodies of an international organizations such as the UN, it is reasonable to expect that none would come close to fully satisfying the broad requirements of the index, resulting in the assessment that no politically feasible reform could adequately improve their deliberative legitimacy. This unitary model of evaluating decision-making bodies isolated from their institutional framework has left many scholars of deliberative democracy unsatisfied and has led to what recently has been dubbed the 'systemic turn in deliberative democracy'. The main characteristic of this development in scholarly thought is the

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[38] Steiner et al., *Deliberative Politics in Action,* p. 56.

argument that one cannot sufficiently evaluate a political institution without taking into account its effects on other institutions within a system of governance.[39] Rather, the systemic perspective makes it imperative to determine in how far the 'deliberative deficits' of one decision-making body might be mitigated by its relationship with another component of the system. Within a deliberative system, different deliberative tasks can be delivered by different institutions. Much importance must then be given to the appropriate sequencing of these deliberative moments.

Goodin gives the example of parliaments and parliamentary committees:[40] Since parliaments are usually large representative bodies which aim to give as many voices as possible the chance to be heard and to place emphasis on the transparency of their debates and decision-making procedures, it would be practically impossible for them to collaboratively negotiate and elaborate the detailed phrasing of a particular law. This is why parliaments create committees: these smaller and more informal institutions enable a sort of cooperative creativity aimed at consensus which the large, public and formally inflexible plenum cannot provide.[41] Since, however, these committees are usually composed of a small group of experts deliberating in camera, they lack transparency and inclusiveness. This deliberative deficit is, in turn, mitigated by the subsequent plenary debate in which the proposals worked out by the committees are publicized and their acceptance or rejection is advocated and rationalized in the light of the common good. In this way, the interplay between the two institutions, i.e., the sequencing of two deliberative moments, mitigates the distinct deliberative deficits of each.

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[39] This usage of the term system is not to be confused with the Habermasian concept of system, i.e., the instrumental counterpart to the lifeworld.
[40] Goodin, *Sequencing Deliberative Moments*, pp. 187-188.
[41] Steiner et al., *Deliberative Politics in Action*, pp. 87-88.

Goodin expands his model by placing the parliament and its committees into the wider framework of a representative democracy. This framework is based on four deliberative moments with differing tasks: the deliberations within the 'caucus rooms' of the political parties, the parliamentary debate, the election campaign, and 'post-election arguing and bargaining.' A short and simplified summary of his argument is that the caucus room fulfills the criterion of authenticity, the parliamentary debate fulfills the criterion of justification, the election campaign fulfills the criteria of open participation and consideration of the common good, whereas the post-election bargaining fulfills the criteria of respect and orientation towards consensus. As these deliberative moments are sequenced, they can be perceived as parts of a deliberative system and, as such, they come closer to the deliberative ideal than any one of these moments by itself.

Instead of evaluating each institution on its own terms, it is imperative to appreciate that these institutions are merely the components of a deliberative system in which they play a very specific and partial role in fulfilling the overall requirements of deliberative democracy. Considering the enormous task of satisfying the discourse quality index, the systemic outlook takes into account institutional specialization that creates a systemic 'division of labor'. Despite all of this, the ideal remains of having all of the criteria of the deliberative quality index fulfilled by one deliberative moment. Goodin's point is, however, that *"while we cannot seriously expect all the deliberative virtues to be constantly on display at every step of the decision process in a representative democracy, we can realistically expect that different deliberative virtues might be on display at different steps of the process."*[42] But what exactly is a

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[42] Goodin, *Sequencing Deliberative Moments,* p. 193.

deliberative system? How can this division of deliberative tasks function?

Whereas Goodin provides examples of what the components of a deliberative system should do, John Dryzek attempts to demonstrate what these components should be. He creates a theoretical model of a deliberative system that aims at going beyond developed liberal democracies and is meant to be applicable to a wider variety of political systems, such as, e.g., transnational networks of governance. In his view, any deliberative system consists of five core elements:[43]

Firstly, there has to be a public space that is as unrestricted as possible, enabling the free flow of deliberation fuelled by a broad range of diverse viewpoints. It is the public space in which issues within society are identified and ideas for solutions are generated. Examples include the media, the internet, cafés, bars, citizen fora, etc.

Secondly, there is the need for an empowered space, an institution that produces collective decisions. Examples are legislatures, constitutional courts or corporatist councils.

The third element is that of transmission. The public space must be able to influence the deliberations and decision-making of the empowered space. This element is critical in holding the deliberative system together. Some of the various means of achieving this are political campaigns, rhetoric, or cultural change brought about by social movements.

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[43] John Dryzek, „Democratization as Deliberative Capacity Building", *Comparative Political Studies*, 42 (11), 2009, pp. 1385-1386.

The fourth element is accountability. The empowered space must, by some means, be accountable to the public space. This category can overlap with that of transmission, as political campaigning, e.g., can also be a means for ensuring accountability.

The final element of Dryzek's model is decisiveness. All in all, the deliberative system must be able, through its decision-making, to determine social outcomes. Dryzek uses the political situation in Russia in the nineties when a 'flourishing deliberative chamber', i.e., the parliament, had only little influence on president Boris Yeltsin, who was ruling by decree, as a negative example of a deliberative system that lacks decisiveness.

In my view, one of the advantages of the differentiation between public space and empowered space is it's comprehensiveness: It captures Fraser's point about deliberation within the state apparatus and is comparable to her differentiation between weak and strong public spheres, but it also incorporates the fundamental difference between unregulated and virtually unlimited communicative spaces on the one hand and formalized and authoritative spaces on the other, which Brunkhorst has in mind when he conceptualizes what Fraser calls weak and strong public spheres solely as variants of the former.

My conceptualization of the UN as a deliberative system is, in essence, a combination of Goodin's idea of an institutional division of labor regarding the deliberative task, in which each deliberative moment fulfills only some of the criteria of deliberative democracy but together they complement each other, and Dryzek's model of a deliberative system, in which he specifies the necessary components of such a system.

It must be the primary goal of any proposal for institutional reform to enhance the deliberative synergy within such a system by strengthening the transmission and accountability between its deliberative moments. This does not only enable a complementary fulfillment of the deliberative task, but more importantly, it also increases the input from various public spheres into the respective decision-making procedures.

Deliberative Synergy via Transmission and Accountability

In order to assess a reform proposal's prospects for increasing the deliberative synergy within an international organization such as the UN, it is necessary to clarify the particular contexts in which the deliberative moments are meant to be tied together. The legitimacy that one moment can transfer to the other depends both upon the nature of the actors involved and upon the specific mechanism of transmission. Actors at the UN generally derive their legitimacy for partaking in decision-making from their function as representatives, which means that the legitimacy of their input into the respective deliberations depends upon the nature of their representativeness and how it is maintained by means of accountability.

As a quality of social relations, accountability necessarily entails the question of agency: who is accountable to whom? According to Ruth Grant and Robert Keohane, the answer to this question depends on the model of accountability applied, i.e., either the delegation model or the participation model.[44] The former identifies those individuals or institutions who have delegated authority to a social agent as those to whom this agent is accountable. The participation model, in contrast, designates those

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[44] Ruth Grant and Robert Keohane, "Accountability and Abuses of Power in World Politics", *American Political Science Review*, 99 (1), 2005, p. 31.

who are affected by the performance of the social agent as those to whom this agent is accountable. Depending on which of these models is applied, some mechanisms of accountability are more appropriate than others.

Grant and Keohane distinguish between seven mechanisms for accountability that apply to the realm of international relations: hierarchical, supervisory, fiscal, legal, market, peer, and public reputational accountability.[45] Hierarchical accountability applies to situations in which an agent is subordinate to an accountability holder who has extensive authority to sanction the former. Supervisory accountability exists between organizations that have principle-agent relationships. Fiscal accountability characterizes the relationship between the individual or organization providing funding and the funded agent. Legal accountability entails the obligation to follow formalized rules and procedures and the subjection to the enquiry and verdict of courts and quasi-judicial arenas. Market accountability is based on the ability of investors and consumers to sanction agents in response to performance. Peer accountability is the result of mutual evaluation among organizations on an equal footing and may affect their willingness to cooperate with their counterparts. Public reputational accountability applies to "*situations in which reputation, widely and publicly known, provides a mechanism for accountability even in the absence of other mechanisms as well as in conjunction with them.*"[46] While all of these mechanisms are important to both models of accountability, the hierarchical, supervisory, fiscal and legal mechanisms are particularly important to the delegation model, whereas market, peer, and public reputational accountability play a greater role in the participation model.

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[45] Grant and Keohane, *Accountability and Abuses of Power in World Politics*, pp. 36-37.
[46] Grant and Keohane, *Accountability and Abuses of Power in World Politics*, p. 37.

Grant and Keohane do not include electoral accountability in their list because, in their view, it has no relevance in the realm of international relations. Yet, Mathias Koenig-Archibugi rightly objects that this exclusion of electoral accountability rests on the assumption that elections necessarily must be democratic. But, in fact, mechanisms of electoral accountability are common in the context of international organizations. They are, however, usually characterized by institutionalized inequality.[47] Another point of critique raised by Koenig-Archibugi concerns the distinction between the delegation model and the participation model. He argues that claims for accountability which are based on the support given to an actor, such as donations to a relief agency, do not fit into this dualistic framework. The same often applies to legal mechanisms and horizontal mechanisms of accountability. Indeed, support mechanisms and horizontal mechanisms such as peer accountability and public reputational accountability do not seem to fit the participation model well. Social agents can be held to account by their supporters, their peers or the general public even if their performance does not have an impact on any of them. As Mark Bovens argues, courts cannot be conceptualized in a principal-agent framework and, therefore, legal accountability cannot be subsumed under the delegation model.[48]

Still, Grant and Keohane's framework does not seem entirely implausible. The argument that there is a categorical difference between mechanisms such as hierarchical and supervisory accountability, on the one hand, and peer and public reputational accountability, e.g., on the other, intuitively seems appealing. The question is: what is it that distinguishes these mechanisms from each other? In my

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[47] Mathias Koenig-Archibugi, "Accountability in Transnational Relations: How Distinctive is it?", *West European Politics*, 33 (5), 2010, pp. 1142-1164.
[48] Mark Bovens, "Analysing and Assessing Accountability: A Conceptual Framework", *European Law Journal*, 13 (4), 2007, p. 451.

view, the key factor is the definition of the actors involved. In social relationships characterized by mechanisms of hierarchical, supervisory or fiscal accountability, the question of which agent has to give account to whom is well defined. The delegation of authority is comparatively easy to trace. In typical hierarchical relationships, e.g., between business managers and their assistants, the performance of the latter will not necessarily be evaluated in accordance to some transparent standard that transcends their relationship. Managers might assess the performance of the assistants accountable to them as unsatisfactory according to their own expectations which might be opaque, arbitrary, or simply irrational to the latter. The principals of the World Bank can hold its board of directors to account for not abiding by their will, irrespective of the quality of its policies. In hierarchical, supervisory and fiscal mechanisms of accountability, authority is delegated and held by well-defined social actors.

With regard to mechanisms of legal, market, peer and public reputational accountability, it is often hard to clearly identify the actors involved. Participation cannot be the defining characteristic of these mechanisms. Instead, what these mechanisms have in common is that there is a significant shift of focus from the social actors to social norms and standards which are somewhat independent of those people and organizations who are involved in these relationships of accountability. In legal accountability, the agents are subject to the law, in market accountability they are subject to the laws of the market, in peer accountability they are subject to the norms of their social strata and in public reputational accountability they are subject to the norms prevalent in the respective public. The accountability holdees are judged according to standards embedded in discursive structures. Dryzek calls this

'discursive accountability': social actors must act and communicate in terms that make sense within the respective discourses.[49] Hence, the relevant categories are not delegation and participation, but delegation and discourse.

In order to better grasp the idea of discursive accountability, it is necessary to understand the correlated concept of representation. Dryzek uses the example of rock star Bono to illustrate discursive representation. The latter claims: "*I represent a lot of people* [in Africa] *who have no voice at all…They haven't asked me to represent them.*"[50] Obviously, Bono was not delegated any authority by those he claims to represent. In fact, most of his assumed constituents probably have never heard of him. Even though Bono himself would not necessarily agree with this analysis, what he represents is not a certain set of people, but rather a specific discourse on Africa that construes its inhabitants as victims of an unjust world and appeals to the consciousness of the wealthy without implying major structural transformation. This particular discourse is one of many that compete with each other regarding Western attitudes and policies concerning poverty in Africa. Altogether they form an issue-specific constellation of discourses in the public sphere.

Discourses have their roots in the public sphere, where, as Habermas calls it, 'subjectless communication' produces coherent sets of world views. Dryzek defines them "*as a shared way of comprehending the world embedded in language. In this sense, a discourse is a set of concepts, categories, and ideas that will always feature particular assumptions, judgments, contentions, dispositions, intentions, and*

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[49] John Dryzek, *Foundations and Frontiers of Deliberative Governance*, Oxford; New York: Oxford University Press 2010, p. 61.
[50] Dryzek, *Foundations and Frontiers,* p. 43.

capabilities."[51] Even though discourses necessarily bring a degree of organizing force with them, they are not to be understood in the Foucauldian sense as imprisoning. Instead, deliberation across discourses usually remains possible, albeit, at times, very challenging.

Individuals can represent a specific discourse in political deliberations and decision-making procedures if their attitudes and opinions are based on the respective concepts and categories. If deliberation across discourses leads participants to change their opinions, these modifications are either rationally justifiable on the foundations of the discourses they represent or they break with them, in which case the participants concerned no longer represent the discourse they started out with. Hence, the representatives are accountable to a discourse in that they are bound by its rationale.

Dryzek's concept of discursive accountability, however, remains unclear with regard to the question of agency. If a discourse itself plays the role of the accountability holder, transgressions of its boundaries by its purported representatives have to be objectively verifiable, presupposing that the discourse is not only well-defined but also equally transparent to all of the participants. Even in the ideal scenario in which the occurrence of a transgression is undisputed to the degree of qualifying as 'common sense', accountability still rests on the implicit judgment of the people involved. Coming full circle, we are left with the question of agency: who is to judge the accountability holdee?

Dryzek attempts to get around this problem by bringing in the social scientist as *deus*

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[51] Dryzek, *Foundations and Frontiers,* p. 31.

ex machina: observing the deliberations from the outside, scientists can measure the representatives' adherence to discourses according to pre-established formulas.[52] Even if we disregard the ontological and epistemological questions such a method of judgment raises (in how far does this method contradict the foundation of Dryzek's approach in discourse ethics?), we are still left with the problem of its practical application. The political scenarios in which social scientists would be given such a crucial role in decision-making procedures are very limited. This, however, would defeat one of the main objectives of Dryzek's approach, i.e., to create more flexible models of representation and accountability applicable to the modern world.

Ultimately, discursive accountability, as well, depends on principal-agent relationships. According to Dryzek "*Accountability cannot in discursive representation be induced by the representative's fear of sanction* […] *Discursive accountability must be understood instead in communicative fashion*."[53] Yet the communicative fashion of accountability which he goes on to explain merely clarifies what the representatives are *expected* to do, not how they can be held to *account* for it. Instead, the disciplinary force of a discourse is always to some degree supported by implicit threats of sanctions from other social actors. In legal accountability, agents are governed by the respective society's institutions of law-giving and judging; in market accountability, they are subject to the judgments and reactions of the other market actors, etc.

Dryzek's neglect of the question of agency in discursive accountability does not, however, diminish the concept's significance. If relationships of accountability are

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[52] Dryzek, *Foundations and Frontiers,* pp. 59-61.
[53] Dryzek, *Foundations and Frontiers,* p. 61.

mediated through discourses, this alleviates the pressure to clearly define the social actors involved. The more defined the discourse represented, the less need there is to define the accountability holder. As transgressions of discursive boundaries in word and deed become easier to trace and, therefore, judgments on them become less controversial, the undefined mass of accountability holders will react more uniformly and can thereby temporarily define itself in its collective response. Hence, the force of discursive accountability depends upon the definition of the respective discourse, the transparency of the accountability holdee's rationale for action and the accountability holdee's dependency on the discourse's supporters. The boundaries and imperatives set by discourses are only one part of effective discursive accountability.

The distinction between accountability based on delegation on the one side and accountability based on discourses on the other allows for a more univocal categorization of electoral and supportive mechanisms. The former is a mechanism based on delegation: voters have a choice of individuals or organizations to whom they can delegate the authority to act on their behalf. Elections create clear hierarchies of representation, and the elected can usually claim to be the sole representatives of their voters in certain spheres of authority. In the case of supportive mechanisms, the supporters do not have to define their choices and therefore cannot appoint a specific individual or organization to represent them. One and the same individual can theoretically choose to support organizations with contrasting agendas, and none of them could claim that this individual has delegated authority to them. If individuals decide to support a relief agency, this support is a statement in itself rather than an act of authorization.

Most people subscribe to various overlapping discourses, and their support of one or more of them signals that they want the decision-makers to take the concerns related to these discourses into consideration, rather than necessarily deciding between their contesting interests themselves in every given situation. Support is usually centered on discourses and the communicative action they entail, rather than on the actors themselves. It would be interesting to know, e.g., how many of those who have donated to Amnesty International or Greenpeace know the names of the heads of the organizations they support. Instead, these organizations represent specific discourses that appeal to those who support them.

There are several factors that need to be taken into consideration when assessing a reform proposal's prospects for enhancing the deliberative synergy within an international organization such as the UN. Since for practical reasons the delegation of authority is not always possible, some actors will base their representativeness on discursive accountability. In these cases, however, the representatives in question have not been delegated the authority to act on behalf of anybody else and can therefore – in their capacity of representatives – neither delegate authority nor demand mechanism of accountability based on delegation. Since, moreover, discursive representation is dependent upon the judgment of a relatively undefined mass of accountability holdees, it requires a high level of transparency. Have the representatives been delegated authority, however, they can play the role of accountability holders both in mechanisms based on delegation and in those based on discourse. Hence, both accountability based on delegation as well as discursive accountability are essential to strengthening the deliberative synergy in the UN system.

Deliberative Moments and Synergies in the UN System

This section will analyze the UN in terms of a deliberative system and discuss the potential contributions of the Security Council, the General Assembly and the NGO community at the UN to the legitimacy of its decision-making on issues of global peace and security. It will begin be analyzing (1) the Security Council as the ultimate decision-making body of the UN, continue with (2) the General Assembly and its relationship to the SC and end with (3) the NGO community at the UN and its relationship to the SC.

(1) The Security Council is the focal point of the UN's decision-making procedures on issues of global peace and security and functions as its empowered space par excellence. It is made up of five permanent members, i.e. China, France, Russia, the UK and the US, each of which have a veto right over all substantial decision-making, and ten members with two year mandates which are elected by the General Assembly. The UN Charter invests the Council with "*the primary responsibility for the maintenance of international peace and security.*"[54] Since in the Charter, moreover, "[t]*he Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter*,"[55] the Council's resolutions are binding by law, a characteristic that distinguishes it from any other decision-making body of the UN. Finally, the SC is the only body that may authorize the use of military force against a UN Member State.

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[54] *Charter of the United Nations*, Chapter V, Article 24:
http://www.un.org/en/documents/charter/chapter5.shtml
[55] *Charter of the United Nations*, Chapter V, Article 25:
http://www.un.org/en/documents/charter/chapter5.shtml

These remarkable competencies enable the SC to give clout to the UN's decision-making on issues of global peace and security and to thereby fulfill Dryzek's requirement of decisiveness. It is fairly easy to demonstrate that today, despite incessant criticisms and premature obituaries, the SC continues to exercise a decisive impact on global politics.[56] Without this clout, the deliberations within the UN would remain fruitless and it is, therefore, essential that the Council fulfill its function of ensuring the decisiveness of this deliberative system. Hence, the more effective the SC's decision-making becomes, the more decisive the deliberative system will be as a whole.

With regard to its deliberative qualities, it is an advantage that the structures of the Council give relatively strong incentives to seek consensus in its deliberations. The veto ensures that for any draft resolution to be successful, it necessarily has to take into account a number of perspectives from diverse political blocs. It has been demonstrated, moreover, that the function of the SC lies not only in determining the legality of a policy measure, but primarily in sending out a signal to the world concerning its political legitimacy.[57] Thus there is a high incentive for the sponsors of a draft resolution to obtain more than just the legally required number of votes. Every additional vote in favor increases the symbolic strength of the resolution and augments its compliance pull. In practice, the council members go to great lengths to achieve consensus, and today most decisions are adopted unanimously.[58]

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[56] See, e.g., Mats Berdal, "The UN After Iraq", *Survival*, 46 (3), 2004, pp. 83-102.

[57] Inis Claude, "Collective Legitimization as a Political Function of the United Nations", *International Organization*, 20 (3), 1966, pp. 367-379; Erik Voeten, „The Political Origins of the UN Security Council's Ability to Legitimize the Use of Force", *International Organization*, 59 (3), 2005, pp. 527-557.

[58] Nico Krisch, "The Security Council and the Great Powers", in: Vaughan Lowe et al. (eds.), *The Security Council and War: The Evolution of Thought and Practice since 1945*, Oxford: Oxford University Press 2008, p. 139.

There are two particularly problematic issues with regard to the legitimacy of the Council: not only is it a highly exclusive forum for decision-making, but its internal structures are also distinctively unequal. It is widely accepted that the Council does not adequately represent the membership of the UN and lacks transparency to both membership and to the wider public, which severely limits participation in its deliberations.[59] Furthermore, its two-tier system of permanent and elected membership creates a difference in the quality of its members and induces the former to take the latter less seriously. This is obviously anything but conducive to an atmosphere of respect amongst equals in the Council's deliberations.

(2) The General Assembly is universal in that it includes all of the Member States of the UN, giving each an equal vote in its decision-making. GA resolutions are adopted either by a simple majority or, should they be deemed "*important questions*"[60], by a two-thirds majority. Even though the Assembly's resolutions are only recommendations and not binding on the Member States and it is not, therefore, a legislature in the strict sense, its discussions are the main intergovernmental forum for the conception and evaluation of the principles and norms that are to govern international relations.[61] The resolutions of the GA define what is expected of Member States and thereby exert peer pressure to comply.

A strong example for this type of process is the Universal Declaration of Human Rights: Although it is not a legal treaty, and although a number of states have not

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[59] United Nations General Assembly, "In Larger Freedom: Towards Development, Security and Human Rights for All. Report of the Secretary-General*", UN Doc No. A/59/2005*, 2005, p. 41.
[60] *Charter of the United Nations,* Chapter IV, Article 18;
http://www.un.org/en/documents/charter/chapter4.shtml
[61] Richard Falk, "On the Quasi-Legislative Competence of the General Assembly", *American Journal of International Law*, 60 (4), 1966, pp. 782-791.

signed it, the Declaration has had considerable influence on global politics since its adoption in 1948. Firstly, it defined the meaning of human rights and other related terms, narrowing down alternative conceptions and the policy options that follow from it. Secondly, by guiding states' practice throughout the years, it has become a significant part of international customary law and, thirdly, its global circulation as one of the world's most translated documents has enabled it to have a crucial impact on the education of humanity. The Universal Declaration of Human Rights is, of course, exceptional in the level of influence it has on global politics, yet it exemplifies the potential of Assembly resolutions and illustrates the effect they have – although usually on a much smaller scale.

With regard to international peace and security, the Charter specifies that "[t]*he General Assembly may consider the general principles of co-operation in the maintenance of international peace and security*"[62] and *"shall initiate studies and make recommendations for the purpose of promoting international co-operation in the political field and encouraging the progressive development of international law and its codification."*[63] In specific cases of conflict, the Charter grants the Assembly the right to call the attention of the Council to situations which are likely to endanger international peace. It can, moreover, make recommendations on these types of situations as long as the SC is not seized of the matter.

Although stated quite clearly in the Charter, this restriction was disputed early on and, in practice, has not been followed consequentially by the GA. Only five years after

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[62] *Charter of the United Nations,* Chapter IV, Article 11;
http://www.un.org/en/documents/charter/chapter4.shtml
[63] *Charter of the United Nations,* Chapter IV, Article 13;
http://www.un.org/en/documents/charter/chapter4.shtml

the signature of the Charter, the Assembly passed the 'Uniting For Peace' resolution in response to the Korean War, stating that: "*If the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or acts of aggression the use of armed force when necessary, to maintain or restore international peace and security.*"[64] Since then, the procedures of the Uniting For Peace resolution have been invoked eleven times.[65] In practice, issues of international peace and security often dominate the agenda of the GA.[66] It can only, however, make recommendations with regard to a conflict and cannot authorize force against a Member State. This remains the undisputed prerogative of the SC.

In article 15, the Charter establishes the accountability of the SC to the GA: "*The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security.*"[67] Although the SC has strongly neglected the obligation to provide special reports, the annual report to the Assembly always receives much attention, and its submission routinely entails a general appraisal in the GA of the wider relationship

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[64] United Nations General Assembly, "Uniting For Peace", *UN Doc No. A/Res/377 (V)AA*, 1950.
[65] Dominik Zaum, "The Security Council, the General Assembly, and War: The Uniting for Peace Resolution", in: Vaughan Lowe et al. (eds.), *The Security Council and War: The Evolution of Thought and Practice since 1945*, Oxford: Oxford University Press 2008, p. 159.
[66] See Erskine Childers and Brian Urquhart, *Renewing the United Nations System*, Uppsala: Dag Hammersköld Foundation 1994, p. 130.
[67] *Charter of the United Nations,* Chapter IV, Article 14;
http://www.un.org/en/documents/charter/chapter4.shtml

between the two bodies. Independently of the instrumental use of its content, the annual report is the primary manifestation of the SC's accountability to the GA and it is therefore valued very highly in the wider membership. With regard to accountability, it should also be kept in mind that all of those states who at any point of time compose the Council are also members of the Assembly, and most of their representatives will participate in deliberations of both institutions. There is thus an inbuilt personal connection between the two bodies, which entails an informal relationship of accountability between them.

How can the GA's participation increase the legitimacy of the UN's decision-making procedures on issues of global peace and security? What can its input add to the deliberations in the SC? Firstly, the fact that it includes every Member State means that its deliberations are based on a much wider spectrum of democratically legitimized input and it can, therefore, serve as the transistor for the legitimacy that flows from various domestic public spheres to the UN via the state. While there are many states in the Assembly that are not accountable to their domestic publics, this should not lead to the disregard of the larger number of governments who can claim varying degrees of democratic legitimacy. Many governments have been invested with authority delegated to them through democratic elections. The facts that a significant number of its members are not accountable to their domestic publics, and that states with a gigantic population such as China have the same vote as minuscule states such as Monaco, both have a negative impact on the question of who is represented in the Assembly to what degree. Yet, the GA remains the most globally representative political institution in the world, and the level of democratic input it

receives needs to be acknowledged – especially when compared to the much less representative Security Council.

As Bovens explains, in exemplary cases "*accountability is exercised along the chain of principal–agent relationships. Voters delegate their sovereignty to popular representatives, who, in turn, at least in parliamentary democracies, delegate the majority of their authorities to a cabinet of ministers. The ministers subsequently delegate many of their authorities to their civil servants or to various, more or less independent, administrative bodies.*"[68] The domestic authorization of its members, in turn, enables the GA to delegate authority internationally. Thus, deliberative synergy between the two bodies can be established not only via discursive mechanisms, but also via mechanisms of delegation, i.e., hierarchical, supervisory, fiscal and electoral mechanisms. The GA offers a platform for each Member State to voice its perspectives on issues of peace and security and to justify its assertions and validity claims in front of a global audience. It is the embodiment of the principal of sovereign equality, excluding none and granting every state equal say and equal voting rights in its decision-making. In this regard, the institutional structure of the GA is conducive to an atmosphere of respect in its deliberations.

(3) Today, more than 3500 NGOs have consultative status with the UN. The number of those that have one or more representatives based in New York is, however, significantly smaller, and given the size of the NGO Working Group of the Security Council and the complications it experiences in maintaining relations with the

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[68] Bovens, *Analysing and Assessing Accountability*, p. 455.

Council, as well as the limited number of Arria-Formula[69] meetings with NGO representatives that the SC holds each year, it is reasonable to estimate that less than a hundred, probably around fifty, NGOs have regular exchanges with the members of the SC.

The NGO community at the UN provides a qualitatively different input to the essentially particularistic and territorial perspectives of the Member States. Rather than representing certain defined populations, they represent various discourses present in an emerging global public sphere.[70] In this sense, they constitute a problematic yet indispensable issue-oriented substitute for the lack of more overarching transnational representation based on the delegation of authority. The representativeness of NGOs and the legitimacy of their input is qualitatively different from, and complementary to, that of the General Assembly. In fact, none of the NGO representatives I interviewed claimed to speak for some voiceless population, but noticeably all of them based their representation on the values for which they stand as an organization. Since they have not been delegated any authority, deliberative synergy between the SC and NGOs cannot be based on delegation, but only on discursive mechanisms.

One of the advantages of the NGOs is that they promise to bring a sincere consideration of the common good into the UN's deliberations on issues of global peace and security. Unlike the Member States, these NGOs usually do not represent

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[69] The Arria Formula enables a member of the Council to invite other Council members to an informal meeting, held outside of the Council chambers. The meeting is called for the purpose of a briefing given by one or more persons, considered as expert in a matter of concern to the Council. At regular Council meetings, traditionally only delegations and high government officials are allowed to speak.
[70] John Dryzek, *Deliberative Global Politics: Discourse and Democracy in a Divided World*, Cambridge; Malden, MA: Polity Press 2006.

particular populations, but global discourses, and most of them define themselves through the pursuit of universally applicable values. This frees them from the necessity to value the well-being of one defined population over that of another and allows them to engage in a more genuine and universal consideration of the common good. As discursive representatives, these NGOs owe their status to the fact that they follow a coherent normative rational, and they are therefore dependent upon the promotion of the common good as envisioned by their particular discourse. In this regard, the NGO community's limitation to discursive accountability can be seen as an advantage. On the other hand, the NGO representatives are wedded to the discourses they represent and cannot, therefore, easily engage in compromise and negotiation.

The NGO community at the UN can, moreover, serve as facilitator with regard to the various types of discursive accountability: one of the their greatest potentials is to provide the transparency that is required for market, peer, public reputational, legal and support mechanisms of accountability to function adequately with regard to the Security Council.[71] As Grant and Keohane point out, while transparency is generally important when it comes to accountability, it is especially vital to these particular mechanisms of accountability.[72] These mechanisms are inherently dependent upon the widespread availability of information.

Generally speaking, there are two important roles the NGO community can and often does play with regard to the transparency of the UN's decision-making. Firstly, the

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[71] In the context of the Security Council, legal accountability falls squarely into the category of discoursive mechanisms of accountability. The Council is not subjected to any type of judicial review, but, instead, determines its own legal boundaries. This has been particularly evident in the self-driven gradual expansion of its competencies since the end of the Cold War.
[72] Grant and Keohane, *Accountability and Abuses of Power in World Politics*, p. 39.

NGOs can attempt to shed light on the often obscure procedures of the UN's decision-making by filtering out diplomatic niceties and legal pedantism and thereby making them more comprehensible for the wider public. Even the diplomats at the UN themselves sometimes complain about the inaccessibility of UN reports and resolutions. But more importantly, NGO representatives are often able to obtain information on the contents and dynamics of those intergovernmental deliberations at the UN that are closed to the public. Skilled NGO representatives can learn a great deal about what is happening behind closed doors by engaging in bilateral consultations with well-disposed governments, by using multilateral venues such as the NGO Working Group on the Security Council or Arria-Formula meetings, and by unofficial discussions with various acquaintances within and around the UN. In recent years, the NGO *Security Council Report* has been particularly systematic and industrious in its attempts to bring transparency to the content and dynamics of the Council's deliberations.[73]

Secondly, the NGO community can bring to the attention of the members of the SC issues they do not know about, or do not want to know about, and provide the relevant information from the ground. In this regard, some of the larger humanitarian NGOs are especially important, as they often know more about the details of crises than do many governments.[74] Giving transparency to both deliberations within the UN as well as to events on the ground enables the NGO community at the UN to expose the connections between them and to construct a coherent political narrative tailored to the wider public. In this way they are often able to put considerable public pressure on

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[73] http://www.securitycouncilreport.org
[74] Interview with Cora Weiss, President, *Hague Appeal For Peace*, New York, 9 November 2010.

the relevant governments. As James Paul explains: "*the most effective strategy combine*[s] *diplomacy in New York with world-wide public advocacy campaigns.*"[75]

The Deliberative System in Action: Resolution 1325

Security Council resolution 1325 on the issue of 'Women, Peace and Security' is a good example for how, under the right circumstances, both the NGO community and the GA can have a strong and direct impact on the Council, creating deliberative synergy within the UN and thereby increasing the legitimacy of its decision-making. As Cora Weiss explains, "*1325 was started by women in the field. It came out of International Alert in London and the Hague Appeal for Peace conference in May 1999.*"[76] Momentum for a SC resolution had been building up in the NGO community, and on International Women's Day, March 8, 2000, they realized that the time for action had come.

That day, in his capacity as the President of the SC, Ambassador Anwarul Chowdhury of Bangladesh issued a press statement in which he emphasized the links between the issues of gender and security.[77] According to Chowdhury, this statement was motivated by his personal engagement with the international women's movement: The "*women, peace and security agenda came up forcefully in my dialogue with the NGOs and this was something that I felt needed a boost in the work of the SC.*"[78] He had even attempted to issue a presidential statement which, unlike the press statement given,

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[75] James Paul, "Working with Nongovernmental Organizations", in: David Malone (ed.), *The UN Security Council: From the Cold War to the 21st Century*, Boulder, CO; London: Lynne Rienner 2004, p. 383.
[76] Cora Weiss, *Hague Appeal for Peace*.
[77] United Nations Security Council, "Peace Inextricably Linked with Equality Between Women and Men Says Security Council, in International Women's Day Statement" *Press Release SC/6816*, 2000.
[78] Quoted in Soumita Basu, *Security through Transformations: The Case of the Passage of UN Security Council Resolution 1325 on Women and Peace and Security*, PhD Thesis at the Department of International Politics, Aberystwyth University 2009, p. 173.

would have been an official SC document. But, in his own words, *"due to the lack of support of the P-5, I had to reach a compromise for a Press Statement."*[79] Within the Council, Mali, Jamaica and Namibia had been supportive of his initiative. Felicity Hill from the *Women's International League for Peace and Freedom* (WILPF) witnessed the statement in the SC itself and approached Chowdhury afterwards in order to explore possible venues for follow-up on the issue. Chowdhury's engagement with the issue encouraged the NGO community to solidify their networking and advocacy, and in May 2000, the NGO Working Group on Women, Peace and Security was founded with the goal of achieving a SC resolution.

As a first step, the group created lists of experts on the subject, assembled the best literature and compiled folders with summaries and other information which could be handed to the SC members' delegations in the meetings. The members of the group then divided the country missions among themselves in order to engage in individualized and targeted lobbying. A media strategy was put in place to maximize attention on the issue.[80] One of the first meetings the group had was with the delegation of Namibia. As a host to a recent UN Department for Peacekeeping Operations seminar that resulted in the Windhoek Declaration and the Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations, Nambia had been very much involved in the issue and, therefore, much hope was placed in Ambassador Martin Andjaba to place it on the agenda of the Council.[81]

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[79] Quoted in Basu, *Security through Transformations,* p. 173.
[80] Sara Poehlman-Doumbouya and Felicity Hill, "Women and Peace in the United Nations", *New Routes,* 6 (3), 2001, p. 31.
[81] Felicity Hill, Mikele Aboitiz and Sara Poehlman-Doumbouya, "Nongovernmental Organizations' Role in the Buildup and Implementation of Security Council Resolution 1325", *Signs: Journal of Women in Culture and Society*, 28 (4), 2003, pp. 1258-1259.

As one NGO representative puts it, the Council members *"needed a lot of convincing."*[82] Over the summer, the group continued to hold meetings in an effort to broaden support and win further allies on the SC. The group also mobilized domestic NGOs to put pressure on the Council members in the respective state capitals. Alongside the states mentioned above, the group eventually won the support of Canada, the Netherlands and the UK. As a member of the P-5, the latter's involvement was especially important and, in the end, the UK even signed up as one of the sponsors of the resolution.[83]

At the same time as the NGO Working Group was lobbying the members of the SC, the GA convened in a special session entitled 'Women 2000: gender equality, development and peace for the twenty-first century.' Its debates included a wide array of contributions from Member States reflecting the diversity of the Assembly, and a number of NGOs were invited to brief the GA on the topic. In June, the Assembly issued a report on the subject, including two draft resolutions which were adopted in the regular session later that year.[84] The title is telling in that it already includes the words 'women' and 'peace' – only one step away from including the logical corollary 'and security', which opens up the way to the SC. The French ambassador later emphasized this point in the respective debate of the Council.[85] Moreover, the Assembly's debates ensured that the issue stayed on the agenda of the Member States' permanent missions, which made it easier for the NGOs to draw attention to their related concerns.

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[82] Quoted in Basu, *Security through Transformations,* p. 176.
[83] Basu, *Security through Transformations,* p. 144.
[84] United Nations General Assembly, "Report of the Ad Hoc Committee of the Whole of the twenty-third special session of the General Assembly", *UN Doc No. A/S-23/10/Rev.1,* 2000.
[85] United Nations Security Council, "Debate on Women and Peace and Security", *UN Doc No. S/PV.4208,* 2000.

As momentum built up among the UN membership and the NGO community, the Working Group decided to coordinate its approach with the relevant UN agencies. With the help of *Global Policy Forum*, WILPF organized a meeting at the United Nations Development Fund for Women (UNIFEM) in order to discuss the possibility of SC action on the topic.[86] In the beginning, the UNIFEM personnel were skeptical of the group's attempt to obtain a SC resolution, since, in their view, the members of the Council were not disposed to such a measure. It was only after they realized that the group had made inroads with regard to the Council members that UNIFEM became an important actor in the process.[87] Personnel of both UNIFEM and the Office of the Special Advisor on Gender Issues aided the group in using the appropriate draft language and *"provided insight on the political strategy that was adapted to support passage of the resolution."*[88] UNIFEM also provided the venue for the negotiations between the NGOs and the Council members. The 'oval table' in the UNIFEM office provided the space in which the two sides could confer as equals.[89]

In early September, Namibia announced that the Security Council would hold an open session on the topic of women, peace and security under Namibia's upcoming presidency. During the next couple of weeks, NGOs continued their efforts to lobby the various SC members and composed and circulated a draft resolution. On October 23, the Security Council met with selected representatives of the WG on Woman, Peace and Security in an Arria-formula briefing and in the following days it held an open session: *"the public gallery of the Security Council chamber was filled with*

[86] Interview with James Paul, Executive Director, *Global Policy Forum*, New York, 13 October 2010.
[87] Cynthia Cockburn*, From Where We Stand: War, Women's Activism and Feminist Analysis*, London: Zed Books 2007, p. 140-141.
[88] Carol Cohn, Helen Kinsella and Sheri Gibbings, "Women, Peace and Security: Resolution 1325", *International Feminist Journal of Politics*, 6 (1), 2004, p. 131.
[89] Basu, *Security through Transformations,* p. 177.

women. There was a lot of clapping—something unheard of in that particular chamber—and the word historic was used repeatedly. At last, women's perspectives on war and peace became visible in the Security Council through more than forty speeches. Some of the recommendations from the NGO Working Group, including some of the language from the group's draft resolution, were put into the text of the resolution adopted on October 31."[90]

In the months between March and October 2000, the NGO Working Group on Women, Peace and Security had succeeded in turning a Security Council that would not allow Chowdhury to issue a Presidential statement linking the issues of gender and security into a Council that would adopt a historic resolution expressing and emphasizing the importance of exactly this link. After having interviewed various members of the group, UNIFEM officials and Security Council members, Soumita Basu concludes that it is not only widely recognized that the group had prepared the earlier drafts of the resolution, but they had also successfully 'educated' the Council members on a topic of which the latter had had only little previous knowledge.[91] She argues, accordingly, that "*the agency for the realization of SC 1325 lies predominantly with civil society.*"[92]

Laura Shepherd compares a letter to the Council, 23 October 2000, in which the NGO WG on Women, Peace and Security outlines its expectations, with the eventual result of the meetings: resolution 1325.[93] She comes to the conclusion that many of the group's hopes had indeed been realized. It "*was an historic and transformative*

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[90] Hill et al., *Nongovernmental Organizations' Role*, p. 1260.
[91] Basu, *Security through Transformations,* p. 180.
[92] Basu, *Security through Transformations,* p. 183.
[93] United Nations Security Council, "SCR 1325 on Women and Peace and Security*", UN Doc No. S/Res/1325*, 2000.

campaign on the behalf of the NGO WG. As evidenced in this section, the NGO WG has a strong claim to author-ity over the Resolution […]"[94] Weiss, who had participated in both the Arria Formula briefing and the open session, can therefore rightly claim: "*I was one of the drafters of 1325.*"[95] Through the coordinated lobbying at both the capitals and at the UN itself, the NGO community was successful in bringing its consideration of the common good into the SC.

Resolution 1325 not only demonstrates the impact NGOs can have on the Council's decision-making, but also illustrates how the SC's deliberations are defined and predetermined by previous and simultaneous debates in the GA. In its preamble, the resolution itself acknowledges the input of the GA by referring to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)[96] and, more importantly in this case, to the report "*Women 2000: gender equality, development and peace for the twenty-first century.*"[97] Although the CEDAW had been adopted 20 years earlier, its impact on resolution 1325 demonstrates the potential of the GA to set lasting norms and discursive boundaries that define the SC's deliberations. The Women 2000 report of the GA, however, had a more direct impact on the resolution. The report was part of a debate in the Assembly that took place concurrently with the buildup of resolution 1325. Unsurprisingly, it is, therefore, also related more closely in substance.

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[94] Laura Shepherd, "Power and Authority in the Production of United Nations Security Council Resolution 1325", *International Studies Quarterly*, 52 (2), 2008, p. 192.
[95] Cora Weiss, *Hague Appeal for Peace*.
[96] United Nations General Assembly, "Convention on the Elimination of All Forms of Discrimination Against Women", *UN Doc No. A/RES/34/180*, 1979.
[97] United Nations General Assembly, "Report of the Ad Hoc Committee of the Whole of the twenty-third special session of the General Assembly", *UN Doc No. A/S-23/10/Rev.1*, 2000.

Not only did many of the statements refer to the debate in the GA, but a considerable number of the speakers had taken part in it themselves. In fact, Theo-Ben Gurirab, Foreign Minister of Namibia, who convened and presided over the open session of the SC, had also chaired the respective debate in the GA. Obviously, the personal connections between the debate in the Assembly and that in the Council were very strong. The impact of the respective session of the GA is perhaps expressed most clearly in the statement of the Chinese ambassador, who in the SC maintained that "[t]*oday's open debate could be considered part of the follow-up of the June special session.*"[98] By the time the Council convened, the issue had already been screened in the GA, allowing for broader participation and requiring justification to a wider audience.

Conclusion: The Desirability Score

In a discussion of the role of public spheres with regard to the legitimacy of international organizations, I have come to the conclusion that, while there exists today a weak global public sphere, the democratic legitimacy that an international organization, whose decision-making potentially affects all of humanity, can directly derive from it is low. The same applies to the democratic legitimacy which an international organization such as the UN can derive from domestic public spheres via state governments. This leaves these international organizations with two separately inadequate sources of democratic legitimacy. Deliberative democracy has the potential to combine and interlock the two streams of democratic legitimacy flowing from the weak global public sphere and domestic public spheres respectively.

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[98] United Nations Security Council, "Debate on Women and Peace and Security", *UN Doc No. S/PV.4208*, 2000.

The next step was a discussion of how models of deliberative democracy can guide the reform of international organizations such as the UN. The criteria elaborated by Steiner et al. provide the point of departure for the clarification of the objectives of reform. By combining Goodin's idea of sequencing deliberative moments and Dryzek's elements of a deliberative system, I have conceptualized the UN's governance of issues of peace and security as a deliberative system and discussed the important role of transmission and accountability in creating deliberating synergy within this system.

On the basis of this theoretical framework, I have then analyzed the sources of legitimacy of the UN's decision-making procedures and discussed how they can form a deliberative system. SC resolution 1325 is a strong example of how deliberative synergies can bind the various deliberative moments into a coherent deliberative system, and thereby increase the legitimacy of the UN's decision-making. It should be the goal of any comprehensive effort for reform of the UN's decision-making procedures on issues of global peace and security to create an institutional environment that enables and promotes this type of deliberative synergies.

With this in mind, the evaluation of proposals for the reform of the UN requires answers to the following set of questions: (1) Would the suggested measures improve the deliberative quality of the institution in question? Which of the criteria of deliberative democracy would they improve? Are they detrimental to the fulfillment of any of the other criteria? (2) Would the suggested measures improve the respective institution's capability of fulfilling its systemic function? (3) Would they promote the occurrence and quality of deliberative synergy within the overall system?

Ideally, the suggested measures would call for positive answers to all three of these questions. In most cases, however, it is likely that at least one of the answers will be negative. This entails the question of how to balance the positive and negative factors against each other. The most important aspect is the strengthening of deliberative synergy. The better the quality and quantity of these synergies the more participation there is in decision-making. Enabling the GA and the NGO community at the UN to give their input into the SC's final decision-making allows for more voices to be heard and indirectly entails more input from global and domestic public spheres. The function of an institution in the deliberative system, furthermore, takes priority over efforts to improve the general deliberative quality of said institution. As I have argued above, in the context of global governance, it is unreasonable to expect a single deliberative moment to satisfy all of the criteria of deliberative democracy. For this reason, it is advisable to enable institutions to fulfill their deliberative function within a deliberative system, rather than to attempt the perfection of a single deliberative moment. Reflecting these priorities, the 'Desirability Score' of a proposal for reform will be determined according to this procedure:

1. DELIBERATIVE MOMENT: For each of the criteria of deliberative democracy that the measure is expected to promote, one score point is given. For each criterion it is expected to deteriorate, one negative score point is given. The criteria that define the systemic function of the institution do not count in this category.

2. SYSTEMIC FUNCTION: If the reform proposal is expected to improve the institution's capability of fulfilling its systemic function, two score points are given. If it hinders it in fulfilling this function, two negative points are given.

3. DELIBERATIVE SYNERGY: In the case that the measure promises to promote the occurrence and quality of deliberative synergy within the overall system, three points are given. If the opposite applies, three negative points are given. If the measure has neither positive nor negative consequences concerning any of these questions, no points will be given with regard to that question.

All these points will be added up to determine the proposal's DESIRABILITY SCORE. The higher the resulting score above zero, the more desirable is the proposed reform, the further beneath zero, the less desirable the proposed reform.

II. The Politics of UN Reform: The Feasibility Score

Introduction

Improving the legitimacy of the United Nations' decision-making procedures on issues of global peace and security is, of course, itself an enterprise that is dependent upon the political conditions of the less than ideal manner in which decisions are made at the UN. This is an inevitable factor that no treatise on UN reform can ignore, and it is, therefore, imperative to clarify and analyze both the potential political driving forces for institutional change as well as the obstacles such proposals may encounter.

This chapter will discuss the political conditions that determine the feasibility of UN reform. It will review the institutional procedures required for a revision of the UN Charter and discuss the conditions for legally less demanding procedural reforms. Together with empirical examples of successful and unsuccessful initiatives and an overview of the basic fault lines among the UN membership regarding the issue, this will provide the foundation for the elaboration of the key criteria to be taken into account when considering the political feasibility of proposals for reform. Such a conceptual framework is necessary for the systematic evaluation of the large number of proposals that are to be dealt with.

UN Reform

The founders of the United Nations created stringent requirements for amending the Charter. To them, the Charter presented a still delicate compromise, achieved in tedious and painstaking negotiations, which had to be set in stone if it were to serve as the foundation of a new world order. The relevant article reads "[a]*mendments to the*

present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations, including all the permanent members of the Security Council."[99] On paper, the fact that the approval of amendments by the permanent members is necessitated only in the process of ratification but not in the vote for adoption in the GA seems like an insignificant technicality. The history of UN reform demonstrates, however, that in practice, this legal detail can make a big difference.

In an effort to appease those states that had only grudgingly acquiesced in the inequities of the Charter, the P5 agreed on establishing an automatic review mechanism.[100] Article 109, by promising a review conference, was meant to function as such: if after the first 10 years following the foundation of the UN, no review conference had been held, the issue should automatically be placed on the agenda of the GA. The conference would have required the same prerequisites for amendments as the respective GA procedure, i.e., the approval of two thirds of the Member States and the subsequent ratification by two thirds, including all of the P5. Yet, history confirmed the fears of the founders that the charter presented a unique compromise, a product of extraordinary and temporarily limited circumstances, which only a few years later would have appeared unachievable.[101] The ensuing rivalry of the

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[99] *Charter of the United Nations*, Chapter XVIII, Article 108,
http://www.un.org/en/documents/charter/chapter18.shtml
[100] Edward Luck, "Reforming the United Nations: Lessons from a History in Progress", in: Jean Krasno (ed.), *The United Nations: Confronting the Challenges of a Global Society*, Boulder, Co; London: Lynne Rienner 2004, p. 362.
[101] Richard Falk, "Reforming the United Nations: Global Civil Society Perspectives and Initiatives", Glasius, Marlies, Mary Kaldor and Helmut Anheiner (eds.), *Global Civil Society Yearbook 2005/2006*, London: Sage 2005, p. 170.

superpowers destroyed any hopes for reform and rendered article 109 inconsequential: in the end, no review conference was held.

The stringent legal requirements for amending the Charter explain why, in its now almost seven decades of existence, it has occurred on only three accounts, and only one of these cases pertains to the UN's governance of issues of global peace and security.[102] All three of these reforms were the result of the process of decolonialization and the ensuing influx of new Member States. By 1963, the UN had grown to 114 members, more than double its original membership. This increase in membership changed its regional balance and thereby entailed a relative over-representation of Europe and Latin America in the Security Council. Hence the new supermajority of developing states in the GA pressed for increased representation, but since all of the permanent members – except China – had announced their opposition to such a reform, these efforts seemed destined to fail.

Nonetheless, in December 1963, the GA passed resolution 1991 which called for an expansion of the SC from eleven to fifteen members. Of the P5, only China voted in favor of this resolution. As more and more countries ratified the resolution, however, the superpowers succumbed to their rivalry for influence with the developing states. After the Soviet Union changed its mind and ratified the amendment, the P3 were quick to follow, and in 1965, the Council was expanded. As this case demonstrates, even if a resolution calling for amendments is initiated without the support of all of the P5, it can ultimately succeed by building up momentum in the process of its ratification.

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[102] The other two amendments modified the Economic and Social Council.

Although there has been only one amendment to the Charter concerning the decision-making procedures on issues of global peace and security, this does not mean that the system has remained static in the last decades. Over the years, many lower-level procedural modifications have notably altered the UN's decision-making. The most significant development in the decision-making of the Council throughout the Cold War was its increasing recourse to negotiations behind closed doors. The first surge in the number of the private 'consultations of the whole' took place in the late seventies when the Consultation Room was built,[103] and a second noticeable increase occurred in the early nineties.[104] By this time, as the Permanent Representative of France, Jean-Bernard Mérimée, complained in 1994, this type of meeting had *"become the Council's characteristic working method, while public meetings, originally the norm, are increasingly rare and increasingly devoid of content: everyone knows that when the Council goes into public meetings everything has been decided in advance […] informal meetings are not even real Council meetings at all; they have no official existence, and are assigned no number. Yet it is in these meetings that all the Council's work is carried out."*[105]

There is, in addition to the sheer numbers, ample evidence that today most issues are decided in consultations of the whole: procedural votes in the Council have become very rare, votes on the adoption of the agenda hardly occur anymore and seldom does a draft resolution fail when put to the vote.[106] The significant decrease in the use of

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[103] Jochen Prantl, "Informal Groups of States and the UN Security Council", *International Organization*, 59 (3), 2005, p. 572.

[104] Dominik Zaum, "The Security Council, the General Assembly, and War: The Uniting for Peace Resolution", in: Vaughan Lowe et al. (eds.), *The Security Council and War: The Evolution of Thought and Practice since 1945*, Oxford: Oxford University Press 2008, p. 164.

[105] United Nations Security Council, "Security Council working methods and procedure", *UN Doc No. S/PV.3483*, 1994.

[106] Michael Wood, "Security Council Working Methods and Procedure: Recent Developments", *International and Comparative Law Quarterly*, 45 (1), 1996, p. 155.

the veto, mostly celebrated as a symbol of the post-Cold War consensus among the P-5, is also rooted in the increasing use of consultations of the whole. The – legally – unofficial consultations of the whole are today listed in the *UN Journal* under the section that is designated for official meetings of UN bodies.

In addition to the increased recourse to closed meetings, the expanding work load of the SC further aggravated discontent with its decision-making procedures. The end of the Cold War saw a tremendous jump in Council activity: in the period between March 6, 1991 and October 13, 1993, the SC adopted 185 resolutions, compared to only 685 resolutions in the previous 46 years. These numbers testify to the Council's prodigious activity in the post-Cold War years.[107] This trend has continued, albeit in a less dramatic and more incremental fashion, up to this day. More and more issues are being tabled on the Council's agenda and its responsibilities are expanding steadily. This does not only severely limit the time available for the deliberation of individual issues but it also makes it more difficult for outsiders to track developments in the Council's decision-making processes.

The Political Fault Lines

An evaluation of the feasibility of proposals for the reform of the UN necessitates a clear perspective on the political fault lines and voting alignments among its membership. In this regard, the issue of UN reform is a particularly complex matter, as it does not fit neatly into the usual voting blocs and varies in respect to the different aspects of reform. I will briefly analyze the fault lines regarding those aspects of reform that are crucial in promoting a deliberative system of decision-making

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[107] David Malone, "Introduction", in: David Malone (ed.), *The UN Security Council: From the Cold War to the 21st Century*, Boulder; London: Lynne Rienner 2004, p. 6.

procedures for the UN's governance of global peace and security: the reform of (1) the SC's membership and voting rights, (2) the SC's working methods, (3) the relationship between the SC and the GA, and (4) the relationship between the SC and Civil Society.

(1) The composition and voting procedures of the Security Council have been controversial issues that predate the inauguration of the UN, and there has not been one moment throughout its history in which reform has not been up for discussion. Yet, as mentioned above, to this day the SC has only once been substantially reformed when it was expanded in 1965. The issue of Council reform was again officially placed on the agenda of the GA in 1979, but it was not until after the end of the Cold War, as the SC was freed of its deadlock and its level of activity soared to new heights, that both the interests in, as well as the perceived prospects of substantial reform increased significantly.

On the grounds of their importance as global economic powers and financial contributors to the UN, Germany and Japan began lobbying for permanents seats on the Council. From their perspective, there was no stronger reason for France and the UK to enjoy this privilege than there was for them to do so, and many Member States could follow their logic, as did Italy, albeit with a very different idea of how to deal with this situation. Fearing its degradation relative to the other European powers, France, Germany and the UK, the Italian government proposed one permanent seat for the EU as a whole.[108] Since this would have required of France and the UK to give up their seats and of Germany to give up its aspirations, the plan had no chance of

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[108] Dimitris Bourantonis, *The History and Politics of UN Security Council Reform*, London; New York: Routledge 2005, p. 35.

success. The antagonism between Italy and Germany, however, is, to this day, one of the keys to understanding the politics of SC reform.

When in September of 1992, a number of states from the Non-Aligned Movement (NAM), first and foremost India, also began pressing for a reform of the SC, the P5 could no longer contain the debate. In an effort to defuse some of the mounting pressure for substantial reform, they introduced a number of measures to fulfill NAM's demands for more transparency in the SC's decision-making procedures. But while the latter acknowledged the improvements made in subsequent years, they also made it clear that "*procedural reformulations in the working methods of the Council, meritorious as they may be, should not be taken as palliatives for a substantial restructuring of the Council itself.*"[109] So far, the continued calls for substantial reform remain inconsequential for a different reason: while basically the entire membership of the UN calls for a reform of the SC, opinions on what these reforms should entail diverge widely. Much to the convenience of the P5, who are left in a position in which they can apply a policy of *divide et impera*, there is fierce opposition between the various interest groups. Efforts at overcoming these frictions, such as the incremental Razali Plan[110] in 1997 or Kofi Annan's push for comprehensive reform articulated in 2005 in his report *In Larger Freedom,*[111] failed on account of the seemingly incommensurable expectations of the Member States.

Over the years of debate on SC reform, more or less coherent groups of states with common interests and expectations regarding the matter have formed themselves.

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[109] United Nations Security Council, "Security Council Working Methods and Procedure", *UN Doc. No S/PV.3483*, 1994.
[110] http://www.globalpolicy.org/component/content/article/200/41310.html
[111] United Nations General Assembly, "In Larger Freedom: Towards Development, Security and Human Rights for All. Report of the Secretary-General*", UN Doc No. A/59/2005*, 2005.

Today there are basically four such groups among the membership: The Group of Four (G4), the Uniting For Consensus group (UFC), the African Group, and the P5. The G4 is the group of states most determined in pushing for a substantial reform of the SC. It derives its name from the alliance of four states: Brazil, Germany, India, and Japan. United by their common goal of acquiring a permanent seat on the Council, these powerful states have bundled their influence on the UN membership in order to press forward the process of reform. The main opposition to the G4 is posed by the UFC. This is a group that is made up mainly of middle-power states who perceive an upgrade of the status of the G4 as a relative deterioration of their own position. Many of the UFC members are the regional rivals of the G4 states: Italy and Spain oppose Germany, Argentina and Mexico oppose Brazil, Pakistan opposes India, and South Korea opposes Japan, but the group also includes states such as Canada or Turkey who are less motivated by regional dynamics. Instead of new permanent seats, UFC demands only new non-permanent seats.

The African Group is the most complex cluster of states. On the face of it, this group is united behind the goal of achieving greater representation of Africa through both additional permanent seats and additional non-permanent seats. The unity demonstrated to the outside world, however, veils only thinly the fundamental disagreements within the group. While the African Group generally expects to acquire two new permanent seats for the region, there is no consensus on which states should gain these. The most prospective candidates are Egypt, Nigeria, and South Africa, but a number of other states as well claim to be suitable candidates. Then there are also several states who officially support the position of the group, such as Algeria, but at the same time attempt to stall the process of reform by insisting on the immediate and

full veto-right for new permanent members of the Council – a demand perceived as so unachievable that even the G4 have somewhat relaxed their position on it. This insistence leaves the latter torn between their dependence on African votes on the one hand and the need to make SC reform acceptable to the P5 on the other. The African Group therefore holds the potential to tip the scales in favor of the G4's reform proposal, but the group's internal discord is very unlikely to allow for this to unfold.

In the perspective of a number of comparatively smaller states, neither of these alternatives is found to be attractive. Since either way their chances of Council membership would remain very slim, they do not have a real interest in an expansion of permanent or non-permanent seats. For this reason, some of them demand procedural improvements rather than a reform of the membership of the SC. The P5, finally, are mainly interested in maintaining their privileges and are therefore comfortable with the discord among the other groups, which allows them to give lukewarm support to the aspirations of selected countries knowing that others will prevent them from achieving these. At times, of course, some of the P5 display more flexibility than others, but their enthusiasm for a reform of Council membership is generally limited. At first, it was France and the UK who were the most opposed to a reform of the membership, later it was the US, and today Russia is the permanent member most obvious in its reluctance to support reform.

(2) The drastic rise in Council activity in the early 1990s led also to demands for change in its working methods. The wider UN membership increasingly voiced its dissatisfaction with the SC's lack of both transparency and opportunities for direct or indirect participation of non-Council Members while others, particularly the P5, grew

more and more concerned about its ability to keep up with the pace of developments due to the sprawling number of items on its agenda. In response to this, France in 1994 convened an open debate in the SC on the subject of improving its working methods.[112] This debate initiated a slow and careful process of procedural changes throughout the second half of the decade that included innovations such as briefings to outsiders and new meeting formats. Yet these reforms did little to meet the expectations of the wider membership. The issue was discussed further during the Millennium summit of 2005 and was included in the outcome document as the recommendation to *"continue to adapt its working methods so as to increase the involvement of States not members of the Council in its work, as appropriate, enhance its accountability to the membership and increase the transparency of its work."*[113]

This recommendation set off two separate but related campaigns for the reform of the Council's working methods. On the one hand, Japan assumed the chairmanship of the SC's Informal Working Group on Documentation and Other Procedural Questions (IWGD) allowing it to push the issue from within the Council. The outcome of these efforts was the Note of the President 507 which gives a comprehensive overview of various issues regarding the Council's working methods.[114] After being again elected into the SC for the years 2009-2010, Japan had itself reappointed as chair of the IWGD and formally updated Note 507 which today still serves as the basis for all of the open debates in the SC on working methods.

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[112] United Nations Security Council, "Security Council working methods and procedure", *UN Doc No. S/PV.3483*, 1994.
[113] United Nations General Assembly, "2005 World Summit Outcome", *UN Doc No. A/60/L.1,* 2005.
[114] United Nations Security Council, "Note by the President of the Security Council", *UN Doc No. S/2006/507*, 2006.

On the other hand, Costa Rica, Jordan, Liechtenstein, Singapore and Switzerland formed in 2005 the group that came to be known as the Small Five (S5) and began a campaign to increase pressure from the outside for a reform of the Council's working methods. As relatively small Member States, the S5 do not have much at stake in the debate on the expansion of the SC, and they therefore felt the need to emphasize the issue of working methods. In 2006, they circulated in the GA a draft resolution with the title *Follow up to the Millennium Summit* that included suggestions for more opportunities for the participation of the wider membership in the Council's deliberations.[115] Although, in the end, the S5 decided not to put the draft to a vote, they decided to continue lobbying the Assembly on these matters.

In 2008, the S5, aided by Costa Rica's Council membership at the time and despite initial resistance from the P5, together with Belgium succeeded in lobbying for an open debate in the SC on the implementation of Note 507.[116] Being the first of its kind since 1994, this debate gave new impetus to the cause, and by mobilizing much of the membership to speak out on the issue, it increased the pressure on the SC to review its working methods. During its presidency in 2011, Portugal held another open debate on the implementation of Note 507.[117] Portugal had assumed its membership on the Council with the ambition of taking over Japan's role as champion for the reform of working methods. Because the US dreaded too much activism on the issue, however, it lobbied the other P5 into appointing Bosnia-Herzegovina as chair of the IWGD.[118] This did not deter Portugal from convening the open debate, and in 2012 it was finally

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[115] Security Council Report, *Security Council Transparency, Legitimacy and Effectiveness: Efforts to Reform Council Working Methods 1993-2007*, New York 2007, p. 2.
[116] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.5968*, 2008.
[117] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.6672*, 2011.
[118] Interview at the Office of a NGO involved with the Security Council, New York, 12 June 2012.

assigned the chair of the IWGD, a position it has used to promote various innovations in the Council's working methods.

Despite these efforts from within the Council, the S5 grew increasingly weary of the SC's sluggishness in improving its working methods and continued its campaign to build up pressure from the outside. The main objective was still to obtain a resolution of the GA that would call upon the SC to put comprehensive reforms in place. Possibly encouraged by the vetoes of China and Russia against a draft resolution condemning the actions of the Syrian government against its own population,[119] which in the GA evoked widespread dissatisfaction with the Council's inaction, the S5 decided that the time was ripe to table a resolution that combined a number of suggestions for the improvement of the Council's working methods with the demand that the P5 agree to limit the application of the veto.[120]

The reactions to the S5's draft resolution varied greatly. Somewhat surprisingly, the G4 were very supportive of the initiative. Previously, the group had regarded the S5's attempts to draw attention to the issue of SC working methods as a distraction from its own campaign for new permanent seats and it had, therefore, opposed the draft circulated in 2006. As there had been no movement regarding the expansion of the Council since then, the G4 now came to the conclusion that progress regarding the working methods might bring about a new dynamic in the entire reform debate and that a qualified majority of the GA in favor of reform might set a precedent for further action.[121] For the S5, this backflip turned out to be both a blessing and a curse: on the

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[119] Interview at a Permanent Representation of a UN Member State, New York, 15 June 2012.
[120] The draft resolution of the S5 is available at
http://www.centerforunreform.org/system/files/S5+Reform+draft+resolution.pdf
[121] Interview at a Permanent Representation of a UN Member State, New York, 6 June 2012.

one hand, the G4's endorsement would have brought with it the support of many other states if the draft had been put to the vote. On the other hand, however, the rest of the UN membership followed the G4's reasoning in linking the issue of working methods with that of the expansion of the Council, and the S5's draft, therefore, ended up in the very same cul-de-sac that characterizes the debate on expansion.

The UFC immediately grew suspicious of the G4's support for the draft resolution and decided to prevent it from being passed in the GA. This became evident when the UFC, particularly Italy, together with China strongly lobbied the President of the GA with the intention of convincing him that the draft had to be regarded as part of the intergovernmental negotiations on SC reform and therefore required a qualified rather than a simple majority in order to be passed.[122] As a result of these efforts, the PGA consulted the UN's Office of Legal Affairs on the matter and received the advice that the draft resolution did indeed require a qualified majority. Several months later, in November 2012, the Singaporean representative aired his frustration: "*In response to a query from the President of the General Assembly at its sixty-sixth session, the Office of Legal Affairs (OLA) gave an interpretation that "it would be appropriate if the General Assembly were to adopt the draft resolution with the affirmative vote of two-thirds of the General Assembly membership". Member States learnt of that legal opinion, not from OLA or even from the President of the General Assembly, who had first raised the query. Instead, it was a permanent member who faxed and emailed OLA's legal opinion to all Member States the morning of the formal consideration of the draft resolution, with the admonition to all Member States to support a no-action motion on A/66/L.42/Rev.2. How did that P-5 mission procure the OLA's legal*

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[122] Interview at a Permanent Representation of a UN Member State, New York, 6 June 2012.

opinion, even before the President of the General Assembly himself had circulated it to the United Nations membership? What does that say about the P-5's real position on working methods of the Security Council? Do deeds match words?"[123]

The P5 are generally opposed to any outside effort to change the working methods of the SC. Since the Council's procedures are the key to the control of much of its decision-making, they share a common interest in maintaining a tight grip on these matters and do not tire of emphasizing that the determination of the working methods of the Council is its exclusive prerogative. The opposition of the P5 to the S5's draft resolution was amplified by its provisions regarding the application of the veto, which, as particularly Russia made clear to the S5, was perceived as an affront to their privileges.[124] The S5 had in previous months invited each presidency of the SC to discuss the issue of working methods in an informal setting, and when China took up the office in May 2012, it received the same invitation. Although China formally accepted the offer, in the discussions it quickly became clear to the S5 that it was not willing to engage seriously.[125] Instead, China went to great lengths in lobbying against the draft in the GA, and the P3, although less rigid in their response to the S5's initiative, also left no doubt about their rejection of the draft.

In the end, the opposition of the P5 was not entirely unexpected, but many at the UN were surprised at its forceful nature, and it seems that the S5 hit a sensitive nerve with their initiative.[126] Later that year, the Russian PREP stated very bluntly that "*the*

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[123] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.6870*, 2012.
[124] Interview at a Permanent Representation of a UN Member State, New York, 8 June 2012.
[125] Interview at a Permanent Representation of a UN Member State, New York, 8 June 2012.
[126] Interview at the United Nations Secretariat, Department of Political Affairs, New York, 7 June 2012.

working methods themselves and any potential possible modifications to them are the responsibility of the Council itself. That is a very sensitive issue in the context of the reform of the Council, and discussion on that topic should not be subjected to populism."[127]

Just as with the debate on the expansion of the SC, the internal divisions of the African Group became the key obstacle to the adoption of the S5's draft resolution. Although many African states were in favor of the initiative, the opposition to the proposal was amplified by China's vigorous lobbying within the group.[128] This frustrated any attempt to establish a regional consensus and prevented the group from taking a position in the debate. When on the evening before the scheduled tabling of the draft in the GA the S5 invited the African group to a discussion, the latter declined the offer. For the S5, this was the final blow to their initiative: for reasons of legitimacy, the endorsement of the African group had been particularly important to them, and although it was still unclear whether a qualified majority in the GA was out of reach, they decided to withdraw the draft.[129]

Unfortunately for the S5, their initiative became deeply entangled with the debate on the expansion of the SC, which prevented the UN membership from evaluating it on its own merits. The failure of the draft resolution demonstrates just how entrenched the fault lines in the debate on reform have become, and hence, how difficult it is for any formal approach to institutional change to succeed. In the end, it is likely that the debate on the S5's draft resolution contributed to a further deepening of these trenches

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[127] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.6870*, 2012.
[128] Interview at a Permanent Representation of a UN Member State, New York, 15 June 2012.
[129] Interview at a Permanent Representation of a UN Member State, New York, 6 June 2012.

rather than achieving any type of progress. It amplified the mutual distrust of the G4 and the UFC, it conjured a manifestation of the disunity within the African group, and most importantly, it further alienated the P5 who perceived it as an affront against their privileges and an assault on their status. According to some diplomats at the UN, the hard-headed approach of the Swiss PREP in the negotiations on the draft only served to harden the attitude of the P5.[130] Moreover, there are some early signs that the failure of the S5's attempt to put pressure on the P5 to allow for change in the Council's working methods has emboldened the latter in their exclusive approach to decision-making.[131]

The failure of the S5's draft also places a question mark behind the group as such. Singapore will not continue its work in the group, and for a small state such as Liechtenstein, it is likely that a cost-benefit calculation of the momentary situation might lead it to reassess its priorities in the designation of its limited resources. The S5 do, however, attempt to continue their quest for the reform of the Council's working methods and will seek to broaden their base and include in their initiative various other states that have over the years cooperated closely with them. In conclusion, while the initiative is not dead, the S5 are currently licking their wounds and will need to reorder their ranks before continuing their cause. In late 2012, the Swiss PREP explained that, "[w]e […] *intend to continue our engagement in the former group of five small nations under a new configuration, and we are currently holding promising consultations to that end.*"[132]

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[130] Interview at the United Nations Secretariat, Department of Political Affairs, New York, 7 June 2012.
[131] Interview at the Office of a NGO involved with the Security Council, New York, 12 June 2012.
[132] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.6870*, 2012.

Regardless of this setback, the issue of reforming its working methods has now established itself firmly on the agenda of the Council. During its presidency in November 2012, India, together with Portugal, organized a further open debate on the subject in the SC, and the intention was expressed that such a debate will henceforth be convened on a yearly basis.[133] The increase in frequency of these meetings reflects the steady increase of attention assigned to the topic by the UN membership and constitutes a partial success on behalf of all those who have been lobbying for a reform of the Council's working methods over the past two decades.

(3) The most important factor for the involvement of the GA in issues of global peace and security is its institutional relationship to the SC. Although the Charter guarantees the Council the primary responsibility for the maintenance of global peace and security, the Assembly often attempts to influence the former's decision-making and, at times, it even takes matters in its own hands – the strongest example being its application of the Uniting For Peace procedure. Indeed, the involvement of the GA in issues of global peace and security, as well, has been a matter of contention since the early days of the UN. More recently, the issue of strengthening the role of the GA has been discussed at the UN in terms of its 'revitalization.' Although some Member States have criticized the suitability of this term because, to them, the need for revitalization implies that the GA was 'dead', it has become deeply embedded in the diplomatic vocabulary at the UN.[134] The Member States' discussions on the revitalization of the GA are driven by the question of the right balance between the two institutions.

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[133] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.6870*, 2012.
[134] See, for example, the remarks of the President of the 62nd General Assembly at the Carnegie Council: http://www.carnegiecouncil.org/resources/transcripts/0016.html

The general perception in the membership is that in the early years of the UN, the GA was much stronger than it is today. In the 1950s, after all, the Assembly had played a determining role in the Korean War as well as in the Suez Crisis. At that point in time, the Assembly was dominated by the US and its allies, and the latter were, therefore, inclined to increase its stature vis-à-vis the Council, where the Soviet Union could block any resolution with its right of veto. This changed, however, in the process of decolonialization: the incoming Member States created a new voting bloc of countries from the global South. NAM disassociated itself from both the Western and the Eastern blocs, and ever since, the developing countries have dominated the Assembly by force of overwhelming numbers.[135] Together with their majority in the GA, the US and its allies lost their interest in strengthening the Assembly, and along with its instrumental value for either of the superpowers, the GA shed much of its impact on global peace and security.

Yet, it was not until the end of the Cold War that there occurred a significant shift in the balance of power between the GA and the SC. In addition to taking its weight out of the Assembly, the US and its allies now decided to throw it in with the Council. The end of the Cold War also brought an end to the 'automatic' veto of the Soviet Union, and hence the West discovered the Council's utility as an instrument of global governance. In the last two decades, the SC has not only elevated its frequency of activity but has also increasingly engaged in policy areas that 30 years ago would have been deemed to fall exclusively within the purview of the GA.

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[135] It is important to distinguish between the developing countries of the global South in general and NAM in particular as, depending on the occasion, the G77 is preferred as a platform for South-South coordination.

These developments shape today's debates on reforming the relationship between the SC and the GA. From the perspective of NAM, there is a strong imperative to reassert the authority of the GA vis-à-vis the SC. In 2010, e.g., speaking on behalf of NAM, the Egyptian Permanent Representative, Magded Abdelaziz, demanded that "*the Council should stop encroaching on the functions and powers of the General Assembly and the Economic and Social Council through addressing issues which traditionally fall within the competence of these organs.*"[136] On the other hand, many of the developed states dread the automatic supermajority of the developing states in the Assembly and do not show real interest in empowering this institution at the cost of the SC. Since they often perceive their influence on the decision-making of the Council to be higher than that they have on the Assembly, many developed countries attempt to focus the debate on revitalization on reforms aiming at the GA's internal procedures rather than on those concerning the relationship between the two bodies.

Yet, it would be an oversimplification to argue that the fault line on the revitalization of the GA represents a clear cut between developed and developing states. Since the one-state-one-vote system of the GA disproportionally augments the stature of smaller states, the attitude towards the revitalization of the GA also depends on the size of the state.[137] Some of the smaller of the developed Member States, such as Switzerland or Liechtenstein, have traditionally been very outspoken on the need to strengthen the role of the Assembly in respect to the Council. Indeed, augmenting the GA's influence on the deliberations within the SC is an essential part of the S5's agenda on reforming the Council's working methods. Among the developing states, on the other

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[136] United Nations General Assembly, "Report of the Security Council", *UN Doc No. A/65/PV.48*, 2010.
[137] Joseph Schwartzberg, *Revitalizing the United Nations: Reform through Weighted Voting*, New York: Institute For Global Policy, World Federalist Movement 2004.

hand, there are some that advocate for the expansion of the Council's mandate. The Small Island States, e.g., are hoping for the SC to take up the issue of climate change in order to enforce measures that would combat rising sea levels.

(4) When it comes to the question of how to involve NGOs in the UN's decision-making procedures, the fault lines among the membership are even more complex. Even though the word 'partnership' is today often used at the UN to describe the relationship between Member States and NGOs, it is clear that the former neither see themselves on par with the latter, nor do they perceive such a status as desirable. The UN is essentially an intergovernmental institution, and even governments well-disposed to NGOs will not consider affording them the same rights and obligations as Member States. In the eyes of the latter the question is merely: should we listen to NGOs and if so up to what point?

Nonetheless, NGOs have been a part of the UN since its very beginning. They were present at the negotiations on the UN Charter and successfully lobbied for a pathway into the organization: Article 71 allows ECOSOC to "*make suitable arrangements for consultation with non-governmental organizations.*"[138] Eventually, these arrangements were put into effect, and ECOSOC established a roster for NGOs with official relations with the UN, the number of which has increased greatly over the years. In 1948, there were 41, in 1967, already 377, and following a boost of NGO involvement in the 1990s, their number had reached 1350 by the end of the century.[139] In the last two decades, NGOs have progressively made inroads on the UN's intergovernmental deliberations. The large UN conferences of the 1990s, such as the

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[138] *Charter of the United Nations*, Chapter X, Article 71.
[139] Chadwick Alger, "The Emerging Roles of NGOs in the UN System: From Article 71 to a People's Millennium Assembly", *Global Governance*, 8 (1), 2002, p. 95.

Earth Summit in Rio de Janeiro or Habitat II in Istanbul, where NGO participation soared to new levels, encouraged the NGOs to become more involved in decision-making at Turtle Bay as well.

The issue of NGO participation came to the fore when in 1997 a debate flared up in ECOSOC on whether the GA as well should establish a permanent official status for NGOs. The faction in support of this measure was made up of the Group of 77, Canada and New Zealand, while the US and the EU strongly opposed such a move. At that time the larger part of the developing world regarded the NGOs as allies against the developed states in their fight for more equity in the Bretton Woods institutions, and the US and the EU appeared to share this perception. Only one year later, the alignments changed significantly: within NAM, the states in opposition to the strengthening of NGO involvement gained the upper hand, and the attempt to extend the latter's official status at the UN beyond ECOSOC lost all its prospects.

One explanatory factor for this shift within NAM was the growing number of states who were displeased by the NGO's incessant criticism of their human rights records. Another factor may have been the realization that more NGO involvement in one field of policy might automatically lead to more involvement in other fields such as disarmament or international conflicts.[140] In addition to this, 1998 saw incidents of excessive behavior by individuals accredited by NGOs at sessions of the Commission of Human Rights that further alienated the diplomatic community. According to

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[140] Peter Willets, "From 'Consultative Arrangements' to 'Partnerships': The Changing Status of NGOs in Diplomacy at the UN", *Global Governance*, 6 (2), 2000, p. 198

James Paul, Executive Director of Global Policy Forum, "*these embarrassing events have undermined NGO support by some state officials.*"[141]

Despite the failed attempt to gain official status with the GA at the close of the century, NGOs continued to make progress in lobbying for more participatory rights at the UN. In 2004, the UN Secretariat supported their cause with the publication of the Cardoso report which strongly recommended new guidelines and practices for NGO access and thereby rekindled the intergovernmental debate on these issues.[142] Yet, a number of Member States, first and foremost the United States, were unhappy with the content of the report, and many observers criticized its lack of concrete suggestions for improvement.[143] Opinions vary on the question of whether the Cardoso report has resulted in any improvements for NGOs. It is clear, however, that from the perspective of the NGOs there has been a backlash against their participation in recent years. The physical access of NGOs to the UN Headquarters in general has been challenged and, as a result, has become more restrictive. The SC in particular has reduced the access of the media and has cut back on its engagement with NGOs.

At the UN today, opinions on the participation of NGOs vary greatly. As Cora Weiss, President of Hague Appeal For Peace, points out: "*the willingness to listen certainly depends on the member state and the flexibility of thinking of the ambassador. The limits range from 0 to 100 percent. Some of them are really grateful to get information from* [us NGOs] *they can't normally get. There are some who are grateful that a certain point is brought to them not aggressively but with passion so*

[141] quoted in Alger, *The Emerging Roles of NGOs in the UN System*, p. 98.
[142] United Nations General Assembly, "We the Peoples: Civil Society, the United Nations and Global Governance", *UN Doc No. A/58/817*, 2004.
[143] Peter Willets, "The Cardoso Report on the UN and Civil Society: Functionalism, Global Corporatism, or Global Democracy?", *Global Governance*, 12 (3), 2006, pp. 305-324.

that they turn around and say that they will look into it and sometimes we will get feedback right away. There are other people, like the Bush administration, where you got the cold shoulder, and then there are countries that feel threatened by civil society."[144]

Concerning the SC in particular, the most significant differentiation on this matter is that between the Permanent Five (P5) and the Elected Ten (E10). There are several reasons why the latter are the "*more natural partners of the NGOs:*"[145] Frequently, the elected members find it difficult to exert their influence in the Council and, more often than not, the P5 present them with "*precooked meals*".[146] In this regard, the E10 are often inclined to see NGOs as allies against a monopolization of decision-making by the P5. When crucial information from the field is withheld by P5 members in an attempt to influence the decision-making of the E10, they can turn to NGOs to get a better picture of the situation on the ground. In 1997, e.g., several NGOs testified before the Council members that there was a refugee emergency in the Great Lakes region of Africa. This angered the US and France, who opposed action and had told the other members beforehand that their intelligence did not indicate such an emergency.[147] For this reason, as Michelle Brown, Senior Advocate of *Refugees International* points out, it is often those states that do not have missions or diplomatic representations in the country under discussion that are most willing to engage with NGOs.[148]

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[144] Interview with Cora Weiss, President, *Hague Appeal for Peace*, New York, 9 November 2010.
[145] James Paul, "Working with Nongovernmental Organizations", in: David Malone (ed.), *The UN Security Council: From the Cold War to the 21st Century*, Boulder, CO; London: Lynne Rienner 2004, p. 379.
[146] Interview at the Office of a NGO involved with the Security Council, New York, 12 November 2010.
[147] Paul, *Working with Nongovernmental Organizations*, p. 379.
[148] Interview with Michelle Brown, Senior Advocate, *Refugees International*, New York, 14 October 2010.

The different P5 members, in turn, have varying perspectives on the engagement of NGOs in SC affairs. Those who have been the most open towards the latter are France and the UK.[149] The US delegation is much more cautious in its approach to NGOs: as mentioned above, the Bush administration was extremely critical of NGO involvement in SC affairs, and while relations have improved since then, the NGO community is still not happy with the US mission's somewhat reserved attitude. Finally, according to one NGO representative, "*countries like China and Russia won't listen at all*."[150]

As mentioned above, some of the most outspoken supporters of NGOs in the UN membership are Canada and New Zealand. There are, furthermore, a number of states such as Bangladesh, Chile and Mexico who, depending on the permanent representative in office, have given strong support to the NGO community at the UN in its attempts to become more involved with the SC. It is, however, the most vulnerable Member States from whom the NGOs receive the most wholehearted support. The Small Island States, e.g., have literally a vital interest in working together with NGOs in their fight for Council action against climate change. Some sub-Saharan African Member States also tend to see the NGO community at the UN as political allies in the pursuit of development and of a more just distribution of global wealth. The European states most in favor of NGO participation are usually the Nordic countries, but Austria, as well, has recently promoted them strongly. Some of the others are more ambivalent in their attitudes - much like the US.

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[149] Michelle Brown, *Refugees International*.
[150] Interview at the Office of a NGO involved with the Security Council, New York, 12 November 2010, New York, 10 November 2010.

Finally, as Joseph Donelly from Caritas Internationalis puts it *"there's about a third of Member States who believe that NGOs have no place here."*[151] Most of these states are ruled by autocratic governments, but there are also a number of democratic states who are strongly opposed to meaningful NGO participation. These are mainly developing states who are annoyed by public denunciation or who fear outside influence more than they need assistance, i.e., usually the more powerful members of NAM. In conclusion, it is important to recognize that the fault line on the question of NGO involvement does not run along the North-South divide as it is often portrayed: both developed and developing states are split on this issue.

Evaluating the Feasibility of Reform Proposals

Having discussed the historical, legal and political background of UN reform, I will now complete the framework for the systematic evaluation of the feasibility of proposals for change at the UN by elaborating a list of criteria that must be taken into account in such an assessment. In order to evaluate the feasibility of a proposal, the following issues have to be scrutinized:

1. What are the requirements for the reform proposal to be adopted into practice? The obstacles for adoption differ depending on the specific nature of the proposal. In this regard, the most important factor is whether it requires an amendment of the UN Charter or not. The fact that there have been only three amendments to the Charter in its now almost 70 years of existence illustrates the difficulty of such adjustments. It is clear from the legal requirements for UN reform, from the history of reform, as well as from the current political situation with regard to the subject matter that procedural

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[151] Interview with Joseph Donnelly, International Delegate to the UN, *Caritas Internationalis,* New York, 5 November 2010.

adjustments are much easier to achieve than a substantial reform. Especially when UN reform becomes a question of status for the Member States, as is the case in the debate on SC membership, it is perceived to be a matter of primary concern to all, regarded as vital to the national interest. In this case, there is little room for anything but subjective appraisal of the utility of proposals, and negotiation is made harder by the unwillingness to make so much as the smallest concessions. Procedural adjustments, on the other hand, are not necessarily perceived as a question of status by the Member States and, therefore, draw less opposition. Since such adjustments are usually contended less heavily than substantial reforms, their feasibility often becomes a matter of detail, focus, and determined mobilization of support.

The second important factor depending on the type of the reform proposal is the role of the P5. Their role is especially important should the reform require an amendment to the Charter. As above mentioned, such amendments require the ratification of all of the permanent members of the SC. Nonetheless, the history of UN reform suggests that the veto power of the P5 is less absolute in practice than it is on paper. The successful reform of the SC in 1965 on the one hand, and the fruitless attempts of recent years on the other, demonstrate that the main obstacle to the amendment of the UN Charter is not the requirement of ratification by the P5, but the attainment of a supermajority in the GA. Once a proposal is approved by the GA, there is considerable pressure on the P5 to ratify it. In other words, the lack of support from the permanent members, *per se*, does not condemn a proposal to failure.

In addition to those that require an amendment of the Charter, any reform proposal that concerns the SC usually also entails an elevated role of the P5. The simple fact

that the latter have sat on the Council continuously for its entire existence gives them a degree of ownership that is hard for any of the other states to contest, who, if they are fortunate enough, are allowed to be members for only a limited length of time every few years. Brazil and Japan, the non-permanent members with the most time on the SC, have each sat on the Council for a total of 20 years, less than a third of the time of the permanent members.[152] The P5 have the advantage of expertise, they have exclusive inside knowledge on long-term developments and, very importantly, they have, in practice, a near monopoly on the ability to establish and maintain procedural conventions. Thus they have unequaled influence on the way in which the Council conducts its business. The elected members can attempt to establish an innovative practice in the SC but once they finish their two year term, they are dependent upon the P5 to continue their incentive. Alternatively, the outgoing elected members can coordinate themselves with the incoming members in order to uphold certain procedural innovations, but this requires a unity in purpose and method among the elected members that is too often lacking in practice.

Furthermore, there is the question of funding: if a proposal for reform makes it necessary to hire more administrative staff or even entails the creation of a new agency, the approval of the main contributors to the UN's budget, i.e., first and foremost the US, but also Japan and the European states, becomes especially important. In the past, the US Congress has on more than one occasion successfully used its budgetary powers to pressure the UN to give in to its demands. This includes unilaterally deducting funds from its contribution that were meant for specific agencies that Congress does not approve of, late payment of its contribution, or the

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[152] http://www.un.org/sc/list_eng5.asp

outright refusal to pay any of its budgetary assessment until the UN gives in.[153] At the UN, the GA holds the budgetary powers, and the decisive negotiations on this matter take place in the Fifth Committee where, in the past, this issue was treated like all other 'important matters', i.e., decisions were made by a two-thirds majority. In the late 1980s, however, the US used its financial power over the UN to enforce that these decisions now have to be made by consensus, leaving the primary financial contributors with a *de facto* veto on budgetary matters, increasing their leverage even further. The important lesson of these events is that financial power can be used as both a driving force as well as a dead end for institutional reform.

Finally, the amount of time required by a potential reform of Council practice needs to be taken into consideration. The SC's shortage of time to deal with the many items on its agenda is already very worrisome and has the potential to create problems in situations of conflict. Some diplomats at the UN feel, e.g., that the transition to independence by South Sudan could have proceeded more peacefully had the Council's attention not been diverted to the revolutionary developments of the Arab Spring.[154] Time is a scarce resource in the decision-making procedures of the SC and an essential factor both in the quality of its deliberations as well as for its effectiveness. As Colin Keating warns, "[m]*any overworked Council Ambassadors would say that they are too busy with the day-to-day demands of the Council agenda and that there is no time to focus on working methods reform. There is some truth in this. Many would say that almost any reforms would involve additional costs, both for the Secretariat and more particularly national delegations, and, given the current*

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[153] Jeffrey Laurenti, „Financing the United Nations", in: Jean Krasno (ed.), *The United Nations: Confronting the Challenges of a Global Society*, Boulder, Co; London: Lynne Rienner 2004, pp. 281-283.
[154] Interview at a Permanent Representation of a UN Member State, New York, 6 June 2012.

global financial crisis, there would be no appetite for such reforms at this time. This is also true."[155]

2. Once the requirements for the adoption of a reform proposal have been clarified, it is necessary to determine the political forces that are in favor of said measure. This is not simply a matter of numbers, but rather it is important to take into account both the quantity as well as the quality of support. Concerning the former, the above analysis of the fault lines among the membership on the broader aspects of UN reform may serve as the main point of orientation for determining the groups that might be in favor of a reform proposal. Said analysis also demonstrates, however, that, with regard to reform, alliances are more often than not purely a matter of utility for the individual Member States, and group loyalties do not necessarily count for much. The difficulties of the African Group to contain their discordance, as well as the split within the European Union leaving Germany and Italy in an unusual hard-headed antagonism, are a case in point.[156] For this reason, it is impossible to think purely in terms of voting blocs and to automatically assume that a certain group would harmoniously approve or disapprove of a set of proposals. Instead, each and every suggested measure has to be thoroughly checked against the perceived interests of the UN membership.

With regard to the quality of the support, there are two important factors that can strongly influence the prospects of a reform proposal. Firstly, the official endorsement of a reform proposal by a Member State may be based purely on strategic reasons and

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[155] Colin Keating, *Reforming the Working Methods of the Security Council*, Berlin; New York: Friedrich-Ebert-Stiftung 2011, p. 5.
[156] Ulrich Roos, Ulrich Franke and Gunther Hellmann, "Beyond the Deadlock: How Europe can contribute to UN Reform", *The International Spectator*, 43 (1), 2008, pp. 43-55.

may count for nothing in practice. In the case of the expansion of the membership of the SC, e.g., the P5, knowing that the divisions among the membership are the key safeguard against an alteration of the status quo, apply a very subtle and successful strategy of *divide et impera* rather than bluntly threatening their veto and refusing cooperation. Each permanent member can endorse an aspirant for membership and reject another as long as their choices do not match and at least one of them is opposed to each candidate. In this way, endorsement is 'cheap' and without effect on the status quo. Much more than this, an official endorsement of a reform proposal can sometimes be a means to prevent reforms, as is the case with regard to the positions on the composition of the SC taken by some members of the African Group. Official positions on reform cannot, therefore, be taken at face-value, but must be checked against the broader diplomatic background in which they are stated.

Secondly, history shows that institutional change at the UN, albeit not impossible, does not come about easily – and certainly not quickly. For this reason, it is not sufficient for a reform proposal to have lukewarm support in the membership in order to be successful. Rather, an influential state or group of states must exist who make the proposal their cause, who demonstrate persistence in their advocacy and who are diplomatically skilled enough to convince the rest of the membership that the proposal is not contrary to their interests. As substantial reforms are by definition perceived as a matter of primary interest, this point is more important with regard to procedural adjustment and even more so when it comes to strengthening the participation of NGOs. As Edward Luck puts it, "[i]*nitially, it is better to try to persuade a few member states, including some of the smaller ones, to be actively committed to an idea than to have many delegations with warm and fuzzy feelings about it. Targeting*

is essential when dealing with a scattered organization with 188 directors and no CEO."[157] With regard to procedural reforms in the Council, *Security Council Report* comes to the key conclusion that achieving "*innovation in specific cases requires not only determination and a very good understanding of the rules and working methods, but also a strong political commitment – and sometimes political courage.*"[158]

3. The next step in the evaluation of the feasibility of a reform proposal is an analysis of the opposition to the suggested measure. It would be wrong to assume that all those who do not support a reform proposal are opposed to it. As shown above, policies on UN reform are rarely a matter of black and white, but instead involve numerous shades of grey. As with the evaluation of the support of a reform proposal, the same caveats concerning group loyalties, strategic positioning and degrees of determination apply with regard to its opposition.

The resistance to a specific reform proposal is largely dependent upon the existence of attractive alternatives, including the possibility of remaining at the status quo. As the reform of 1965 demonstrates, not everyone necessarily needs to profit from a proposal to make it achievable – not even the P5. All of the permanent members ratified the amendment only because they had reached a point at which they perceived a refusal to do so as more damaging to their interests than an enlarged SC. The platitude that politics is often the choice between two evils applies as well to the reform of the UN.

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[157] Edward Luck, "Blue Ribbon Power: Independent Commissions and UN Reform", *International Studies Perspectives*, 1 (1), 2000, p. 89.
[158] Security Council Report, *Security Council Working Methods – A Work in Progress?,* New York 2010, p. 2.

4. Finally, as some circumstances are more conducive to the attainment of compromise than others, the potential for movement in the negotiations on the reform proposal has to be assessed. The possibility of compromise strongly depends on the nature of the proposal itself: how easily can it be adapted to diverging expectations? While some suggestions for reform are a simple matter of either-or, many others have the potential to be modified to different degrees by alteration, expansion or reduction. The higher the flexibility of a proposal, the wider is the space for negotiations.

Naturally, it is not only the flexibility of the proposal that matters, but also that of the negotiators. If the parties involved are not willing to engage in a search for alternative solutions, there will be no compromise. It must be determined, therefore, how flexible the negotiators perceive their positions and how much they might be willing to concede. What are the negotiating windows for the actors involved, and how much overlap can be achieved? In how far is the proposal only a means to an end that could be reached via alternative routes? Should there be a history of negotiations on a proposal, this will also have an effect on the bargaining positions, as they may have become aggravated by symbolic overload and sunk costs. If, moreover, the negotiators at the UN are tightly bound by explicit and detailed instructions from their capitals, this will further reduce the space for negotiation.

The chances for a proposal to be put into practice depend not only on the respective quality and quantity of support and opposition, but also on the strength of their bargaining positions in the negotiations. Is the approval of the opposition a sine qua non or could there be partial progress or even full implementation without its acquiescence? Finally, how likely is the emergence of a potential game changer in the

near future? Is it possible to discern developments that might soon change the priorities of the negotiators?

Conclusion: The Feasibility Score

The history of institutional reform of the UN illustrates the overwhelming inertia that any proposal for change must face when introduced into the arena of international politics at Turtle Bay. Yet, although it is wise to have very humble expectations, there is also clear evidence that change is not impossible. By clarifying the legal requirements for institutional change, reviewing the history of UN reform, analyzing the political fault lines within the membership regarding the respective areas of interest, and by extracting the key criteria that have to be taken into account when considering the political feasibility of proposals for reform, I have laid the basis for a systematic and comprehensive evaluation of the possibilities for change in the UN's decision-making procedures on issues of global peace and security.

In essence, the larger questions to be answered are: (1) What are the requirements in order that the reform proposal be put into practice? (2) Is there strong support for this proposal? (3) Is there strong opposition to the proposal? Since there are some proposals which have not been considered by the UN membership, in these cases the hypothetical level of support and opposition will have to be deduced from a consideration of debates on similar issues, from the general political fault lines in the membership and from the pronounced general interests of the Member States. (4) How conducive to compromise are the circumstances of the negotiations on the proposal? In order to allow for systematic comparison of the large number of proposals to be analyzed, it is necessary to quantify the answers to these questions.

For this reason, a 'Feasibility Score' for each proposal will be determined according to this procedure:

1. REQUIREMENTS: If the requirements are very demanding, one negative point is given; if they are somewhat demanding, no point will be given and if they are relatively undemanding, one positive point is given.

2. SUPPORT: Should the support for a proposal be very strong, one positive point will be given; should it be relatively strong, no point will be given and should there be only lukewarm support, one negative point will be given.

3. OPPOSITION: If the opposition against a proposal is very strong, one negative point will be given; if it is somewhat strong, no point will be given and if it is relatively weak, one positive point will be given.

4. NEGOTIATIONS: Should the circumstances of the negotiations on the proposal be obstructive to compromise, one negative point is given; should they afford some potential for negotiation, no point will be given. Should they be clearly conducive to the attainment of compromise, one positive point will be given.

All these points will be added up to determine the proposal's FEASIBILITY SCORE on a range from -4 (impossible) to +4 (very likely).

III. Overview of Reform Proposals

This thesis will review and evaluate all those proposals for reform which concern exclusively the UN's decision-making procedures on issues of global peace and security. The overview is the result of a meticulous screening of both the academic literature as well as the relevant debates of the UN membership. The proposals for reform will be separated into four categories: (1) those aiming at a reform of the SC's membership or voting procedures, (2) those targeting the SC's working methods, (3), those addressing the relationship between the SC and the GA, and (4) those concerning the relationship between the SC and Civil Society. These four areas of reform will in turn be divided into various subcategories in order to produce a systematic overview of all the relevant proposals.

The evaluation will analyze the reform proposals individually, based on their functional target, rather than considering reform packages. In intergovernmental relations, issues are linked into negotiating packages for both substantive and strategic reasons, and under certain circumstances, such package deals can be the key to overcoming a stalemate in intergovernmental negotiations. In a situation in which no possible resolution is beneficial to both sides of the table, an expansion of the scope of these negotiations via issue-linkage can increase the prospects for agreement. Because linkage enables each participant to concede "*more on those issues it values less in order to gain more on issues it deems more important*,"[159] it can, under the right circumstances, create a win-win situation where before there were only win-lose options. Issue-linkage can, however, also worsen the prospects of reaching an

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[159] Michael McGinnis, "Issue Linkage and the Evolution of International Cooperation", *The Journal of Conflict Resolution*, 30 (1), 1986, p. 151.

agreement, e.g., when one party uses a veto on an issue that it would not block if it were negotiated independently for the sole purpose of gaining additional leverage on the negotiations of the linked issue.

Johannes Urpelainen builds on this problem and demonstrates with the help of game-theory that in a multilateral setting in which any participant can create issue-linkages, it is advisable to refrain from such linkages altogether. If the negotiators perceive issue-linkages as a legitimate option, they have the incentive to lock in their favorite policies by committing to such linkages and making cooperation dependent upon them. Once various parties apply these 'committal tactics', none will back down out of fear that the others will use issue-linkage to dominate the discussions. The result is a proliferation of issue-linkages and a hardening of bargaining positions. Urpelainen comes to the conclusion that "[w]*hen issue linkage and delegation do not require consent by all bargaining parties and different coalitions of states can use them to opportunistically lock in their preferred policy, the commitment capacity that they create paradoxically effects an endogenous Prisoner's Dilemma.*"[160]

The negotiations on UN reform fit this context in that they lack a consensus requirement on issue-linkages and in that all bargaining parties can use such linkages to lock in their preferred policies. Indeed, the history of UN reform shows that issue-linkage has been applied in this way: when in the late 50s the NAM pressed for Security Council reform and tabled a resolution on this issue, the Soviet Union's refusal to consider any reform unless the government of the People's Republic of China (PRC) was given the Chinese seat at the UN forced them to reconsider their

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[160] Johannes Urpelainen, *All or Nothing: Avoiding Inefficient Compromise in International Cooperation*, PhD thesis at the Department of Political Science, University of Michigan 2009, p. 120.

initiative. This issue-linkage by the Soviet Union blocked reform for a number of years until finally the PRC itself dissolved the linkage by clarifying that it would support reform independently of the question of rightful representation.[161]

When, following these developments, the Charter was amended for the first time in the history of the UN, the enlargement of the SC had been discussed in conjunction with the expansion of ECOSOC. In fact, both of these alterations had been decided in one and the same GA resolution and, therefore, together they were the result of a reform package.[162] This issue-linkage, however, was neither made for strategic reasons nor did it have a significant impact on the prospects for agreement. Instead, the membership perceived the enlargement of both of these bodies as part of the same issue, i.e., the equitable representation of the African and Asian membership in UN decision-making procedures. In that sense it is up for debate whether this conjunction can be qualified as a proper issue-linkage or as falling within the scope of a single issue-area.[163]

Either way, the strategic impact of the conjunction was minimal: the political fault lines with regard to both of these reforms were almost identical, as were their 'distributional effects', which means that it did not alter the balance of outcomes between the negotiating parties. Although they formed part of the same resolution, the two reforms were voted on individually. The voting patterns were identical except for China's affirmation of the expansion of the SC and its abstention on that of

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[161] Dimitris Bourantonis, *The History and Politics of UN Security Council Reform*, London; New York: Routledge 2005, pp. 19-25.
[162] United Nations General Assembly, "Question of Equitable Representation on the Security Council and the Economic and Social Council", *UN Doc No. A/RES/1991*, 1963.
[163] David Lebroon, "Linkages", *American Journal of International Law*, 96 (1), 2002, p. 8.

ECOSOC.[164] None of the other permanent members voted affirmative on either reform. The third amendment of the charter in the history of the UN, i.e., the second enlargement of ECOSOC in 1973, was negotiated as a single issue.

The next significant push for charter amendment occurred in the aftermath of the Cold War and culminated in the Razali Plan of 1997. In an effort to broker an agreement by taking into account all of the wide-ranging interests of the Member States, Razali Ismael of Malaysia, then President of the GA, proposed an incremental reform package that linked the expansion of the Security Council with procedural reforms and the removal of the enemy clause in the charter. Despite extensive consultations with the entire membership, the plan was ultimately unsuccessful.[165] In 2005, after building up much public pressure for reform on the UN membership, Kofi Annan proposed a wide range of suggestions listed in his report *In Larger Freedom*. According to Annan, the reforms could only be realized in their entirety, as a comprehensive package. But, as Luck demonstrates, rather than promoting reform, the UN membership felt alienated by his take-it-or-leave-it approach, and the very limited reform that eventually took place was the result of meticulous cherry-picking on their behalf.[166] In conclusion, the history of UN reform demonstrates that issue-linkages have not facilitated the amendment of the charter; instead they have complicated agreement on individual reforms at least on some accounts.

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[164] Edward Luck, "Reforming the United Nations: Lessons from a History in Progress", in: Jean Krasno (ed.), *The United Nations: Confronting the Challenges of a Global Society*, Boulder, Co; London: Lynne Rienner 2004, p. 366.
[165] Edward Luck, *UN Security Council: Practice and Promise*, London; New York: Routledge 2006, p. 116.
[166] Edward Luck, "The UN Security Council: Reform or Enlarge?" in: Paul Heinbecker & Patricia Goff (eds.), *Irrelevant or Indispensable? The United Nations in the 21st Century*, Waterloo, Ont.: Wilfried Laurier University Press 2005, p. 151.

There is no reason to assume that at present the prospects for issue-linkages across different areas of reform in order to facilitate agreement are any better than in the past. First of all, when it comes to Council membership and voting powers, i.e. those issues that would require an amendment of the charter, there is, for the majority of the UN Member States, nothing that could counterbalance an outcome unfavorable to them. Secondly, in most cases the status quo powers are the same and, therefore, they cannot be bought off by another reform proposal. If anything, these status quo powers would be more likely to agree on one reform if in exchange they acquired a promise for no further reforms in other areas. Thirdly, with regard to the involvement of civil society, it is unlikely that any Member State, even those most favorable to NGOs, would accept an increase of civil society participation as a counterbalance for concessions with regard to the reform of the SC.

For this reason, the proposals for reform will be evaluated individually, defined by their functional target. Although working on the assumption that issue-linkage is detrimental to the prospects for reform, this individual approach does not preclude a subsequent consideration of options for reform packages. The possibility of linking proposals will, therefore, be revisited and reassessed once the evaluation has been concluded.[167]

At the end of each discussion about a subcategory of proposals, there will be a chart with an overview of the quantitative results of the evaluation in this section. It will indicate scores for the improvement of the respective institution's qualities as a deliberative moment (DELIB MOM), for the enhancement of an institution's systemic

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[167] See chapter "Conclusion".

function (SYST FUNC), for the promotion of deliberative synergy (DELIB SYN), for the level of demand of the requirements for putting the proposal into practice (REQ), for the level of support (SUP) and of opposition (OPP), for the extent of negotiating space (NEG), as well as for the overall results for the Desirability Score (DS) and the Feasibility Score (FS). At the very end of the evaluation, these charts will be assembled into one complete overview of the results of the analysis. This overview will be accompanied by additional charts containing score-based syntheses of reform proposals.

SC Reform Options

SC-GA Relations

- **Decision-making**
  - GA right to require review of decision
  - Ch. VII Consultation Committee
  - Commission decision-making
  - Reform of Charter article 12
  - Simplify UFP procedure
  - Legally binding GA resolution
- **Accountability Mechanism**
  - **SC Reports**
    - Improve annual report
    - Informal meetings on the annual report
    - Single-issue GA debate
    - Monthly assessments to the GA
    - Special subject-oriented report
  - **GA Oversight**
    - Add coordination & recommendations
    - Codify EIO's responsibilities
    - Permanent GA Committee
- **Coordination**
  - Increase interaction between PGA & PSC debate
  - Coordination of thematic debate
  - Coordination by the Secretary-General

SC-CS Relations

- **CS Accessible**
  - PEGA
  - DGCA
  - Associational Assembly
- **SC Initiatives**
  - Increase physical access
  - Improve Arria-Formula
  - Seminars with NGO reps
  - NGO reps in the delegations
  - Retreats with NGO reps
  - SC Missions
- **CS Initiatives**
  - NGO WG on the SC
  - Security Council Report

SC Working Methods

- **Formalisation**
  - Formalisation of Rules of Procedure
  - Codification of responsibilities
  - Institutionalisation of the presidency
- **Meetings**
  - **Public Meetings**
    - Replace consultation with open meetings
    - Orientation debates
    - Wrap-up session
    - Horizon-scanning sessions
    - Briefings on Consultations
    - Briefings on programme of work
  - **Closed Meetings**
    - More TCC meetings
    - Arria-formula and interactive dialogues
    - Kosovo model
- **Outside Input**
  - **Increased Input**
    - Amendment of rule 37 of the PRP
    - More Groups of Friends
    - Regional Orgs. as 'conveyor belts'
    - Regional Orgs. as points of contact
  - **Enhanced Input**
    - Reversal of speaker's list in open debates
    - More time for outcomes of debates
- **Agenda**
  - Shorten "Seizure List"
  - Devote more work to subsidiary bodies
  - Devote more work to expert panels
  - Devote work to the PBC
  - Resolve periodicity problem
  - Video teleconferencing
- **Information**
  - **Outreach**
    - Timely circulation of data
    - Compilation and distribution of data
    - Integration of incoming members
  - **UN Journal**
    - Announcement of expert meetings
    - Announcement of subsidiary meetings
    - Deadline for announcement
    - Descriptive titles for agenda items
  - **Subsidiary Bodies**
    - Modify Convention on Chairs
    - Modify Predictability
    - More involvement of PBC
    - Revive Military Staff Committee

SC Membership & Voting

- **Membership**
  - **Modification**
    - Abolish permanent membership
    - Seasonal seats
    - Re-electable membership
    - Moral superpower seat
    - Conditions for membership
  - **Regional Representation**
    - Regional seats
    - Regional rotation
  - **Expansion**
    - Additional permanent members
    - Additional elected members
    - Ad-hoc members
- **Voting**
  - **Abolish Veto**
    - Abolish veto
    - Qualitative limitation
    - Quantitative limitation
    - Qualified veto
    - Refer veto to the GA
    - Explain veto to the GA
  - **Limitation of Veto**
    - Qualitative limitation
    - Quantitative limitation
    - Qualified veto
    - Refer veto to the GA
    - Negative vote without veto
  - **Alternative Procedures**
    - Indicative Voting
    - Weighted Voting
    - Negative vote without veto

Part Two:

Evaluation

IV. Security Council Membership and Voting

SC-GA Relations

SC-CS Relations

SC Working Methods

SC Membership & Voting

Membership
- **Modification**
  - Abolish permanent membership
  - Senatorial seats
  - Re-electable membership
  - Moral superpower seat
  - Conditions for membership
- **Regional Representation**
  - Regional seats
  - Regional rotation
- **Expansion**
  - Additional permanent members
  - Additional elected members
  - Ad hoc members

Voting
- **Abolish Veto**
  - Abolish veto
  - Less veto members
- **Limitation of Veto**
  - Qualitative limitation
  - Quantitative limitation
  - Qualified veto
  - Refer vetos to the GA
  - Explain vetos to the GA
- **Alternative Procedures**
  - Indicative Voting
  - Weighted Voting
  - Negative vote without veto

CS Assemblies
- PEGA
- DGCA
- Associational Assembly

CS Initiatives
- NGO WG on the SC
- Security Council Report

SC Initiatives
- Increase physical access
- Improve Arria-Formula
- Seminars with NGO reps
- Retreats with NGO reps
- NGO reps in the delegations
- SC Missions

Decision-making
- GA right to require review of decisions
- Ch.VII Consultation Committee
- Commission decision-making
- Reform of Charter article 12
- Simplify UFP procedure
- Legally binding GA resolutions

Coordination
- Increase interaction between PGA & PSC
- Coordination of thematic debates
- Coordination by the Secretary-General

Accountability Mechanisms

SC Reports
- Improve annual report
- Informal meetings on the annual report
- Single-issue GA debate
- Monthly assessments
- Monthly assessments to the GA
- Special subject-oriented reports

GA Oversight
- Add. consultations & recommendations
- Codify E10's responsibilities
- Permanent GA Committee

Formalization
- Formalization of Rules of Procedure
- Codification of responsibilities
- Institutionalization of the presidency

Meetings

Public Meetings
- Replace consultation with open meetings
- Orientations debates
- Wrap-up sessions
- Horizon-scanning sessions
- Briefings on Consultations
- Briefings on programme of work

Closed Meetings
- More TCC meetings
- Arria-formula and interactive dialogues
- Kosovo model

Outside Input

Increased Input
- Amendment of rule 37 of the PRP
- More Groups of Friends
- Regional Orgs. as 'conveyor belts'
- Regional Orgs. as points of contact

Enhanced Input
- Reversal of speaker's list in open debates
- More time for outcomes of debates

Agenda
- Shorten "Seizure List"
- Devolve more work to subsidiary bodies
- Devolve more work to expert panels
- Devolve work to the PBC
- Resolve periodicity problem
- Video teleconferencing

Information

Outreach
- Timely circulation of drafts
- Compilation and distribution of stats
- Integration of incoming members

UN Journal
- Announcement of expert meetings
- Announcement of subsidiary meetings
- Deadline for announcement
- Descriptive titles for agenda items

Subsidiary Bodies
- Abolish Convention on Chairs
- More involvement of PBC
- Revive Military Staff Committee

Introduction

The question of Security Council (SC) membership is arguably the most prominent issue with regard to United Nations reform. For the Member States, a seat on the Council is the ultimate prize at the UN, granting them more influence, prestige and often even economic profits.[168] For many observers, moreover, the composition of the Council is the key to its representativeness and hence to its legitimacy. The current debate on a reform of the Council's composition has been ongoing for more than 20 years and although significant progress remains elusive, it is likely to stay high on the agenda for many more years to come.

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[168] Axel Dreher, Jan-Egbert Sturm and James Vreeland, "Global Horse Trading: IMF Loans for Votes in the UN Security Council", *European Economic Review*, 53 (7), 2009, pp. 742-757; Daniel Lim and James Vreeland, Regional Organizations and International Politics: Japanese Influence over the Asian Development Bank and the UN Security Council, *World Politics*, 65 (1), 2013, pp 34-72.

Traditionally, the voting arrangements of the SC also receive tremendous attention. As the preeminent symbol of the prerogatives of the permanent members, the veto has never been wholeheartedly accepted by much of the UN membership, and every time a situation arises when one or two permanent members apply the veto in order to block a clear majority in favor of Council action, the dispute heats up anew. Russia's veto on intervention in Kosovo in 1999, e.g., kicked off a vigorous debate on SC reform, and the S5's attempt to push forward its proposals on the veto right in 2012 is said to have been encouraged by the vetoes of China and Russia on a resolution against the government of Syria.[169]

Evaluation

SC Membership & Voting – Membership – Expansion

The most straightforward reform of the composition of the SC would be an expansion of its membership. As the Council reform of the 1960s has set a precedent for such an expansion, technically, this would clearly be possible. A large majority of the UN membership is in favor of additional seats, it is deeply split, however, on the specifics of the reform. In essence, there are two broadly defined positions competing with each other: On the one hand, there are those who support the proposal to create new permanent seats as well as new elected seats, and on the other hand, there are those who want only new elected seats.

The Group of Four (G4) proposed that the Council should be expanded to 25 members, adding 6 permanent seats and 4 elected seats with one-time elections for the

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[169] For more details, see the chapter 'The Politics of UN Reform'.

new permanent members to be held in the General Assembly.[170] Unsurprisingly, the most promising candidates would be the proposers themselves: Brazil, Germany, India and Japan. Two of the new permanent seats would be reserved for African states for which Egypt, Nigeria and South-Africa would be the main contenders. The four new elected seats would be filled by one member each from the African states, the Asian states, the Eastern European states as well as the Latin American and Caribbean states. In reaction to this proposal, the group known as Uniting For Consensus (UFC) made its own suggestions for the expansion of the Council. The UFC proposal provides for 10 new seats, all of which should be electable rather than permanent, while also calling for an abolition of the rule which prohibits an immediate reelection for membership.[171]

Both of these proposals face tremendous obstacles in terms of their feasibility. Not only would they require an amendment of the Charter, but in addition to this, the GA decided in 1998, "*not to adopt any resolution or decision on the question of equitable representation on and increase in the membership of the Security Council and related matters, without the affirmative vote of at least two thirds of the Members of the General Assembly,*"[172] even if the resolution were not to affect the Charter (REQ −1). The G4's proposal for new permanent seats is backed by a determined core group of powerful states and has at times, according to some diplomats, enjoyed the support of close to two-thirds of the Assembly.[173] While the support for the UFC proposal to add only new elected seats is somewhat weaker in numbers, it is based on an influential group of states fiercely fighting for the cause (SUP +1). Both proposals face strong

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[170] United Nations General Assembly, "Security Council Reform", *UN Doc No. A/60/L.46*, 2006.
[171] United Nations General Assembly, "Reform of the Security Council", *UN Doc No. A/59/L.68*, 2005.
[172] United Nations General Assembly, "Question of Equitable Representation on and Increase in the Membership of the Security Council and Related Matters", *UN Doc No. A/RES/53/30*, 1998.
[173] Interview at a Permanent Representation of a UN Member State, New York, 15 June 2012.

opposition not only from the supporters of the competing proposal, but also from those who are skeptical towards an expansion of the Council in general, particularly the P5. China and the US have in the past coordinated their opposition and actively lobbied against the stronger of the two proposals, i.e., that of the G4.[174] Russia generally does its best to stall any progress on the reform of the Council's composition and while France and the UK officially display an open mind to such considerations, they take a more cautious approach in practice (OPP –1).

There have been numerous efforts to find compromise solutions acceptable to both, those who demand additional permanent seats and those who call solely for new elected seats. In 2007, e.g., Panama presented an innovative proposal that would initially add six new members to the Council, each elected for a term of 5 years. If any state were to be reelected in four consecutive terms, it would automatically become a permanent member.[175] That same year, the five facilitators on SC reform issued a report in which they compiled a list of various solutions for an intermediary arrangement involving 'extended seats'.[176] Despite such efforts towards compromise, agreement remains elusive: the G4 will not accept any proposal that does not ensure new permanent seats and the UFC are reluctant to endorse any suggestions that allude to the possibility of additional such seats.[177] For many of the Member States, the issue of new permanent seats appears to be a question of all or nothing. (NEG –1)

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[174] Jonas von Freiesleben, "Reform of the Security Council", in: *Managing Change at the United Nations*, New York: Center For UN Reform Education 2008, p. 7.
[175] von Freiesleben, *Reform of the Security Council*, p. 9.
[176] United Nations General Assembly, "Report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and other Matters related to the Security Council", *UN Doc No. A/61/47*, 2007.
[177] The politics on the expansion of the SC are elaborated in more detail in the chapter 'The Politics of UN Reform'.

Is an expansion of the membership of the SC desirable? The main argument in favor is that it would make the Council more representative. Former Secretary-General Kofi Annan, e.g., claimed in 2005 that "*a change in the Council's composition is needed to make it more broadly representative of the international community as a whole, as well as of the geopolitical realities of today and thereby more legitimate in the eyes of the world.*"[178] In an aggregative sense, logically the addition of new members would increase the representativeness of the Council. Together, the G4, e.g., represent more than 1,6 billion people, i.e., about 22 per cent of the world population.

However, the arguments for increased representation through expansion usually go beyond the assumption that individual states represent their own population and claim that they could better represent on the Council the perspectives of their respective region, of the developing world in general or even of a particular religion or culture. These claims of discursive representation assume that these types of entities usually share common perspectives on issues of global peace and security. If this were true, then it has to be said that all of those regions and other entities normally invoked in these arguments are already represented on the SC by at least one state. The important question regarding equity is then a matter of voting power, primarily of who yields the veto right, rather than of expansion. However, in the vast majority of cases debated in the SC, there will be multiple and conflicting perspectives within these groups, and it is therefore impossible for one state to claim that its opinion is representative of any of these entities. As the debate on the expansion of the SC demonstrates, the fault lines are often intra-regional rather than inter-regional, and as

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[178] United Nations General Assembly, "In Larger Freedom: Towards Development, Security and Human Rights for All", *UN Doc No. A/59/2005*, 2005, p. 42.

long as there are no systems of accountability, individual states will act in their own best interest.

Should there be additional permanent members, moreover, it would not be surprising to see these develop a common identity with the P5, forming a new exclusive elite on the Council rather than representing any outsiders.[179] For this reason, the South Centre is worried that such an expansion "*could also weaken the position of the South, by detaching important countries from the rest of the group*."[180] No matter whether the Council has 15 or 25 members, it will remain highly exclusive and will remain closed to at least 168 states. Instead of mitigating this exclusion, the slight increase in representativeness that expansion might entail brings with it the danger of complacency on the part of the SC regarding its outreach to those who are left out.[181] Muchkund Dubey reckons that an expansion's effect "*will be not only to marginalize the General Assembly and the Economic and Social Council in the UN system but also the overwhelming majority of the members of the United Nations*."[182]

James Paul and Céline Nahory point out another issue regarding expansion, i.e., the formation of executive committees. Already today, many of the Council's core decisions are made by the P5 who then present the other members with faits accomplis. An expansion would propel this dynamic: "*when committees get too large, they give rise to executive committees that do all the serious work, or else (worse still)*

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[179] Spencer Zifcak, *United Nations Reform: Heading North or South?*, London; New York: Routledge 2009, p. 34.

[180] South Centre, *For a Strong and Democratic United Nations: A South Perspective on UN Reform*, Geneva: Imprimerie Ideale 1996, p. 147.

[181] Bart Szewczyk, "Variable Multipolarity and UN Security Council Reform", *Harvard International Law Journal*, 53 (2), 2012, p. 59.

[182] Muchkund Dubey, "Comments on the Report of the High-level Panel on Threats, Challenges, and Change", in: *Reforming the United Nations for Peace and Security*, New Haven: The Yale Center for the Study of Globalization 2005, p. 58.

the original body becomes dysfunctional and irrelevant. At the UN, an enlarged ECOSOC stands as a clear example of how greater size detracts from effectiveness. An enlarged Security Council would only reinforce the power of the P-5 (or P-11) as an executive committee, leaving the elected members (however numerous) more powerless and frustrated than ever."[183] All in all, there is reason to believe that an expansion of the SC would hinder the deliberative synergies within the UN and thereby decrease the representativeness of its sources of input for decision-making (SYN -3).

A further issue concerning the expansion of the Council is that it would render decision-making more cumbersome and therefore decrease its effectiveness. Due to the need of each member to consult with its capital, the different time zones and the multiple languages, the deliberations of the SC are very time-consuming, and additional members would aggravate this problem. As David Bosco puts it, "[a]*t fifteen members, the Council is already close to its maximum effective capacity.*"[184] The G4 argue that an inclusion on the Council of states that have the capability to contribute to the maintenance of global peace and security would increase the effectiveness. However, it is not clear why any state would make its contributions to a UN operation dependent upon its membership on the Council rather than on the interests that are at stake in that particular situation. Presently, most of the blue helmets are provided by states other than the P5. It does not, therefore, seem that non-Council membership deters states from making such contributions. From a financial perspective, the contributions of Germany and Japan are used as a justification for

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[183] James Paul and Céline Nahory, *Towards a Democratic Reform of the UN Security Council,* New York: Global Policy Forum 2005.
[184] David Bosco, *Five to Rule them All: The UN Security Council and the Making of the Modern World*, Oxford; Toronto: Oxford University Press 2009, p. 256.

their candidacy; they are not a result of membership. Whereas these states, ceteris paribus, might find themselves in the position in which they need to emphasize their status by financial means, those that already are permanent members need not resort to such measures and, as is the case with the US, might actually seek a reduction of their contributions (FUNC -2).

In the case of additional permanent seats, the UFC argue that the creation of new centers of power would violate the principle of sovereign equality. In the same vain, James Sutterlin argues that "*the introduction of a new class of members* (e.g., permanent seats without the veto, M.N.)[…] *could brand the Council for operating on a class basis with an 'underclass' at the bottom comprising the large majority of members.*"[185] In fact, new permanent seats would validate the existing inequality within the Council and risk accentuating its hierarchical structures, thereby promoting an atmosphere of disrespect towards 'lesser members' (MOM -1).

Anne-Marie Slaughter makes a very different proposal for an expansion of the SC: "*One possibility would be to provide for the appointment of an ad hoc member of the Security Council for the duration of a particular regional crisis. The member in question would be chosen to ensure that specific regional concerns were aired at the Council level.*"[186] Slaughter does not go into any details on her proposal, which leaves many questions unanswered. How would ad hoc members be selected? By whom? When does a regional crisis begin and, more importantly, when does it end? It is hard

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[185] James Sutterlin, "Some Thoughts - Mostly Cautionary - on the Recommendations of the High-level Panel on Threats, Challenges, and Change", in: *Reforming the United Nations for Peace and Security*, New Haven: The Yale Center for the Study of Globalization 2005, p. 179.
[186] Anne-Marie Slaughter, "The Liberal Agenda for Peace: International Relations Theory and the Future of the United Nations", in: Saul Mendlovitz and Burns Weston (eds.), *Preferred Futures for the United Nations*, Ardsely, NY: Transnational Publishers 1995, p. 106.

to imagine a selection procedure that would not be driven by the political interests of the Council members, which would lead to the selection of states that represent views acceptable to them, rather than views representative of the region. Once a state has become an ad hoc member, the SC might find itself in a situation in which it cannot terminate the membership either because the crisis cannot be declared resolved or because some members prefer to keep that state aboard for reasons of political expedience. As certain crises can remain on the agenda of the SC for decades, it is easily imaginable that the same could happen to ad hoc members. In addition to the necessity for Charter amendment, the challenges for putting this proposal into practice are very high (REQ -1). There is at the moment no active support in the UN membership for this proposal, and it is reasonable to expect at least moderate opposition should it ever gain momentum (SUP -1/OPP 0). As many questions are unanswered, there is some space for negotiation on the specifics of ad hoc membership (NEG 0).

The task of adding ad hoc members in crisis situations would in all likelihood involve a process of decision-making which might evolve into a political challenge in itself. Considering both the generally overburdened agenda of the SC as well as the potential necessity to respond as quickly as possible to emerging crises, the concept of ad hoc members bears considerable risks. As there are less formal alternatives for including particular non-members in the Council's deliberations, little would be gained by an official designation of ad hoc members (FUNC -2).

PROPOSAL	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Addition of permanent members	-1	-2	-3	**-6**	-1	+1	-1	-1	**-2**
Addition of elected members	0	-2	-3	**-5**	-1	+1	-1	-1	**-2**
Ad hoc addition of members	0	-2	0	**-2**	-1	-1	0	0	**-2**

SC Membership & Voting – Membership – Modification

In addition to those proposals aiming at an expansion of the SC, there are those that suggest modifications to the existing membership. The most straightforward proposal is to abolish permanent membership altogether. According to those who strive for such a 'democratization' of the Council, "*the fact that five specially privileged members occupy permanent seats and enjoy the power of the veto is now widely – and reasonably – perceived as an unfair and anachronistic legacy of World War II.*"[187] Yet, it is questionable whether permanent seats are really anachronistic. In 1945, the main justification for creating these seats was to ensure that the militarily most powerful states would be included in the Council's decision-making in order both to guarantee its effectiveness as well as to lessen the probability of war between them. Although the relative military power of France and the UK has declined significantly and their continued membership on the SC might, therefore, reasonably be considered as somewhat anachronistic, it is not clear why the initial purpose of permanent seats is any less important today than it was in 1945.

The continued relevance of this function can be observed in the civil war in Syria. Permanent membership of China, Russia and the US, but arguably also of France and the UK, ensures that these states are forced to take into consideration each other's

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[187] Joseph Schwartzberg, *Revitalizing the United Nations: Reform through Weighted Voting*, New York; The Hague: Institute For Global Policy/World Federalist Movement 2004, p. 36.

conflicting perspectives and acts as a buffer against unmediated activism. Having to confront their differences before an intervention is carried out rather than afterwards, ensures that these states do not spiral into a military confrontation with each other. Although a proxy war is already taking place in Syria, so far none of the P5 are directly involved in the conflict, which is partly due to the SC. The permanent presence of the militarily most powerful members on the Council increases the likelihood that its decisions take effect on the ground and, still today, lessens the probability of war between the great powers. As the Australian representative argued, "[i]*n terms of Council effectiveness, a review of its composition which called into question the status of the current permanent members would* [...] *be counter-productive*"[188] (FUNC -2).

The example of the Syrian crisis demonstrates, furthermore, that permanent membership forces those who are most capable of action to justify their positions publicly. When, e.g., after many months of deliberations behind closed doors, some members came to the conclusion that agreement on Council action was out of sight, they decided to call a vote, thereby placing the SC in the public limelight and forcing those who blocked action to justify their stance. This accountability mechanism would not have worked if the most relevant actors had not been members of the Council (MOM -1). On the other hand, the division of the SC into privileged permanent members and temporary elected members obviously creates hierarchic class structures

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[188] United Nations General Assembly, "Question of Equitable Representation on and Increase in the Membership of the Security Council and Related Matters", *UN Doc No. A/48/264,* 1993.

and promotes an atmosphere of disrespect towards the 'tourists', as the latter are often called by the P5[189] (MOM +1).

Since they know that their positions are only temporary and that they will therefore soon depend on their predecessors, elected members are usually much more open to input from non-members and NGOs and pass on information more willingly.[190] In this regard, the abolition of permanent membership would in all likelihood increase the transparency and openness of the SC. However, if states such as China and the US were not members of the Council, it is reasonable to expect that the real decision-making would take place somewhere else, which would not only radically diminish its decisiveness but would also significantly limit the informative content of the deliberations and, thence, the gains in transparency and openness would ultimately fail to take effect (SYN 0).

As the abolition of permanent membership would necessitate extensive amendments to the Charter, the requirements for this proposal to be put into practice are high (REQ -1). Although a significant portion of the membership is in favor of abolition, there is currently no momentum for this proposal[191] (SUP 0). The P5 are, without a doubt, strongly opposed to this proposal, and many other states, mainly those from the developed world, share their concerns (OPP -1). The abolition of permanent membership is a question that can only be answered with yes or no and therefore does not leave any room for negotiations with the entrenched opposition (NEG -1).

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[189] Bosco, *Five to Rule them All,* p. 239; Kishore Mahbubani, "The Permanent and Elected Council Members", in: David Malone (ed.), *The UN Security Council: From the Cold War to the 21st Century*, Boulder; London: Lynne Rienner 2004, p. 259.
[190] This point was made in many of my interviews with staff from the UN, the Member States' permanent missions and NGOs.
[191] The South Centre, a think tank affiliated with NAM, recommends the abolition of permanent membership: South Centre, *For a Strong and Democratic United Nations*, p. 148.

Alternatively, some proposals suggest the replacement of the permanent seats with elected long term seats. Peter Wallensteen, e.g., advocates the introduction of 'senatorial seats' with six-year mandates instead of permanent membership.[192] Such proposals, however, share the same defaults and challenges regarding their desirability and feasibility as those that call for the simple abolition of permanent membership, while also maintaining the division of the Council into two classes of members (MOM -1).

One important but somewhat neglected part of the UFC's proposal for SC reform is the suggestion to make those states that are about to conclude their terms on the Council immediately re-electable for membership.[193] As it usually takes new members some time to learn about the Council's procedures, to become up-dated on its agenda, to restructure their permanent missions and to coordinate their policies in order to adapt to the work on the SC, the possibility of re-election would lessen these disruptions and enhance effectiveness through additional continuity and professionalism[194] (FUNC +2). On the one hand, the possibility of re-election might work as a mechanism of accountability that gives the elected members an additional incentive to create transparency and openness for the electorate. On the other hand, it would lessen rotation in the membership and thereby decrease the chances for less powerful states to serve on the Council (SYN 0).

Re-electable membership would necessitate an amendment of the Charter and, therefore, the requirements are demanding (REQ -1). The proposal is backed by a

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[192] Peter Wallensteen, "Representing the World: A Security Council for the 21st Century", *Security Dialogue*, 25 (1), 1994, pp. 68-69.
[193] United Nations General Assembly, "Reform of the Security Council", *UN Doc No. A/59/L.68*, 2005.
[194] Interview at the United Nations Secretariat, Department of Political Affairs, New York, 7 June 2012.

strong and determined faction of states, the UFC, but it also faces significant opposition. In the eyes of the G4, re-electable membership is part of the UFC's efforts to derail their campaign for permanent seats (SUP +1/OPP -1). However, if the idea of re-electable membership were detached from the UFC's proposal for SC reform, it might be possible that the G4 perceive it as a steppingstone to further reform rather than as a substitute for permanent membership. Very similar considerations inspired the G4's recent backflip with regard to the S5's efforts for the reform of the Council's working methods. This demonstrates that such a reconception of others' efforts for reform is indeed possible and there is, therefore, some room for negotiation (NEG 0).

Richard Falk makes a very different suggestion for the modification of the Council's membership. According to him, a seat should be reserved for a 'moral superpower' to be selected by a panel of Nobel Peace Prize winners.[195] It may be imaginable that under auspicious circumstances it might be possible for the panel to identify a state that would not by default let its perceived national interest override what it deems to be in the interest of humanity as a whole and thereby increase the likelihood of a genuine consideration of the common good in the SC (MOM +1). The presence of a 'moral superpower' would, however, also implicitly signify the moral inferiority of the rest of the membership, which could very well create tensions among the members and promote an atmosphere of disrespect (MOM -1).

The requirements for putting this proposal into practice are extremely demanding. Not only would it necessitate an amendment of the Charter, but it would also be dependent upon an elaborate and justifiable selection procedure as well as requiring a

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[195] Vicenç Fisas, *Blue Geopolitics: The United Nations and the Future of the Blue Helmets*, London; East Haven, CT: Pluto Press 1995, p. 23.

clarification of what could turn out to be a very tricky mandate for the chosen state. What responsibilities would this position bring with it? Would the chosen state be required to neglect its duty of national representation (REQ -1)? There is currently no support in the UN membership for this proposal, and the opposition to a 'morally superior' state on the SC would in all likelihood be very strong (SUP -1/OPP -1). Moreover, this proposal does not leave much room for negotiation: either there should be a seat for a moral superpower or there should not (NEG -1).

Others suggest a specification of conditions for eligibility to stand in the elections for Council membership. Article 23 of the Charter determines that the GA shall elect the members with "*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 and to the other purposes of the Organization, and also to equitable geographical distribution.*"[196] In practice, the requirement for equitable distribution dominates the concerns of the Member States, while the proviso that attention should be paid to the contribution of the candidates is virtually ignored.

In the opinion of Vicenç Fisas, e.g., more emphasis should be placed on the quality of the candidates. He suggests laying down conditions for membership and specifies that candidates should "*be fully paid up with the UN, accept the International Court of Justice, take part in the United Nations Peace Forces, fulfill the Council's resolutions,* [and] *sign agreements on disarmament and human rights.*"[197] The High-level Panel on Threats, Challenges and Change, on the other hand, calls on the Member States "*to elect Security Council members by giving preference for*

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[196] *Charter of the United Nations*, Chapter V, Article 23,
http://www.un.org/en/documents/charter/chapter5.shtml
[197] Fisas, *Blue Geopolitics*, p. 30

permanent or longer-term seats to those States that are among the top three financial contributors in their relevant regional area to the regular budget, or the top three voluntary contributors from their regional area, or the top three troop contributors from their regional area to United Nations peacekeeping missions."[198]

Specifying conditions for membership would probably keep those states that are more skeptical of the UN as such, and that are more prone to engage in obstructive policies in multilateral settings, off the Council, hence ensuring a more homogenous composition which would increase the probability of consensus and thereby promote its effectiveness (FUNC +2). It would, however, not only further diminish the chances of less powerful states to serve on the Council but, by establishing two categories of states, those who are eligible for membership and those who are not, also create a pretext for the absolute exclusion of the latter in any type of decision-making regarding global peace and security. Why should anyone listen to these states if it is well-established that they are unfit for SC decision-making (SYN -3)?

A specification of conditions for SC membership could either be achieved through the amendment of the Charter or through a practical consensus in the GA, similar to the arrangements regarding the geographical distribution of the elected seats. Either way, the requirements are considerably demanding (REQ -1). Although this proposal is not currently discussed in the UN membership, the US does not tire of emphasizing the requirement that potential Council members be able and willing to contribute to the

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[198] This proposal is made in the context of Council expansion, but it nonetheless demonstrates the range of possibilities regarding conditions for SC membership: United Nations General Assembly, "A More Secure World: Our Shared Responsibility", *UN Doc No. A/59/565*, 2004, p. 86.

maintenance of global peace and security.[199] France and the UK share this concern. Hence, the proposal would have reasonable chances of receiving support from some of the most significant Member States with regard to Council reform (SUP 0). On the other hand, a large number of states would fear the possibility of losing their eligibility for a seat on the SC and would, therefore, be heavily opposed to this proposal (OPP -1). Since the specification of conditions for membership could take shape in many forms considering the choice of criteria and the rigidity with which it is to be put into practice, there is much space for negotiation (NEG +1).

PROPOSAL	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Abolish permanent membership	0	-2	0	-2	-1	0	-1	-1	-3
Senatorial seats	-1	-2	0	-3	-1	0	-1	-1	-3
Re-electable membership	0	+2	0	+2	-1	+1	-1	0	-1
Moral superpower seat	0	0	0	0	-1	-1	-1	-1	-4
Conditions for membership	0	+2	-3	-1	-1	0	-1	+1	-1

SC Membership & Voting – Membership – Regional Representation

There are many proposals that suggest some type of regional representation as the basis for the future composition of the SC. Joseph Schwartzberg, e.g., proposes a Council that is based entirely on regional arrangements.[200] As argued above, regional representation without well-established mechanisms of accountability is highly problematic. Instead, as Jakob Lund points out, "*regional representation only makes sense when countries in a region have agreed in advance to pool their sovereignty and share seats or make some similar arrangements, which will ensure that regional*

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[199] United Nations General Assembly, "Question of Equitable Representation on and Increase in the Membership of the Security Council and Related Matters", *UN Doc No. A/66/PV.51*, 2011.
[200] Schwartzberg, *Revitalizing the United Nations,* pp. 39-47.

representatives will in fact represent a whole region and not just their own countries."[201] For this reason, the proposals for a common seat for the EU, as the arguably most integrated regional organization, will serve as the showcase for the evaluation of regional seats.

The idea of a single seat for the European Community first gained political currency in 1990, when the Italian Foreign Minister, Gianni de Michelis, suggested the idea as an alternative to an additional permanent seat for Germany.[202] The common seat was supposed to address both Germany's ambitions for more influence on the SC as well as the growing criticism regarding the 'anachronistic' permanent membership of France and the UK, which would have to give up their special privileges for the benefit of the EU as a whole. Although a common seat for the EU would formally entail one less veto-yielding member, in practice, it would amount to the addition of 25 new veto-powers. As Bardo Fassbender explains, "[b]*ecause the EU foreign policy is still guided by the unanimity principle, it is also very questionable whether the responsibilities inherent in such a seat could be carried out effectively, or whether in contrast the EU would be forced to a policy of permanent abstention.*"[203] Even if the unanimity principle were to be replaced by the requirement for a two-thirds majority or some similar arrangement, the EU's intricate policy making could still severely hamper the effectiveness of the SC (FUNC -2). This need for coordination, however, would also increase the input from those EU member states which otherwise would not be represented on the SC and would add transparency to the Council's decision-

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[201] Jakob Lund, "Pros and Cons of Security Council Reform", *Centre for UN Reform Education*, 2010: http://www.centerforunreform.org/node/414
[202] Dimitris Bourantonis, *The History and Politics of UN Security Council Reform*, London; New York: Routledge 2005, p. 35.
[203] Bardo Fassbender, "The European Union in the United Nations and the Issue of UN Reform", in: *Reforming the United Nations for Peace and Security*, New Haven: The Yale Center for the Study of Globalization 2005, p. 85.

making procedures by making it somewhat harder for the permanent members to strike backdoor deals (SYN +3).

An EU seat on the SC would require far-reaching amendments to the Charter. Not only would the articles concerning the composition of the Council have to be modified, but fundamental provisions such as article 4, which allows UN membership for sovereign states only, would have to be reconsidered[204] (REQ -1). Although Italy heavily advocated this proposal in the early nineties, it has since changed its strategy and now concentrates fully on the UFC's plans for additional elected members. Other European states such as Spain and Poland are also in favor of an EU seat[205], but over the years, the proposal has lost momentum (SUP 0). France, Germany and the UK are fiercely opposed to the idea of one common EU seat. Referring to France and the UK, Richard Holbrooke accurately pointed out in 2002, that *"for those two, Security Council membership is the definition of their global role* […] *they are not going to give it up in a hurry."*[206] Germany, on the other hand, is not ready to drop its aspiration for permanent membership in favor of a seat for the EU[207] (OPP -1). The required amendment of article 4 is a very fundamental question which does not leave much room for compromise (NEG -1).

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[204] *Charter of the United Nations*, Chapter II, Article 4, http://www.un.org/en/documents/charter/chapter2.shtml
[205] Jan Wouters and Tom Ruys, "Security Council Reform: A New Veto for a New Century?", *Working Paper No 78*, K.U. Leuven, Institute for International Law 2005, p. 27.
[206] Quoted in Christopher Hill, "The European Powers in the Security Council: Differing Interests, Differing Agendas", in: Katie Laatikainen and Karen Smith (eds.), *The European Union at the United Nations: Intersecting Multilateralisms*, Basingstoke; New York: Palgrave Macmillan 2006, p. 58.
[207] Bourantonis, *The History and Politics of UN Security Council Reform*, p. 38.

The African Group has proposed adding permanent seats which would rotate among the members of the region.[208] It is not clear, however, why those countries that were to be selected for these new permanent seats should be any more representative than those that assume mandates for the regular elected seats. It seems that the real difference would be made by the prospects of an adaption of the selection procedures and the creation of a mechanism of accountability within the region. This could be achieved just as well without a reform of the SC (SYN 0). More than anything, the proposal of regional rotation is the result of the African Group's inability to find a consensus on the candidates for the two permanent seats that an expansion of the Council might entail.

This proposal would necessitate an amendment of the Charter and, therefore, the requirements for putting it into practice are demanding (REQ -1). On the one hand, the African Group supports regional rotation, on the other hand, the US has made it sufficiently clear that it will not accept new permanent seats as long as it is not definite who will assume them[209] (SUP +1/OPP -1). There might be a chance of making the proposal more acceptable to the US by narrowing down the circle of candidates to three or four states who would circulate the seat among themselves or by similar modifications that would make the selection procedure more predictable (NEG 0).

PROPOSAL	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Regional seats (e.g. EU)	0	-2	+3	+1	-1	0	-1	-1	-3
Regional rotation	0	0	0	0	-1	+1	-1	0	-1

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[208] African Economic Community, "Declaration and Decisions adopted by the Thirty-fourth Ordinary Session of the Assembly of Heads of State and Government", *AEC Doc No. AHG/Dec.129 (XXIV),* 1998.
[209] United Nations General Assembly, "Question of Equitable Representation on and Increase in the Membership of the Security Council and Related Matters", *UN Doc No. A/66/PV.51*, 2011.

The veto power of the permanent members has been a bone of contention since the very first days of the UN[210], and today many Member States concur with the opinion of the Indonesian representative "*that the right of veto has no place in a world that is becoming more democratic.*"[211] The abolition of the veto would significantly reduce the structural inequality among the Council members and thereby promote an atmosphere of mutual respect (MOM +1). Yet, such a reform would, in all likelihood, also immensely decrease the effectiveness of the Council. Should the P5 lose their veto rights, it is very likely that they would lose interest in the Council and outsource their deliberations and decision-making to other fora. The root of the problem is, of course, that the SC, and indeed the UN as a whole, is not only legally dependent upon the P5, but that its effectiveness hinges as well on the practical cooperation of these states.

In 1945, the main justification for bestowing the veto on the five great powers was that, by nature of their military capabilities, these were the states that were to bear the brunt of any enforcement measures. But today, many would agree with Fassbender who argues that "[i]*t has become doubtful that the five states who were chosen, or established themselves, as permanent members of the Security Council in 1945 still represent that group of states whose action alone can maintain world peace.*"[212] It is definitely true that the geopolitical realities of today are different to those of 60 years ago, but the crucial question is: to what effect have they changed? In the Stockholm

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[210] Ian Hurd, *After Anarchy: Legitimacy and Power in the United Nations Security Council*, Princeton: Princeton University Press 2007, pp. 83-110.
[211] United Nations General Assembly, "Question of Equitable Representation on and Increase in the Membership of the Security Council and Related Matters", *UN Doc No. A/66/PV.51*, 2011.
[212] Bardo Fassbender, *UN Security Council Reform and the Right of Veto: A Constitutional Perspective*, The Hague; London; Boston: Kluwer Law International 1998, p. 171.

International Peace Research Institute's ranking of military expenditure, the P5 still occupy today the five top spots.[213]

The US, of course, plays the outstanding role of being the only state in the world whose military has truly global reach. Without a question, this group of states remains essential to the maintenance of global peace and security. David Malone goes as far as to argue that "[a] *Council that is not an instrument of U.S. foreign policy would probably be as ineffective as the League of Nations*"[214] It is somewhat excessive to suggest that the SC necessarily needs to be an 'instrument' of the US, but Malone's comparison with the League of Nations does seem warranted. The history of the UN's predecessor is a clear warning of what a withdrawal or the non-cooperation of the world's greatest powers could entail for the viability of the organization.

Now, as it has 60 years ago, the veto ensures that the UN as an organization does not fall victim to a substantial clash of interest between the world's greatest military powers. As the representative of the UK argued in 1996, "[t]*he role of the United Nations may have been diminished during the Cold War but a consequence of the veto in those years was that the United Nations survived, and that the organization has become the forum for genuine cooperation between the members of the same blocs since the end of the Cold War. While we see no likelihood of a return of international bloc politics, the fact that the veto served in those years to protect the neutrality of the United Nations and its unique position as the single global forum accepted by all is*

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[213] http://www.sipri.org/research/armaments/milex/resultoutput/milex_15/the-15-countries-with-the-highest-military-expenditure-in-2011-table/view

[214] David Malone, "Conclusion", in: David Malone (ed.), *The UN Security Council: From the Cold War to the 21st Century*, Boulder; London: Lynne Rienner 2004, p. 637.

still relevant"[215] By keeping the UN out of the conflicts between the great powers, the veto upholds the organization's universality. Moreover, it often cautions the permanent members from becoming directly involved on opposite sides of a conflict, as is presently the case with regard to Syria (FUNC -2).

Although the abolition of the veto right would probably make the Council more transparent and accountable, these improvements would no longer have any effect on the actual decision-making regarding global peace and security (SYN 0). This reform would require an amendment of the Charter (REQ -1). A majority of the membership, including the African Group[216] and the Caribbean Community[217], is, in principle, in support of this proposal, although the short-term strategy of most of these states is to call for a limitation of the veto right rather than its abolition (SUP +1). The P5, on the other hand, are adamantly opposed to the abolition of the veto[218] and the proposal itself does not leave any room for compromise (OPP -1/NEG -1).

It has been suggested that rather than entirely abolishing the veto right, it should be restricted to only two or three SC members.[219] Many Member States and observers feel that the present military and political role of France and the UK no longer justifies their right to veto decisions in the SC. Yet, even though fewer veto members would lessen the probability of SC action being blocked, it is not clear whether a removal of the French and British veto right would increase the effectiveness of the

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[215] Quoted in Bourantonis, *The History and Politics of UN Security Council Reform*, p. 72.
[216] African Union Executive Council, "The Ezulwini Consensus", *AU Doc No. Ext/EX.CL/2 (VII)*, 2005.
[217] United Nations General Assembly, "Question of Equitable Representation on and Increase in the Membership of the Security Council and Related Matters", *UN Doc No. A/66/PV.51*, 2011.
[218] Bourantonis, *The History and Politics of UN Security Council Reform*, p. 72.
[219] Hannah Newcombe, "Third-Generation World Organizations", in: Eric Fawcett and Hannah Newcombe, (eds), *United Nations Reform: Looking Ahead after 50 Years*, Toronto: Dundurn Press 1995, p. 88.

Council. Although it is true that the relative power of these countries has declined significantly, both still play an important role in many of the African crises. Given that by far the great majority of the items on the agenda of the SC directly concern the African continent, this is a significant factor. Furthermore, both states have accumulated extensive professional experience in the SC's procedural matters, and by taking on a very large proportion of the drafting of resolutions, they add considerable drive to the Council's work.[220] Indeed, diplomats at the UN point out that, given the Foreign and Commonwealth office's traditional expertise in legal matters, even the US often prefers the UK to draft resolutions. Finally, the last time France and the UK have made use of their veto right was in 1989.[221] Although a mere threat of a veto can sometimes prevent a vote from being called – the so-called 'hidden veto' – and can, therefore, take effect without being cast, more than 20 years of non-application speaks a clear language (FUNC 0).

Fewer veto members would not limit the threat of an 'executive committee' on the Council and would in no way increase its transparency or openness. In this regard, it is also important to note that, being well aware of the disputes regarding their continued privileges, France and the UK have, in the last two decades, sought to increase their perceived legitimacy by adding transparency to the work of the SC (SYN 0). This proposal would require an amendment of the Charter, and it can be expected that NAM would be in favor of a removal of the veto privileges of two developed states[222] (REQ -1/SUP +1). The latter two are adamantly opposed to any such reform, and should there be no European substitute for the lost veto rights, could

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[220] Interview at a Permanent Representation of a UN Member State, New York, 15 June 2012.

[221] http://www.globalpolicy.org/security-council/tables-and-charts-on-the-security-council-0-82.html

[222] Helen Leigh-Phippard, "Remaking the Security Council: the Options", in: Paul Taylor, Sam Daws and Ute Adamcziek-Certeis (eds.), *Documents on the Reform of the United Nations*, Brookfield, VT: Dartmouth 1996, p. 427.

also count on the support of the EU as a whole (OPP -1). The proposal to remove the veto rights of France and the UK does not leave much room for negotiation (NEG -1).

PROPOSAL	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Abolition of veto	+1	-2	0	-1	-1	+1	-1	-1	-2
Fewer veto members	0	0	0	0	-1	+1	-1	-1	-2

SC Membership & Voting – Voting – Limitation of Veto

Many proposals suggest a qualitative limitation of the veto to defined issue areas, which is often seen as a prelude to "*phasing out of the veto*".[223] In 2010, e.g., the PREP of Egypt suggested restricting "*the Veto rights of current and new permanent members to exclude, as a first stage, cases of genocide, ethnic cleansing, crimes against humanity, grave violations to international law, cessation of hostilities between belligerent parties and the election of the Secretary General.*"[224] An alternative option forwarded, e.g., by NAM in 1993, would be to limit the veto right to decisions that are made according to chapter VII of the Charter.[225] Others have suggested that a permanent member should refrain from using the veto in cases in which "*it has a personal interest.*"[226]

By lessening the danger of decisions being blocked by a single member, a qualitative limitation of the veto would make SC action in cases of emergency more probable.

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[223] Commission on Global Governance, *Our Global Neighbourhood: The Report of the Commission on Global Governance*, Oxford: Oxford University Press 1995, p. 345.
[224] United Nations General Assembly, "Report of the Security Council", *UN Doc No. A/65/PV.48,* 2010.
[225] United Nations General Assembly, "Question of Equitable Representation on and Increase in the Membership of the Security Council and Related Matters", *UN Doc No. A/48/264,*1993.
[226] United Nations General Assembly, "Question of Equitable Representation on and Increase in the Membership of the Security Council and Related Matters", *UN Doc No. A/48/264,*1993. Article 27 of the UN charter which states that "*in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting*" is not applied in practice: Wouters and Ruys, *Security Council Reform*, p. 8.

However, two factors regarding the effectiveness of the Council have to be taken into account: Firstly, SC authorization against the will of one or possibly even all of the permanent members risks remaining without effect on the ground or, in a potentially much worse scenario, might encourage a military operation that, for lack of support, has only little chance of success. The veto "*is a safety valve that prevents the UN from undertaking commitments that it lacks the power to fulfill.*"[227] Secondly, there is a danger that the Council might remain caught up in procedural questions instead of addressing the emergency swiftly. Since there exist different opinions as to what constitutes a chapter VII emergency, genocide, ethnic cleansing, personal interest, etc., in principle, as well as considerable interpretative variation in individual cases,[228] depending on the particular interests involved, the SC would potentially lose much time before taking action by first having to find a consensus on the legal evaluation of the situation at hand (FUNC 0).

A clean and legally indisputable limitation of the veto would require an amendment of the Charter. An alternative would be an informal agreement between the P5 to abstain from using the veto in certain situations. The High-level Panel suggests to "*ask the permanent members* [...] *to pledge themselves to refrain from the use of the veto in cases of genocide and large-scale human rights abuses.*"[229] But even in the case of such an agreement, the requirements are very demanding. Not only would agreement have to be found between five states who, at best, show no interest in this proposal, but more importantly, such an agreement would, without any legal guarantees, stand

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[227] Fassbender, *UN Security Council Reform and the Right of Veto,* p. 272.
[228] A recent example for conflicting interpretations as to what counts as a chapter VII situation are the deliberations on a resolution regarding the crisis in Northern Mali: *What's in Blue: Insights on the Work of the Security Council*, "Draft Resolution on Mali", 3 July 2012, http://whatsinblue.org/2012/07/draft-resolution-on-mali.php
[229] United Nations General Assembly, "A More Secure World: Our Shared Responsibility", *UN Doc No. A/59/565*, 2004, p. 68.

and fall with the first cases of possible application, and it does not seem at all clear that there is enough trust between the P5 to entice one state to sacrifice its vital interests in the belief that the others would act in the same manner should tables turn. NATO's intervention in Libya is a case in point: from the perspective of China and Russia, the P3 misused their abstention on a resolution that addressed humanitarian concerns[230] in order to enforce a regime change in their self-interest (REQ -1).

China and Russia, therefore, are strongly opposed to a qualitative limitation of the veto right, as are, for slightly different reasons, the UK and the US[231] (OPP -1). A majority of the UN membership is in favor of such a limitation: in May 2012, the S5 withdrew a draft resolution that asked the P5 to refrain "*from using a veto to block Council action aimed at preventing or ending genocide, war crimes and crimes against humanity*"[232] only because it was likely to fail in achieving a two-thirds majority, and a few months later, somewhat surprisingly, even France declared its support of the proposal: "*France supports the permanent members of the Council voluntarily and jointly foregoing the use of the veto in situations under the Council's consideration in which mass atrocities are being committed and, more generally, which pertain to the responsibility to protect*"[233] (SUP +1). As these limitations could be defined either very narrowly or very broadly, the proposal leaves some room for negotiation (NEG 0).

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[230] United Nations Security Council, "The Situation in Libya", *UN Doc No. S/Res/1973*, 2011.
[231] Thomas Weiss and Karen Young, "Compromise and Credibility: Security Council Reform?", *Security Dialogue*, 36 (2), 2005, p. 135.
[232] The draft resolution of the S5 is available at
http://www.centerforunreform.org/system/files/S5+Reform+draft+resolution.pdf
[233] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.6870*, 2012.

A variation of this proposal is the idea of imposing quantitative rather than qualitative limitations on the veto. The suggestion is to establish "*a quota of only so many vetoes per year permitted to any veto-possessing member.*"[234] In addition to some of the normative considerations that apply to a qualitative limitation of the veto right, a quantitative limitation would produce a dangerous incentive to provoke certain Council members into applying their veto. The resulting probability of antagonizing debates with the sole aim of achieving procedural advantages would hinder a genuine consideration of the common good and bog down the Council in unpractical debates (MOM -1/FUNC -2). In terms of requirements, the considerations are the same as with a qualitative limitation of the veto (REQ -1). Although many Member States will generally show support for any proposal that dilutes the veto, the focus lies on the cause for qualitative rather than quantitative limitations (SUP 0). The P5 would be strongly opposed to this proposal (OPP -1). As the quota could be fixed in a way that limits the veto right either very significantly or purely theoretically, or anything in between, the proposal leaves room for negotiation (NEG 0).

Some academics propose qualifying the veto by changing the minimum requirements for passing a resolution. Brian Lepard suggest that "*one intermediate reform moving closer to this ideal would be to amend the Charter to require at least two vetoes for a resolution to be defeated.*"[235] Others propose "*requiring a qualified majority (e.g., three-quarters of the Security Council) to overcome the veto.*"[236] Such qualifications of the veto would, on the one hand, make SC action more likely, but on the other hand, they would also risk alienating the most powerful members of the UN (FUNC

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[234] Newcombe, *Third-Generation World Organizations*, p. 88.
[235] Brian Lepard, "Jurying Humanitarian Intervention and the Ethical Principal of Open-Minded Consultation", in: Terry Nardin and Melissa Williams (eds.), *Humanitarian Intervention*, New York: New York University Press 2006, p. 237.
[236] Newcombe, *Third-Generation World Organizations*, p. 88.

0). Changing the minimum requirements for passing the adoption of resolutions would definitely necessitate an amendment of the Charter (REQ -1). As is the case with the proposal for a quantitative limitation of the veto, there is no momentum in support, and strong opposition from the P5 is guaranteed (SUP 0/OPP -1). Since a qualified veto could be based on either very demanding or less demanding minimum requirements, the proposal leaves room for negotiation (NEG 0).

Another option would be a provision for the GA to become involved in the case of a veto. In this regard, some have suggested the establishment of *"a bicameral agreement with the General Assembly: e.g., a four-fifths majority in the General Assembly could override a Security Council veto."*[237] Such a referral of decision-making to the GA would immensely expand the sources of input into the deliberations, and the sheer existence of this option would give the Council members a strong incentive to pre-emptively consider the perspectives of the Assembly, thereby increasing the deliberative synergy between the bodies (SYN +3).

Concerning the effectiveness of the SC, it is likely that the specter of losing its prerogatives in decision-making would entice the Council members to work towards a compromise that would allow them to keep control of the agenda item. On the other hand, such a mechanism could very well have the opposite effect if some Council members can be sure of a majority in the GA and therefore insist on their maximum demands in order to provoke a veto. Obviously, a referral to the GA would also entail a much more cumbersome and time-consuming process of decision-making, and the number of cases in which a decision is vetoed in the SC, but for which a four-fifths

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[237] Newcombe, *Third-Generation World Organizations*, p. 88.

majority can be found in the GA would probably be very limited. It could be argued that since this procedure would be initiated only in the case of a veto, the Assembly would become involved at a point when the Council is already ineffective. A veto, however, does not equal a breakdown of negotiations, and in such an event, it might still be easier to find a viable compromise in the SC rather than having the issue taken out of the hands of the Council by an automatic referral to the GA which could then entail protracted debates and the imposition of a decision by majority vote. What happens once the Assembly has adopted a resolution? Will the responsibility for the issue remain with the GA or be referred back to the SC? All in all, it is very hard to predict the effects such a mechanism would have on the effectiveness of the SC. (FUNC 0).

The proposal of a bicameral arrangement requires very significant amendment of the Charter. Not only would the voting mechanisms of the SC have to be modified, but a referral of decision-making to the GA also touches upon the question of whether it can make the same type of decisions as the Council, i.e., legally-binding decisions and authorization of force (REQ -1). Although NAM is in favor of such a mechanism, and some states such as the Ukraine and Colombia have in the past forwarded this proposal in the GA,[238] at the moment the focus of its efforts lies on the strengthening of the more realistic Uniting For Peace procedure (SUP 0). The P5 and other, mostly developed states, firmly reject this proposal[239] (OPP -1). Since there are various possibilities regarding the voting thresholds, the proposal does leave some room for negotiation (NEG 0).

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[238] Bardo Fassbender, *UN Security Council Reform and the Right of Veto,* p. 269; Very recently, Cuba has suggested the consideration of this proposal: United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.6870 (Resumption 1),* 2012.
[239] For more details, compare the stance of the P5 on the UFP procedure in the chapter 'Relations between Security Council and General Assembly.'

In 2012, the S5 suggested that the GA ask the P5 to consider "[e]*xplaining the reasons when resorting to a veto or declaring its intention to do so, in particular with regard to its consistency with the purposes and principles of the Charter of the United Nations and applicable international law. A copy of the explanation should be circulated as a separate Security Council document to all Members of the Organisation.*"[240] Such an obligation to explain the reasons behind a veto would promote the justification of assertions and validity claims and would not only add transparency to the Council's deliberations, but also emphasize its accountability to the GA. As Jan Wouters and Tom Ruys state, explanations of veto to the GA as "*an accountability mechanism is the minimal concession that permanent members should make if they wish to endow the Security Council with the legitimacy and support it requires*"[241] (MOM +1/SYN +3).

Presumably, this obligation would be based on some type of convention or practical agreement and would, therefore, not necessarily require an amendment of the Charter. Since an explanation would not change the validity of the veto, such an agreement would not entail the same problems as, e.g., an agreement on a qualitative limitation. As the PREP of Switzerland explained, "*to explain the reasons for resorting to a veto is nothing fundamentally new since it is already practiced to some extent by the permanent members of the Security Council*"[242] (REQ 0). A large majority of the membership, including various developed states such as Spain and New Zealand,[243] is in favor of the proposal of the S5, while the P5 are very reluctant to acquiesce in an

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[240] http://www.centerforunreform.org/system/files/S5+Reform+draft+resolution.pdf
[241] Wouters and Ruys, *Security Council Reform*, p. 30.
[242]This statement is available at:
http://www.centerforunreform.org/system/files/S5+Presentation+of+draft+resolution+04.04.2012.pdf
[243] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.6672 (Resumption 1)*, 2011.

obligation to bow down and justify themselves to the GA (SUP +1/OPP -1). Since there are numerous possibilities as to the requirements in content and procedure of the explanation of the veto, and since the opposing positions are not hopelessly entrenched, there is much space for negotiation (NEG +1).

PROPOSAL	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Qualitative limitation of veto	0	0	0	0	-1	+1	-1	0	-1
Quantitative limitation of veto	-1	-2	0	-3	-1	0	-1	0	-2
Qualified veto	0	0	0	0	-1	0	-1	0	-2
Refer vetos to the GA	0	-2	+3	+1	-1	0	-1	0	-2
Explain vetos to the GA	+1	0	+3	+4	0	+1	-1	+1	+1

SC Membership & Voting – Voting – Alternative Procedures

In its draft resolution of 2012, the S5 also proposed an interesting innovation in the voting procedures of the Council. The draft suggested *"*[e]*stablishing a practice, in appropriate cases, of declaring, when casting a negative vote on a draft resolution before the Council, that such a negative vote shall not constitute a veto in the sense of Article 27, paragraph 3 of the Charter."*[244] As the representative of Liechtenstein explains, this *"additional tool would enable any permanent member to take a clear position on the substance of a text, while making it clear that it does not intend to block the adoption of a proposal."*[245] Indeed, it is likely that in some rare cases this option would make it easier for the Council to take action despite disagreement (FUNC +2). In addition, the possibility of casting a negative vote without a veto

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[244] http://www.centerforunreform.org/system/files/S5+Reform+draft+resolution.pdf
[245] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.6672,* 2011.

would be a small step in the direction of its abolition, but would, nonetheless, leave the P5 in full control of the process, thereby avoiding their alienation.

With regard to the draft resolution, the PREP of Switzerland maintained that "[t]*he Charter is left completely untouched*"[246], and the representative of Liechtenstein argued that "*given the Council's practice of considering that an abstention does not constitute a non-concurring vote, meaning a veto, a new practice could be established that would allow a permanent member to cast a negative vote without giving it the effect of a veto.*"[247] Yet, in the negotiations on the S5 draft, the Russian representative made it clear that, in his perspective, the proposal for a negative vote without a veto would require an amendment of the Charter.

When comparing the circumstances in which the practice that an abstention does not constitute a non-concurring vote was adopted with those regarding the proposal of the S5, it does, indeed, seem that the former cannot be used as a precedent for the latter. In the case of the former, the Charter was still a very young legal document that had to prove its viability in practice. In this situation, the P5 gave expression to a common interpretation of the Charter through their uniform practice of not counting an abstention as a non-concurring vote. Today there already exists an established interpretation of the Charter's provisions regarding the veto that has been consistently expressed in more than 70 years of Council practice. The proposal for a negative vote without a veto would, therefore, require an amendment of the Charter in order to be put into practice.

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[246] United Nations Department of Public Information, "Switzerland withdraws Draft Resolution in General Assembly aimed at Improving Security Council's Working Methods to avoid 'Politically Complex' wrangling", *UN Doc No. GA/11234*, 2012.
[247] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.6672,* 2011.

In the end, given the objections voiced, the S5 decided to delete this proposal from the draft resolution (REQ -1). The S5 has much support in the membership for its proposal, but the P5, especially Russia, strongly opposed it[248] (SUP +1/ OPP -1). The P5 have, however, promised the S5 to look into their proposals, and given that the negative vote without a veto is not necessarily contrary to the interests of the P5 – indeed, future scenarios might convince them that it is very much in their interest – there might be some room for negotiations even in the short term (NEG 0).

In 2004, the High-level Panel proposed "*the introduction of a system of 'indicative voting', whereby members of the Security Council could call for a public indication of positions on a proposed action. Under this indicative vote, 'no' votes would not have a veto effect, nor would the final tally of the vote have any legal force. The second formal vote on any resolution would take place under the current procedures of the Council. This would, we believe, increase the accountability of the veto function.*"[249] The main objective of this process would be to expose the positions of the Council members and thereby put public pressure on those states that stall SC action well before the actual vote is taken.

James Fearon argues that "*by raising the political costs of veto threats, this reform might enable action in cases that under the current system would be stalled for narrow, idiosyncratic reasons.*"[250] It is, however, doubtful whether the process of indicative voting would really make a difference. Kemal Dervis demurs that "[i]*f an*

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[248] Interview at a Permanent Representation of a UN Member State, New York, 8 June 2012.

[249] United Nations General Assembly, "A More Secure World: Our Shared Responsibility", *UN Doc No. A/59/565*, 2004, p. 68.

[250] James Fearon, "Comments on the Report of the High-level Panel on Threats, Challenges, and Change", in: *Reforming the United Nations for Peace and Security*, New Haven: The Yale Center for the Study of Globalization 2005, p. 102.

existing member is not shamed by a situation where there is a 14 to 1 vote in favor of a resolution but the resolution is blocked by the one vote of this member with veto power, I do not see why this member would be more shamed by an indicative 14 to 1 vote preceding the formal vote."[251] It could be argued that the time between the voting would enable the mobilization of public pressure. Yet, the problem remains that even if a permanent member decided to change its position due to the public pressure an indicative vote might evoke, the resolution would have to be changed in some way or another in order to give this state a means of saving face. Thus, in most cases, there would be voting on two different resolutions rather than on one. Since regular votes could be taken on both, this would make the mechanism of indicative voting redundant (FUNC 0).

This proposal would require an amendment of the Charter (REQ -1). The idea of indicative voting did receive considerable attention at the 2005 World Summit, but especially China and Russia were opposed to it. Firstly, these states are not interested in increasing public pressure and secondly, they fear that this procedure could be misused. A comment by Erik Voeten demonstrates that this is a reasonable concern: "*From the perspective of a coalition of willing states, a qualified majority in an indicative vote — even if the vote carries no legal force — may confer a sufficient degree of international legitimacy on a proposed intervention. On balance, the use of indicative voting in this manner would be a positive development. Most importantly, it*

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[251] Kemal Dervis, "Thoughts on the Report of the High-level Panel on Threats, Challenges, and Change", in: *Reforming the United Nations for Peace and Security*, New Haven: The Yale Center for the Study of Globalization 2005, p. 50.

would take some force away from obstructive veto threats"[252] (SUP +1/OPP -1). The proposal for indicative voting does not leave any room for compromise (NEG -1).

A more radical reform proposal is that of introducing a system of weighted voting. Schwartzberg, Dervis, and others suggest that the vote of each Member State should be assessed according to a formula that takes into account primarily the size of its population and its financial contributions to the UN, but possibly also some additional factors. The right to veto would be abolished.[253] Since such a reform would assign each state a rank, it would lead to very pronounced hierarchical structures and thereby promote an atmosphere of disrespect among the membership (MOM -1). In terms of effectiveness, it would have the same effects as those discussed concerning the abolition of the veto (FUNC -2).

Obviously, this proposal would not only require very significant amendment of the Charter, but it also puts in question a very fundamental principle of the UN, i.e., the sovereign equality of all states (REQ -1). There is currently no support for this proposal in the membership, and since the great majority of states would incur a relative loss in voting power should it be put into practice, the opposition is very strong[254] (SUP -1/OPP -1). As there are many different possibilities for deriving quotas for voting power, there is some space for negotiation (NEG 0).

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[252] Erik Voeten, "Some Comments on UN Charter Reform", in: *Reforming the United Nations for Peace and Security*, New Haven: The Yale Center for the Study of Globalization 2005, p. 195.
[253] Schwartzberg, *Revitalizing the United Nations;* Dervis, *Thoughts on the Report of the High-level Panel on Threats, Challenges, and Change*, pp. 48-54.
[254] According to Schwartzberg this would be 158 states: Schwartzberg, *Revitalizing the United Nations,* p. 20.

PROPOSAL	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Negative vote without veto	0	+2	0	+2	-1	+1	-1	0	-1
Indicative voting	0	0	0	0	-1	+1	-1	-1	-2
Weighted voting	-1	-2	0	-3	-1	-1	-1	0	-3

Conclusion

As a result of the protracted debate on SC reform, the academic literature is full of suggestions for the reform of the membership of the SC, and various groups of Member States continue to push vigorously for reform. Yet, as the evaluation demonstrates, the likelihood that the composition of the Council will be changed in the near future remains very small. This is primarily the result of persistent political obstacles, but, on the other hand, this evaluation also highlights clearly that, despite all the efforts on behalf of various commentators for designing more or less creative suggestions for a reform of the membership, none come even close to being normatively desirable. Certain Member States would, of course, dispute this observation, but it seems clear that the status quo in formal membership is upheld not only by a political stalemate but also by the fact that none of the forwarded proposals for reform emanate the normative force that would make them irresistible. As Ian Hurd points out, there is reason to believe that the stalemate in the negotiations may "*originate in incompatible notions about how legitimation works.*"[255] The evaluation supports the argument that a reform of the membership of the SC is just as much a normative dilemma as it is a political one.

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[255] Ian Hurd, "Myths of Membership: The Politics of Legitimation in UN Security Council Reform", *Global Governance*, 14 (2), 2008, p. 213.

The normative evaluation of the proposals also gives support to Luck's argument that, regarding the political limits and challenges it faces, the SC's basic structure is still appropriate.[256] Those who would like to see a radical overhaul of the Council's structure fail to recognize that the injustices and inefficiencies they wish to cure cannot be dealt with simply by redesigning international institutions when, indeed, this task would require fundamental socio-political change. While this thesis argues that international institutions should always push their limits in support of a democratization of international politics, it is self-defeating to go beyond these limits, to lose touch with the socio-political realities of the day and, therefore, to descend into irrelevance.

As it promises to improve the Council's effectiveness, one reform that clearly would be desirable is to make the elected members eligible for consecutive terms on the SC. Although at the moment the chances for this proposal are still limited, it is not unthinkable that the G4 may reconsider their stance on the issue and thereby clear the path for it to be put into practice. If detached from some of the other issues in the debate on reform, the G4 might very well find re-electable membership to be in their best interest. Similar considerations apply to the proposal to introduce a negative vote without the veto for the permanent members. On the one hand, this might improve the effectiveness of the Council, on the other hand, at least some of the permanent members are opposed to such a reform. Yet, again, it is not unimaginable that these states might soon change their perspective and that a second, more collaborative, attempt at introducing a negative vote without the veto could eventually be successful.

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[256] Edward Luck, "The UN Security Council: Reform or Enlarge?" in: Paul Heinbecker & Patricia Goff (eds.), *Irrelevant or Indispensable? The United Nations in the 21st Century*, Waterloo, Ont.: Wilfried Laurier University Press 2005, pp. 145-147.

One proposal that certainly should be put into practice is that of requiring the P5 to justify the application of their vetoes to the GA. This would increase the accountability of the SC, and it also seems relatively easy to implement. Although the P5 will not readily acquiesce to such a demand, there is not much at stake for them either, which suggests that they might give in if put under sufficient pressure or if given the right incentives. The great advantage of this proposal is that it would not necessarily require an amendment to the Charter. A referral of vetoes to the GA, on the other hand, would need such an amendment and while it would be desirable in theory, in practice it is impossible to implement. With regard to a reform of the composition of the Council, the idea of regional membership could be a future path to improvement. In the short term, however, it is impossible to implement: not only would it require fundamental changes to the Charter, but there is also strong opposition and only moderate support. The key to progress in this matter is increasing integration in the regions themselves. If the regions were actually to speak with one voice, this would both strengthen support and decrease the opposition to such a reform.

V. Security Council Working Methods

SC-GA Relations

SC-CS Relations

SC Working Methods

SC Membership & Voting

CS Assemblies
- PEGA
- DGCA
- Associational Assembly

CS Initiatives
- NGO WG on the SC
- Security Council Report

SC Initiatives
- Increase physical access
- Improve Arria-Formula
- Seminars with NGO reps
- Retreats with NGO reps
- NGO reps in the delegations
- SC Missions

Membership

Modification
- Abolish permanent membership
- Senatorial seats
- Re-electable membership
- Moral superpower seat
- Conditions for membership

Regional Representation
- Regional seats
- Regional rotation

Expansion
- Additional permanent members
- Additional elected members
- Ad hoc members

Voting

Abolish Veto
- Abolish veto
- Less veto members

Limitation of Veto
- Qualitative limitation
- Quantitative limitation
- Qualified veto
- Refer vetos to the GA
- Explain vetos to the GA

Alternative Procedures
- Indicative Voting
- Weighted Voting
- Negative vote without veto

Decision-making
- GA right to require review of decisions
- Ch.VII Consultation Committee
- Commission decision-making
- Reform of Charter article 12
- Simplify UFP procedure
- Legally binding GA resolutions

Coordination
- Increase interaction between PGA & PSC
- Coordination of thematic debates
- Coordination by the Secretary-General

Accountability Mechanisms

SC Reports
- Improve annual report
- Informal meetings on the annual report
- Single-issue GA debate
- Monthly assessments
- Monthly assessments to the GA
- Special subject-oriented reports

GA Oversight
- Add. consultations & recommendations
- Codify E10's responsibilities
- Permanent GA Committee

Formalization
- Formalization of Rules of Procedure
- Codification of responsibilities
- Institutionalization of the presidency

Meetings

Public Meetings
- Replace consultation with open meetings
- Orientations debates
- Wrap-up sessions
- Horizon-scanning sessions
- Briefings on Consultations
- Briefings on programme of work

Closed Meetings
- More TCC meetings
- Arria-formula and interactive dialogues
- Kosovo model

Outside Input

Increased Input
- Amendment of rule 37 of the PRP
- More Groups of Friends
- Regional Orgs. as 'conveyor belts'
- Regional Orgs. as points of contact

Enhanced Input
- Reversal of speaker's list in open debates
- More time for outcomes of debates

Agenda
- Shorten "Seizure List"
- Devolve more work to subsidiary bodies
- Devolve more work to expert panels
- Devolve work to the PBC
- Resolve periodicity problem
- Video teleconferencing

Information

Outreach
- Timely circulation of drafts
- Compilation and distribution of stats
- Integration of incoming members

UN Journal
- Announcement of expert meetings
- Announcement of subsidiary meetings
- Deadline for announcement
- Descriptive titles for agenda items

Subsidiary Bodies
- Modify Convention on Chairs
- Modify Penholdership
- More involvement of PBC
- Revive Military Staff Committee

Introduction

This chapter analyzes those reform proposals targeting the UN's decision-making procedures on global peace and security which are not directly related to the SC's membership or voting arrangements, its relationship with the GA, or its relationship with civil society. One of the key characteristics of this area of SC reform – the debate on 'working methods' – is that the respective arrangements are not regulated by the UN Charter, but are determined by the Council itself. These are mostly very technical matters concerning the SC's everyday conduct and as such they gain less public and academic attention than the more grandiose issues involving the reform of the Charter. At the same time, the SC working methods also represents the area of reform

in which change is the most likely and, indeed, the area in which reform does actually take place.

Constant but low key developments in the Council's working methods modify the way it conducts its business. In this regard, change is sometimes brought about by an individual actor who decides to do things another way, by situationally driven precedence, by experiments, or by ritualistic repetition and insistence. Although unspectacular, the reform of its working methods is one of the key factors in the SC's continued relevance in global politics. As Edward Luck points out: "*Even an awkwardly large Council would not be representative unless new working methods to assure greater transparency, accountability and inclusiveness were also introduced*"[257]

Evaluation

SC Working Methods – Meetings – Open Meetings

The most prominent issue with regard to the working methods of the SC is the format of its meetings. There are, essentially, two categories of Council meetings: Open meetings in which the deliberations are subject to public broadcasting, and closed meetings, which limit the audience to specific authorized actors. The Provisional Rules of Procedure (PRP) designate open meetings as the default option for the Council's deliberations: "*Unless it decides otherwise, the Security Council shall meet in public.*"[258] During the first 30 years of its existence, most Council meetings were

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[257] Edward Luck, *UN Security Council: Practice and Promise*, London; New York: Routledge 2006, p. 122.
[258] United Nations Security Council, "Provisional Rules of Procedure of the Security Council", *UN Doc No. S/96/Rev.7*, 1983, rule 48.

indeed held in public, but, as was discussed elsewhere,[259] the last decades have been characterized by the growing importance of closed meetings. Today, it is an undisputed fact that *"most of the actual work of the Council now takes place* […] *behind closed doors"*[260] This development has been accompanied by recurring demands for a reversal to open meetings as the standard format of SC deliberations. In 1994, instigated by France, the Council held an open debate on working methods that resulted in a presidential statement which specified that it is *"the intention of the Council* […] *that there should be an increased recourse to open meetings."*[261] Despite constant efforts to promote open meetings, there are today at most a handful of such meetings every month, and the important decisions are usually made behind closed doors.

There are basically two different but non-exclusive approaches to the promotion of open meetings. The first of these aims at re-establishing them as the default format for Council deliberations. As the Permanent Representative (PREP) of Brazil stated in 2011, *"the Council should strengthen the trend of meeting more often in public. In fact, it should meet in public as a general rule, without prejudice to the usefulness of consultations of the whole in preparing Council decisions. Private meetings should be reserved for exceptional circumstances. Even some traditionally private meetings could be turned into public sessions."*[262] The second approach aims at creating and establishing new types of open meetings, i.e. public briefings, orientation debates,

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[259] See chapter "The Politics of UN Reform."
[260] Nico Krisch, "The Security Council and the Great Powers", in: Vaughan Lowe et al. (eds.), *The Security Council and War: The Evolution of Thought and Practice since 1945*, Oxford: Oxford University Press 2008, p. 137.
[261] United Nations Security Council, "Security Council working methods and procedure", *UN Doc No. S/PRST/1994/81*, 1994.
[262] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.6672*, 2011.

wrap-up sessions, and horizon-scanning sessions, which can be perceived as complementing the closed meetings instead of competing with them.

Ian Johnstone makes a concrete proposal for an increase in the Council's general recourse to open meetings. According to him, "*at least one open session of the Security Council should be held before a draft resolution has been introduced, and a second once a draft is on the table but well before the vote.*"[263] In 2012, the Council adopted on average five resolutions per month[264] which means that this proposal would require at least ten additional open meetings every month. This calculation does not include those drafts that are discussed but not adopted. In practice, therefore, Johnstone's proposal would lead to a replacement of most of the closed meetings.

Would such an extensive replacement of closed meetings with open meetings be desirable? There are several reasons why it would be advisable to maintain the practice of holding frequent closed meetings. Having interviewed a range of SC practitioners, Loie Feuerle comes to the conclusion that informal consultations are essential to consensus decision-making in the Council: "*the less oppositional practices* [in the SC today] *can be attributed to the emergence of informal consultation.*"[265] The privacy of the meetings makes it easier for the delegates to modify their positions without losing face in front of the global public and, more specifically, their domestic constituencies. The former PREP of France, Jean-Marc de la Sablière, recalls that public meetings "*crystallized the differences* […]. *You give*

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[263] Ian Johnstone, "The Security Council as Legislature", in: Bruce Cronin and Ian Hurd (eds.), *The UN Security Council and the Politics of International Authority*, London; New York: Routledge 2008, p. 100.

[264] http://www.un.org/Docs/sc/unsc_resolutions11.htm

[265] Loie Feuerle, "Informal Consultation: A Mechanism in Security Council Decision-Making", *New York University Journal of International Law and Politics*, 18 (1), 1985, pp. 291-292.

your position – you do not try to compromise. It's not negotiation. If you want to negotiate, you better negotiate out of the room."[266] There is broad agreement among practitioners that informal consultations promote "*real exchanges of view*"[267] rather than sequences of isolated statements. The former PREP of Pakistan, Jamsheed Marker, e.g., underlines that the "*confidentiality of exchanges is essential for the decision-making process, including the achievement of consensus.*"[268] Thus, closed meetings promote the systemic function of the SC (FUNC +2).

Furthermore, closed meetings seem to augment respect among the PREPs. The conduct of meetings away from the glare of publicity decreases the incentive for the members to engage in polemics rather than in a more flexible exchange of views. Feuerle observes that "[m]*ost of those interviewed praised informal consultations for encouraging Council members to talk to, rather than at, each other.*"[269] Since the informality of the meetings enables the interlocutors to concentrate on each other rather than on a public audience and thereby allows them to take statements into consideration with less bias, it increases the level of respect in the deliberations. One official of the Secretariat, furthermore, claims to have observed that the more relaxed atmosphere of informal consultations has given the delegates "*the opportunity to learn about each other and to work together, resulting in a greater spirit of cooperation and collegiality in the Council than in earlier years.*"[270] Finally, according to both, state representatives and UN staff, the use of informal meetings is conducive to a more candid communication among the delegates. Being shielded from

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[266] David Bosco, *Five to Rule them All: The UN Security Council and the Making of the Modern World*, Oxford; Toronto: Oxford University Press 2009, p. 235.
[267] Feuerle, *Informal Consultation,* p. 291.
[268] United Nations Security Council, "Security Council working methods and procedure", *UN Doc No. S/PV.3483*, 1994.
[269] Feuerle, *Informal Consultation*, p. 291.
[270] Feuerle, *Informal Consultation*, p. 292.

outside observers while also knowing that there are no official records which their interlocutors could consult in order to pin them down on the odds and ends of their statements gives them the feeling that they can speak more freely about their standpoints[271] (MOM -2).

On the other hand, there are arguments that speak against the resort to closed meetings. The lack of public scrutiny makes it easier for the delegates to avoid justifying their demands, and especially the P5 are in a position in which they can stand their ground simply by threatening the use of their veto. As one diplomat points out, the delegates are less reluctant to use openly strategic maneuvers such as "*raising irrelevant points, making package deals and oppressive bargains, and quarrel*[ing] *about commas*."[272] Members can, moreover, use the informal consultations to avoid taking action on an issue. If they decide not to have an official meeting on an issue, they do not have to justify their inaction in front of the global public. Because of the lack of publicity and the moral judgment associated with it, the Council members are also less compelled to take into consideration the common good in their deliberations behind closed doors (MOM +2).

The fact that most of the Council's work today is done behind closed doors hinders the free circulation of information and makes it much harder for non-members and the wider public to scrutinize both the reasoning behind decisions and the individual positions of its members. According to the former PREP of France, Jean-Bernard Mérimée, "[t]*he result of this situation is strong frustration and a lack of information.*

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[271] Feuerle, *Informal Consultation*, p. 291.
[272] Feuerle, *Informal Consultation*, p. 297.

There is frustration among nonmembers of the Council."[273] As some UN officials readily confirm, a further detrimental result of informal meetings is a "*lack of outside input.*"[274] This is of course highly problematic with regard to deliberative synergy within the UN system. Yet, it is doubtful whether the substitution of closed meetings with open meetings would promote such deliberative synergy. The problem is that a replacement of the closed meetings would not place the key decision-making in the open meetings but in all likelihood would drive Council members to further outsource the crucial deliberations into even less official fora. The growing importance of expert meetings is, in light of the formalization of the consultations of the whole, a case in point.[275] Hence, a significant replacement of closed meetings with open meetings carries the risk of making the Council's decision-making even more obscure and informal (SYN 0).

The requirements for the proposal to substitute most of the closed meetings with open meetings are only somewhat demanding. Although the monthly Programme of Work is usually agreed upon in a consensual manner, officially, the final say on the format of the meeting is with the President of the Council. The challenge for putting the proposal into practice is that it requires consistent effort and considerable political will on behalf of a significant majority of Council members who can push through their presidencies' Programmes (REQ 0). Costa Rica set a precedent when it scheduled almost only open meetings during its presidency in 2008. The P5, however, did not react favorably to this initiative and made it clear that they were unwilling to

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[273] United Nations Security Council, "Security Council working methods and procedure", *UN Doc No. S/PV.3483*, 1994.
[274] Feuerle, *Informal Consultation*, p. 294.
[275] Security Council Report, *Security Council Working Methods – A Work in Progress?*, New York 2010, p. 9.

cooperate on this matter[276] (OPP -1). On the other hand, a majority of the UN membership is clearly in favor of reestablishing open meetings as the default format for the Council's deliberations, although the focus of criticism has recently shifted from the quantity to the quality of open meetings[277] (SUP +1). One of the most significant conditions for the feasibility of this proposal is that the P5 hold a powerful bargaining chip: on the basis of their ability to outsource the crucial deliberations to other fora, they can threaten to make any official or semi-official meeting of the Council meaningless. Obviously, this would make the replacement of closed meetings a Pyrrhic victory for those in support of the proposal (NEG -1).

In 1994, France made an early effort to restore "*the balance between official meetings and informal consultations*"[278] and proposed 'orientation debates' as a new type of open meeting designed to complement the closed sessions instead of replacing them. The basic idea of these debates is for the Council to gather the perspectives of the wider membership by establishing the practice of holding an open debate on issues or situations before they are first put on the agenda of the Council. Following some lobbying on behalf of France, several such debates were indeed held, but since 1996 no further use has been made of this format and it seems as though it has been discarded altogether.[279]

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[276] Security Council Report, *Security Council Working Methods – A Work in Progress?*, p. 8.

[277] See, e.g., the statement of Egypt on behalf of NAM in the 2011 open debate on SC working methods: United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.6672*, 2011.

[278] United Nations Security Council, "Aide-mémoire concerning the working methods of the Security Council", *UN Doc No. S/1994/1279*, 1994.

[279] Security Council Report, *Security Council Transparency, Legitimacy and Effectiveness: Efforts to Reform Council Working Methods 1993-2007*, New York 2007, p. 8.

Would it be desirable to reinvigorate orientation debates? On the one hand, such a practice would probably clog the agenda of the SC and delay its decision-making procedures, thereby inhibiting it from fulfilling its systemic function (FUNC -2). On the other hand, orientation debates offer the opportunity for the wider membership to give its input at a very early stage of the SC decision-making procedures, thereby providing it with the possibility to shape the very fundament for further deliberations (SYN +3). Hence, further orientation debates would be desirable. As with the scheduling of open meetings in general, the main obstacle to the establishment of orientation debates in Council practice is consistency, which requires great determination in the negotiation of many individual cases (REQ 0/NEG 0). Although it is very likely that a majority of Member States would be in favor of such debates in principle, in practice there is currently no momentum of support (SUP 0). The P5 is split on the issue: both France and the UK held orientation debates during their presidencies, while the other three permanent members are at best unsupportive of such meetings (OPP 0). Although normatively desirable, at the moment the idea of orientation debates does not seem to be of interest to the UN membership.

The introduction of 'wrap-up sessions' was a further attempt to increase the Council's transparency. In 2001, the PREP of Bangladesh presided over the first such meeting *"of the Security Council being held in public to take into account an assessment and evaluation of its work during the preceding month."[280]* Several wrap-up sessions were held up until 2005 when Brazil convened the last of them at the end of its Council presidency. Subsequently, the idea of holding such meetings lay dormant for six years until, in February 2011, Brazil again convened a wrap-up session at the end of its

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[280] United Nations Security Council, "Wrap-up discussion on the work of the Security Council for the month of June 2001", *UN Doc No. S/PV.4343*, 2001.

presidency. Portugal followed suit in November of that year and in January 2013, Pakistan also scheduled such a meeting.[281] Interestingly though, unlike the first generation of wrap-up sessions, the current sessions have not been convened as official meetings of the Security Council, but as informal meetings. Although they are mentioned in the UN Journal, no official record is held of these meetings.

Wrap-up sessions are intended both to give the wider membership an account of the Council's work in that month and to provide the former with the opportunity to give feedback on the performance of the Council in general and of the presidency in particular. The first point promotes accountability and transparency between the SC and the GA, thereby fostering deliberative synergy within the UN system (SYN +3). The second point puts the outgoing presidency, but also the rest of the Council members, in a position in which they are compelled to justify their performance (MOM +1). Since these sessions are held only once per month and at a time when the respective presidency has already accomplished most of its responsibilities, they do not clog the agenda or hinder the effective work of the Council (FUNC 0). It would be desirable, therefore, to institutionalize wrap-up sessions in Council practice.

In terms of requirements, the decision to turn the wrap-up sessions into informal meetings has greatly lowered the bar for the establishment of this format. The support of the P5 is no longer necessary, and it is up to the respective presidency to engage in what the PREP of Guatemala calls "*a voluntary exercise in accountability*"[282] Brazil is a strong driving force and has shown unusual determination in promoting wrap-up

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[281] *What's in Blue: Insights on the Work of the Security Council*, "The Council's January Programme of Work", 3 January 2013, http://www.whatsinblue.org/2013/01/the-councils-january-programme-of-work.php

[282] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.6672*, 2011.

sessions over the course of time. Although NAM is officially in support of this innovation, other members such as India have not replicated the example of Brazil in the following months. For many delegations, holding the presidency of the SC is a formidable challenge, and by the end of the month the mission staff is overworked and in no mood to take on additional tasks[283] (REQ +1/SUP +1).

The P5 have no interest in further exposing themselves to the judgment of the UN membership and are opposed to wrap-up sessions, be they official or informal. None of them have ever convened such a meeting. In December 2012, however, they acquiesced in as far as they approved the convention of such meetings by other SC members. Presidential note 922 reads: "*Members of the Security Council encourage the holding by Council Presidents of informal briefing sessions with the wider membership on the work of the Council at the end of their respective presidencies, as appropriate. Formal wrap-up sessions may also continue to be organized when appropriate and with the consent of all members of the Security Council*"[284] (OPP 0). In terms of feasibility, it all boils down to the question of whether a sufficient number of Member States will decide to take on the additional workload of holding such voluntary exercises in accountability in order to establish the practice in the next few years (NEG 0).

Up until 1998, briefings by members of the Secretariat to the SC were always held behind closed doors. But in that year, a note by the President of the Security Council proclaimed that the members of the Security Council "*have agreed that the Secretary-General is to be encouraged to make statements to the Council, when he deems it*

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[283] Interview at a Permanent Representation of a UN Member State, New York, 8 June 2012.
[284] United Nations Security Council, "Note by the President of the Security Council", *UN Doc No. S/2012/922*, 2012.

appropriate, in public meetings of the Council." [285] Since then, briefings by UN staff

to the SC have often been held in public. This development was a precursor for a very

recent innovation regarding Council formats: the so-called 'horizon-scanning

sessions'. As a result of a British initiative in 2011, the SC has invited the Department

of Political Affairs of the UN Secretariat to hold monthly open briefings in order to

give Council members an overview of current developments and to draw attention to

the most pressing issues regarding global peace and security. These public briefings

are usually given by the Under-Secretary-General for Political Affairs, which, up until

July 2012, was B. Lynn Pascoe.

By helping the Council to focus its deliberations and by providing somewhat more

objective direction from the outside, horizon-scanning sessions promise to enhance its

systemic function. As the Portuguese representative explained, "[p]*revention is a key*

aspect of the Council in performing its role under the United Nations Charter.

Horizon-scanning meetings […] *can be very useful in helping the Council to enhance*

awareness of situations with potential to develop into conflicts. […] *They can indeed*

be important opportunities for Council members to exchange views with the

Secretariat on new developments in different situations and regions of the world with

deterrence potential and to help settle conflicts at an early stage"[286] (FUNC +2).

Although some complications arose early on, this initiative was set for a good start:

for several months in a row, horizon-scanning sessions were included on the agenda.

In April 2012, however, the US broke this cycle during its presidency and in the

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[285] United Nations Security Council, "Note by the President of the Security Council", *UN Doc No. S/1998/1016*, 1998.

[286] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.6870*, 2012.

following months Azerbaijan and China followed suit. These Member States had been skeptical from the start and never became comfortable with horizon-scanning for two reasons: Firstly, since Pascoe would inform them on the topics to be discussed only slightly in advance, the delegations would lack the time necessary to run their statements through the extended bureaucratic mechanisms of government approval that states such as the US and China require. Secondly, from their perspective, horizon-scanning posed the danger of functioning as a Trojan horse for introducing discussions on issues they would prefer to keep off the official agenda. Pascoe had, for instance, once reported on the conflict in Sri Lanka, which angered those Council members who were determined to keep this situation off of the agenda.[287]

The recent backlash against horizon-scanning ended in a compromise with its supporters, i.e., first and foremost the European SC members: in future, these sessions will not be scheduled automatically, but only when a Council member requests such a briefing on topics that are agreed upon in advance.[288] Accordingly, the Colombian presidency of July 2012 did not schedule a horizon-scanning session in the Programme of Work, but unlike the presidencies of the US, Azerbaijan and China in the months before, it included a footnote with the provision that the President of the SC could convene such a briefing at his discretion.[289] These limitations take much of the edge off horizon-scanning, and since Pascoe, who was one of the driving forces behind them has now left office, the future of these sessions is uncertain. But the compromise did not hold for long, and during its presidency in August 2012, France again scheduled a proper horizon-scanning session in which the new Under-Secretary-

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[287] Interview at a Permanent Representation of a UN Member State, New York, 6 June 2012.
[288] Interview at the Office of a NGO involved with the Security Council, New York, 12 June 2012.
[289] *What's in Blue: Insights on the Work of the Security Council*, "The July Programme of Work", 3 July 2012, http://whatsinblue.org/2012/07/the-july-programme-of-work.php#

General for Political Affairs, Jeffrey Feltman, briefed the SC for the first time.[290] Clearly, the supporters of the format are far from giving in and are determined to establish horizon-scanning more firmly in Council practice. In November 2012, the German PREP proclaimed: "*we call on all Council members to consider conducting one such horizon-scanning during their respective presidencies*"[291] (REQ 0/SUP +1/OPP -1/NEG +1).

Following the debate on procedural issues sparked by France in 1994, the UK started a tradition of briefing the wider membership on the content of Council deliberations immediately after the end of consultations of the whole. The convocation of these briefings was left to the respective President of the SC. Although at the time these briefings quickly established themselves, presently they have become more and more infrequent.[292] There is no established practice regarding these briefings, and non-Council members are essentially dependent on the good will of the members. This has caused much frustration for those waiting for information from the consultations on subjects of special interest to them. A good example for this occurred in 2012 when a small Member State had agreed to send experts with the advance team of the observer mission to Syria. During the closed meeting on the establishment of this mission, the delegates of said Member State waited for hours outside of the Council in order to get the respective information, but when the doors finally opened they were told that these had really only been negotiations and not consultations of the whole and therefore a detailed briefing was not required.[293]

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[290] *What's in Blue: Insights on the Work of the Security Council*, "The August Programme of Work", 2 August 2012, http://whatsinblue.org/2012/08/the-august-programme-of-work.php
[291] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.6870*, 2012.
[292] Security Council Report, *Security Council Working Methods – A Work in Progress?*, p. 14.
[293] Interview at a Permanent Representation of a UN Member State, New York, 6 June 2012.

Hence it is not surprising that, on the part of the wider UN membership, the general interest in these briefings is declining. In 2008, the representative of the US complained that he "*had hoped that the briefings by the Council's President would provide first-hand information to Member States, but attendance at those briefings has been sparse.*"[294] The representative of Costa Rica confirmed in the same debate that "[w]*e often witness a lack of interest of many members of the Organization in the work of the Council, a lack of attention to the information that is available and the sparse use made of the opportunities offered.*"[295] There is the danger of a vicious circle leading from what are perceived by the wider membership to be 'bland' briefings[296] providing only superficial information to lower attendance and, in consequence, to even less effort on the part of the briefers.

Another type of SC briefings are those given by the incoming presidency to the UN membership at the beginning of the month. These briefings were designed to give the Member States information on the provisional Programme of Work for the month and to provide them with an opportunity to discuss the Council's agenda. Although these briefings as well have been somewhat irregular and are still subject to the debates on working methods, they have more or less established themselves as customary practice.

These types of briefings of the wider membership have the potential to increase the transparency of the Council's deliberations and thereby promote deliberative synergy within the UN system. The extent of this beneficial effect, however, very much

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[294] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.5968*, 2008.
[295] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.5968*, 2008.
[296] Security Council Report, *Security Council Transparency, Legitimacy and Effectiveness,* p. 4.

depends on the quality of the briefing, which will fluctuate depending on the respective presidency (SYN +3). Since these briefings are very flexible, there is in principle not much resistance to them, and the concept as such enjoys widespread support (SUP +1/OPP +1). The main obstacle for the firm establishment of the briefings is the question of whether it will be possible to routinely fill them with content meaningful to their audience. In case these briefings continue to be perceived as bland litanies of obvious information, they will soon be forgotten. This caveat applies especially to the briefings on the consultations of the whole but to a certain degree also to those for the introduction of the monthly Programme of Work (REQ -1/REQ 0). Briefings are both very flexible in their application as well as in their format and substance (NEG +1). The regional groupings have all set up mechanisms for briefings, and today, much of the more insightful information is passed on within these frameworks.[297]

PROPOSAL	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Replace consultation with open meetings	0	-2	0	**-2**	0	+1	-1	-1	**-1**
Orientations debates	0	-2	+3	**+1**	0	0	0	0	**0**
Wrap-up sessions	+1	0	+3	**+4**	+1	+1	0	0	**+2**
Horizon-scanning sessions	0	+2	0	**+2**	0	+1	-1	+1	**+1**
Briefings on Consultations	0	0	+3	**+3**	-1	+1	+1	+1	**+2**
Briefings on Programme of Work	0	0	+3	**+3**	0	+1	+1	+1	**+3**

SC Working Methods – Meetings – Closed Meetings

A further reaction to the increasing importance of closed meetings are proposals that aim to create possibilities for the wider membership to participate in these meetings

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[297] Interview at a Permanent Representation of a UN Member State, New York, 15 June 2012.

instead of attempting to promote more public deliberations. There are essentially two categories of closed meetings: Firstly, there are official closed meetings of the SC, termed 'private meetings' and secondly, there are informal meetings of the members of the Council, such as the consultations of the whole, which is currently the standard format for Council deliberations.[298]

As the UN peacekeeping missions became both more numerous and more challenging in the early nineties, those countries that provided the troops for these operations demanded, in accordance with Article 44 of the UN Charter,[299] to be more involved in the decision-making procedures that determined the fate of the personnel they had made available to the UN.[300] As Ian Hurd explains, "[a]*n 'accountability gap' had emerged around peacekeeping contributions due to the fact that the framers of the Charter envisioned the permanent five being the principal providers to security operations, while most such operations have in fact been undertaken through the unanticipated device of 'peacekeeping' with material contributions drawn mainly from the ranks of the medium and small states."[301]*

In response to this, the Council began to hold informal meetings with troop-contributing countries (TCCs)[302] before decisions on particular peacekeeping operations had to be taken. In 2001, moreover, the TCCs effectuated that in case "*the Secretary-General has identified potential troop-contributing countries for a new or*

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[298] For further detail see Sydney Bailey and Sam Daws, *The Procedure of the UN Security Council*, Oxford: Clarendon Press 1998, pp. 21-22.
[299] *Charter of the United Nations*, Chapter VII, Article 44, http://www.un.org/en/documents/charter/chapter7.shtml
[300] United Nations Security Council, "An agenda for peace: preventive diplomacy, peacemaking and peace-keeping", *UN Doc No. S/PRST/1994/22*, 1994.
[301] Ian Hurd, "Security Council Reform: Informal Membership and Practice", in: Bruce Russett (ed.), *The Once and Future Security Council*, New York: St. Martin's Press 1997, p. 146.
[302] Ranking of Military and Police Contributions to UN Operations: http://www.un.org/en/peacekeeping/contributors/2012/Dec12_2.pdf

ongoing peacekeeping operation, when considering a change in, or renewal or completion of a peacekeeping mandate, or when there is a rapid deterioration in the situation on the ground, including when it threatens the safety and security of United Nations peacekeepers"[303] the SC may convene formal private meetings with the respective TCCs rather than holding informal consultations.

In practice, however, the Council routinely failed to schedule its sessions with TCCs early enough for them to have any impact on its decision-making. As a result, they often end up as nothing more than ritualistic pro forma meetings.[304] Further lobbying on the part of the TCCs pushed the SC in 2009 to commit to „[e]*arlier and more meaningful engagement with troop and police contributing countries before the renewal or modification of the mandate of a peacekeeping operation.*"[305] Although the implementation of this commitment proceeded only slowly, as of 2012 the TCC meetings are consistently scheduled at least one week in advance.[306]

Yet, the quality of the TCC meetings remains problematic. The Council members often send only low-level staff, and the participation of the TCCs themselves is frequently underwhelming: in a recent TCC meeting on the UN Supervision Mission in Syria, e.g., only four TCC representatives asked a question. In other meetings not a single question is asked. One of the reasons for the lack of truly interactive deliberation in these meetings is that the Member States' delegations are made up mostly of political and legal advisors whereas only a few representatives have the

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[303] United Nations Security Council, "Strengthening cooperation with troop-contributing countries", *UN Doc No. S/RES/1353*, 2001.
[304] Interview at the Office of a NGO involved with the Security Council, New York, 12 June 2012.
[305] United Nations Security Council, "United Nations peacekeeping operations", *UN Doc No. S/PRST/2009/24*, 2009.
[306] Colin Keating, *Reforming the Working Methods of the Security Council*, Berlin; New York: Friedrich-Ebert-Stiftung 2011, p. 5.

military expertise to freely engage in the technical details of the operations in question.[307] Another reason is the mutually reinforcing correlation between the low quality of information and the low level of participation which has been discussed above in relation to Council briefings.

Meaningful TCC sessions would involve a wider range of Member States in the decision-making procedures of the SC and would thereby enhance the deliberative synergy in the system (SYN +3). While the enlarged circle of participants in the deliberations might complicate the attainment of a consensus and hence lessen the decisiveness of the Council, at the same time it has much to gain from the cooperation of the TCCs in that regard. Much of the clout of the SC depends on its ability to muster sufficient numbers of troops for the operations it mandates (FUNC +2). Although there are some structural problems with TCCs meetings, there have been some meaningful sessions in the past, as, e.g., during the crisis in the Democratic Republic of Congo in 2008,[308] which demonstrate that these obstacles can be overcome if the circumstances are favorable (REQ 0).

The TCCs, obviously, are strongly in favor of meaningful involvement in the Council's decision-making procedures, but there is much support for their cause in the wider membership as well. Jordan in particular has been pushing the issue, and even some of the P5 at least display some good will.[309] While in 2011 the Russian Federation aimed solely to "*maintain*" TCC meetings, some of the other P5 claimed to be more progressive in this regard: "*On the initiative of France and the United*

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[307] Interview at a Permanent Representation of a UN Member State, New York, 15 June 2012.
[308] Security Council Report, *Security Council Working Methods – A Work in Progress?*, p. 6.
[309] Interview at the United Nations Secretariat, Department of Political Affairs, New York, 7 June 2012.

Kingdom, a regular dialogue has been established with troop contributors to peacekeeping operations. With the agreement of all delegations concerned, we should now make that dialogue more substantial."[310] In 2009, the President of the US, Barack Obama, highlighted the issue by convening a meeting with TCCs during his first visit to the UN (SUP +1/OPP +1). Improving the quality of TCC meetings, and thereby their future viability, is dependent both on the P5 who can freely choose when to accord significance to these meetings, and when not to do so, as well as on the dedication of the TCCs themselves (NEG 0).

A further format for informal gatherings of the members of the Council are the Arria-formula meetings named after the former PREP of Venezuela, Diego Arria, who created the prototype of these sessions in 1992. The UN Secretariat describes Arria-formula meetings as "*very informal, confidential gatherings which enable Security Council members to have a frank and private exchange of views, within a flexible procedural framework, with persons whom the inviting member or members of the Council (who also act as the facilitators or conveners) believe it would be beneficial to hear.*"[311] Arria-formula meetings are not held in the Council chambers, but today are usually convened in one of the UN's conference rooms.

Originally, this format was invented as a way to enable direct input from members of civil society, but its revival in recent years is partly due to the fact that it has been discovered to also be "*an adequate tool for engaging in a more informal dialogue*

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[310] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.6672*, 2011.
[311] Security Council Report, *Security Council Transparency, Legitimacy and Effectiveness,* p. 11.

with the United Nations membership."[312] In addition to their use as a platform to engage with civil society and the wider membership, Portugal has begun to convene Arria-formula meetings with staff from UN missions. In May 2012, Council members met with Gender advisers from the UN Assistance Mission in Afghanistan, the UN Stabilization Mission in Haiti and the UN Operation in Côte d'Ivoire in order to obtain input directly from the ground and to thereby gain additional perspectives on the achievements and challenges in implementing the women, peace and security agenda in peacekeeping missions. A similar meeting was held with the heads of the human rights components in UN missions in February 2012.[313]

In 2009, the SC as well began to hold 'informal interactive dialogues'. This new format is essentially an Arria-formula meeting limited to Member States and intergovernmental organizations that emphasizes dialogue among the participants.[314] One of the main objectives of this format is to allow the Council "*to better exchange views with Members of the United Nations on situations that concern them directly.*"[315] The informal interactive dialogues have been used both to enable deliberations with non-Council members specially affected by a particular situation and as a platform for the discussion of issues that are not officially on the agenda of the SC.

Since Arria-formula meetings provide an opportunity for various types of actors, be they other Member States, regional organizations, NGOs, UN staff, or even individual

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[312] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.6672*, 2011.
[313] *What's in Blue: Insights on the Work of the Security Council*, "Arria Meeting with Gender Advisers", 17 May 2012, http://whatsinblue.org/2012/05/arria-meeting-with-gender-advisers.php
[314] Security Council Report, *Security Council Working Methods – A Work in Progress?*, p. 10.
[315] Statement by France in: United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.6672*, 2011.

experts, to give their input into the Council's deliberations, more frequent use of this format is definitely desirable. The same applies to the somewhat more limited informal interactive dialogues (SYN +3). Due to their highly flexible and informal nature, the requirements for holding Arria-formula meetings and interactive informal dialogues are low. After all, these formats originated when one PREP invited his colleagues to the Delegates' Lounge to hear a Bosnian priest give an eye-witness account of the crisis in his country (REQ +1).

There is generally much support for more frequent use of these formats, but while many of the European states emphasize the utility of Arria-formula meetings as a gateway for members of civil society, NAM mainly perceives them as a means for increasing opportunities for the wider membership to give its input to the Council's deliberations, i.e., much like the informal interactive dialogues. The opposition to both formats is moderate: while some of the P5 have their reservations about an increased use of such meetings, France and the UK both convened such sessions with NGO representatives in 2012 (SUP +1/OPP 0). It is very much up to the individual SC members whether they follow the invitations to such meetings and if they do, whether they send representatives of adequate rank to turn these sessions into meaningful sources for the Council's decision-making (NEG 0).

In 2007, furthermore, the Council invented a format called the 'Kosovo model'. This format is an official private meeting of the SC that allows non-Council members to attend deliberations upon invitation.[316] As is standard practice for private meetings, no official records are kept, but affected states gain additional insight from attending, and

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[316] Security Council Report, *Security Council Working Methods – A Work in Progress?*, p. 10.

hence, the Kosovo model does increase the transparency of the Council (SYN +3). The requirements for the further application of the Kosovo model are low (REQ +1). Whereas traditionally private meetings were not open to non-members, the Council can now decide to invite affected countries to these sessions.[317] Since the Council members can still decide upon invitations case by case, there is no significant opposition to the Kosovo model (SUP +1/OPP +1/NEG 0).

PROPOSAL	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
More TCC meetings	0	+2	+3	+5	0	+1	+1	0	+2
Arria-formula and interactive dialogues	0	0	+3	+3	+1	+1	0	0	+2
Kosovo model	0	0	+3	+3	+1	+1	+1	0	+3

SC Working Methods – Outside Input – Increased Input

New meeting formats, such as the informal interactive dialogues or the Kosovo model are in part a response to recent complaints from the UN membership that those states that are affected by the conflict under consideration are often not included in the respective deliberations of the SC. The PRP declare that such a state may be invited "*to participate, without vote, in the discussion of any question brought before the Security Council when the Security Council considers that the interests of that member are specially affected.*"[318] Discontented with the provision that it is solely up to the discretion of the Council itself whether it considers a state as 'specially affected' and therefore needing to be included it in its discussions, the Philippines, in 2008, proposed an amendment of this rule: "*the Philippines recommends that rule 37*

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[317] Bailey and Daws, *The Procedure of the UN Security Council*, p. 22.; United Nations Security Council, "Note by the President of the Security Council", *UN Doc No. S/2010/507*, 2010, paragraph 36 (b).
[318] United Nations Security Council, "Provisional Rules of Procedure of the Security Council", *UN Doc No. S/96/Rev.7*, 1983, rule 37.

be amended such that a United Nations Member State which is not a member of the Security Council but which is under its scrutiny has the right to be present and to be heard during all proceedings in regard to such scrutiny and in any subsequent incident which may arise therefrom."[319]

The participation of affected states in the discussions of the SC obviously improves the legitimacy of its deliberations and hence, in theory, creating a right to such participation would be desirable. The problem is that the requirements for putting this proposal into practice are very difficult. Not only would the amendment of the PRP require a consensus among the Council members, but it is also unclear how it could be determined whether a state is 'specially affected' by the respective situation under consideration. Who if not the SC can make this decision? If this were left to each Member State itself, the attribute 'specially affected' would in all likelihood be applied very loosely, which would result in overcrowded meetings driving the Council members to outsource their deliberations to other fora. This would defeat the purpose of including those who are the most affected in the Council's deliberations (REQ -1). Most of the states in favor of increasing the participation of affected states focus on promoting Arria-formula meetings, interactive informal dialogues, and the Kosovo model, rather than an amendment of the PRP (SUP 0). The P5, moreover, are not ready to give up their authority on the question of who counts as specially affected and there is absolutely no room for negotiation (OPP -1/NEG -1).

One prominent method of influencing the deliberations of the SC from the outside are the so-called 'Groups of Friends of the Secretary-General'. These groups are self-

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[319] United Nations Security Council, "Intervention by the Philippines", *UN Doc No. S/2008/589*, 2008.

selected networks of Member States with a special interest in a particular issue on the agenda of the SC. They have evolved mainly as mechanisms for the cooperation between members and non-members of the Council by which the former profit from the latter's influence on a particular conflict while the latter stand to gain from the formers' influence on the SC's decision-making. In the last 20 years, these groups have gained much prominence, and today SC resolutions are frequently based on drafts produced by these entities.[320]

Jochen Prantl advocates the increased usage of Groups of Friends. According to him, they developed as a practical and informal response to the structural deficiencies of the SC in the 1990s, i.e., its perceived lack of representativeness and effectiveness.[321] By expanding the deliberations on specific issues to the states concerned, this mechanism had not only improved the Council's representativeness, but since it induced the consulted states to cooperate, also enhanced its effectiveness. It is generally undisputed that Groups of Friends often aid the Council's decision-making procedures and help to give it clout in situations of conflict (FUNC +2). It is less clear, however, whether these entities do indeed add to the representativeness of the SC's decision-making procedures. Since they are self-selected, groups of friends often turn out to be more similar to 'coalitions of the willing' than representative and diverse samples of the UN membership.

In 2008, the PREP of South Africa complained that "[t]*ypically, these small groups are dominated by or entirely comprised of developed countries. They usually operate*

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[320] Jochen Prantl, "Informal Groups of States and the UN Security Council", *International Organization*, 59 (3), 2005, p. 573.

[321] Jochen Prantl, "Legitimacy and Accountability of the United Nations", in: Sumihiro Kuyama and Michael Fowler (eds), *Envisioning Reform: Enhancing UN Accountability in the Twenty-First Century*, Tokyo; New York; Paris: United Nations University Press 2009, p. 108.

in secrecy and seek to impose their views on the rest of the membership of the Security Council by drafting resolutions that the Council is then expected to endorse without any further discussion. For South Africa, given our desire for transparency and political inclusiveness, the small group phenomenon presents a significant problem."[322] Interestingly, this complaint was made by a representative from a state that is in the lead of one of the most established and influential groups, i.e. the Core Group on Timor-Leste.[323] As early as 1999, the complaints that the Groups of Friends reduced the majority of the Council members to the task of rubber-stamping pre-established decisions led to a Note by the President cautioning these entities that "*the drafting of resolutions and statements by the President of the Council should be carried out in a manner that will allow adequate participation of all members of the Council.*"[324]

On the other hand, in some instances these groups have also functioned as counterweights to the predominance of unilateral interests in the SC. The Friends of the Secretary-General on El Salvador, who in 1992 were so crucial to ending the civil war, e.g., were first convened by the Secretariat in order to balance the influence of the US.[325] Teresa Whitfield comes to the conclusion that "*the composition of the Group is all-important.*"[326] With this in mind, there have been some efforts to formalize these groups and assure that they "*remained open to all members,*"[327] but in

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[322] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.5968*, 2008.
[323] *What's in Blue: Insights on the Work of the Security Council*, "Timor-Leste Debate and Adoption", 22 February 2012, http://whatsinblue.org/2012/02/timor-leste-debate-and-adoption.php
[324] United Nations Security Council, "Note by the President of the Security Council", *UN Doc No. S/1999/165*, 1999.
[325] Teresa Whitfield, "Groups of Friends", in: David Malone (ed), *The UN Security Council: From the Cold War to the 21st Century*, Boulder, CO; London: Lynne Rienner 2004, p. 316.
[326] Whitfield, *Groups of Friends*, p. 322.
[327] United Nations Security Council, "Recommendations from the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa", *UN Doc No. S/2002/979*, 2002.

practice, the Groups of Friends persist as highly informal and exclusive entities – a quality that ensures their popularity with some Council members. The fact that Groups of Friends are often conducive to the exclusion of the 'weaker' Council members in the deliberations of the SC means that they cannot be considered as generally desirable (SYN -3). However, much depends on the specific circumstances and the composition of the group in question.

Due to their highly informal and flexible nature, the requirements for Groups of Friends are low (REQ +1). This mechanism enjoys support among many of the more powerful states in the UN, especially those that are part of the 'Western Europe and others' group. In the 2011 Council debate on working methods, the US openly expressed its support for Groups of Friends[328] (SUP +1). Others, such as the Russian Federation, have a more reserved attitude towards these groups.[329] Although there are a number of states who have expressed principled opposition to this mechanism, the force of that opposition often depends on the specific role of these groups in the substantial politics of the day (OPP 0/NEG +1). Much of the membership has accepted Groups of Friends as a "*fact of life*."[330] Whitfield identifies the possibility of compromise: "*Groups of Friends have been most effective when they avoid the impression of presenting the Council with faits accompli, ensure that Council members are adequately consulted and briefed on the issues at hand, and allow sufficient time for the decisionmaking process to run its course.*"[331]

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[328] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.6672*, 2011.

[329] United Nations Security Council, "Workshop for Newly Elected and Present Security Council Members", *UN Doc No. S/2008/195*, 2008.

[330] United Nations Security Council, "Workshop for Newly Elected and Present Security Council Members", *UN Doc No. S/2008/195*, 2008.

[331] Whitfield, *Groups of Friends,* p. 323.

The role of regional organizations with regard to SC decision-making has recently gained much attention and at the UN today, much hope for future reform is placed in the strengthening of regional integration.[332] Basically, regional organizations could potentially - and partially already do - assume two important functions in increasing and enhancing the input the Council receives from the outside. Firstly, they could function as conveyor belts for the perspectives of its members into the SC, and secondly, they could serve as the Council's main points of contact on issues concerning regional conflicts. James Paul and Céline Nahory list possible ways in which these organizations could improve their function as conveyor belts: they could make the elected states in their region more responsive to regional policies, they could set up regional secretariats that would coordinate policies, strengthen its members on the Council by pooling resources, as well as provide an institutional memory regarding the SC, and finally, the elected members could include diplomats from some of their regional neighbors in their delegations.[333]

Some regional organizations are closer to this ideal than others. The European Union, e.g., has a well-equipped regional representation at the UN that coordinates and hosts frequent meetings of its members.[334] But even for the relatively well-integrated EU, it is often impossible to find common positions that take into account all of its members' perspectives on the issues facing the SC. One need only mention the idea of 'old Europe and new Europe' to illustrate this point.[335] The issue of UN reform itself

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[332] This sentiment was expressed in several of the interview conducted for this thesis.

[333] Paul, James, and Céline Nahory, *Towards a Democratic Reform of the UN Security Council,* New York: Global Policy Forum 2005.

[334] Mary Farell, "EU Representation and Coordination within the United Nations", in: Katie Verlin Laatikainen and Karen Smith (eds.), *The European Union at the United Nations: Intersecting Multilateralisms*, Basingstoke; New York: Palgrave Macmillan 2006, pp. 27-46.

[335] Christopher Hill, "The European Powers in the Security Council: Differing Interests, Differing Arenas", in: Katie Verlin Laatikainen and Karen Smith (eds.), *The European Union at the United Nations: Intersecting Multilateralisms*, Basingstoke; New York: Palgrave Macmillan 2006, pp. 49-69.

shows that the divisions within other regional organizations are even more deep and permanent,[336] and hence, the requirements for enhancing the role of regional organizations as conveyor belts for the perspectives of its members are formidable. This caveat is amplified in those improvements that involve questions of funding (REQ -1). While there is no considerable opposition, there is in general much support for the improvement of this function of regional organizations in the UN membership (SUP +1/OPP +1). In this sense, the EU could be seen as a cumbersome but progressive avant-garde that inspires many of the other Member States to slowly raise their expectations concerning their regional organizations. The strengthening of these organizations as conveyor belts is largely in the hands of the respective regions themselves and it can take shape in various forms (NEG +1).

Currently, the more prominent issue is the role of international organizations as contact points regarding regional conflicts. Over the years, the cooperation between the Security Council and regional organizations has increased both in quantity and in quality.[337] The initially very technical relationship between these entities, which focused largely on operational issues and SC authorization, is slowly evolving into a more political, general inclusion of regional organizations into the Council's deliberations. The fact that the SC began in 2003 to invite representatives from regional organizations to some of its thematic debates is symbolic for this development.[338] Three years later, the SC agreed to expand the consultation and cooperation by more frequent participation of such representatives in its open

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[336] See chapter 'The Politics of UN Reform'
[337] Shepard Forman and Andrew Grene, "Collaborating with Regional Organizations", in: David Malone (ed), *The UN Security Council: From the Cold War to the 21st Century*, Boulder, CO; London: Lynne Rienner 2004, pp. 295-309.
[338] Security Council Report, *Security Council Working Methods – A Work in Progress?*, p. 13.

meetings and in drafting procedures in general.[339] Since the majority of the conflicts on the Council's agenda take place in Africa, the relationship with the AU has become especially important. Today, the SC frequently meets with the AU Peace and Security Council, alternating between New York and Addis Ababa.

Tensions surfaced, however, when in 2009 some members of the AU attempted to highlight these meetings by turning them into official consultations between the two bodies. A number of SC members forcefully rejected this and insisted that these were merely informal consultations between members of the two councils.[340] These objections are largely motivated by concerns about creating legal obligations and maintaining the hierarchy between these bodies.[341] Also, in May 2012, in Abidjan, Côte d'Ivoire, Security Council members held for the first time ever a high-level meeting with the Economic Community of West African States in order to discuss the situations in Guinea-Bissau and Mali. Since the Organization plays a pivotal role regarding conflict resolution in the region, it is likely that there will be further such meetings in the future.[342]

The obstacles for promoting regional organizations as the main contact points regarding regional conflicts are mostly of practical nature. Meetings, such as those between the members of the two councils, are time-consuming and require the members to send their representatives abroad. This obviously places a limit on the

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[339] United Nations Security Council, "Note by the President of the Security Council", *UN Doc No. S/2006/507*, 2006.
[340] Security Council Report, *Security Council Working Methods – A Work in Progress?*, p. 13.
[341] *What's in Blue: Insights on the Work of the Security Council*, "UN-AU Partnership Debate and Resolution", 11 January 2012, http://whatsinblue.org/2012/01/un-au-debate-and-resolution.php
[342] *What's in Blue: Insights on the Work of the Security Council*, "Council Visiting Mission: High-Level ECOWAS Meeting", 21 May 2012, http://whatsinblue.org/2012/05/council-visiting-mission-high-level-ecowas-meeting.php#

frequency of such meetings (REQ 0). There is generally much support for this cause in the UN membership. In 2010, China initiated an open debate on this issue with representatives from all of the major regional organizations[343] and in 2012, South Africa made the cooperation between the UN and regional organizations in maintaining international peace and security the focus of its Council presidency[344] (SUP +1). While there is no principled opposition to such promotion of regional organizations, the dispute concerning the nature of the meetings between the members of the two councils also demonstrates that there are limits to what will be accepted by the SC (OPP 0). There is much flexibility in the Member States' positions and this function of regional organizations can be implemented in various ways (NEG +1).

The promotion of regional organizations as both conveyor belts for the perspectives of its members into the SC and main points of contact on issues concerning regional conflicts is certainly desirable. By increasing outside participation in the Council's deliberations, by enabling input from those states that are likely to be the most affected by a conflict in their region, and by providing the SC with regional expertise, such a promotion of regional organizations promises to enhance the deliberative synergy within the UN system (SYN +3).

PROPOSAL	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Amendment of rule 37 of the PRP	0	0	0	0	-1	0	-1	-1	-3
More Groups of Friends	0	+2	-3	-1	+1	+1	0	+1	+3
Regional Orgs. as 'conveyor belts'	0	0	+3	+3	-1	+1	+1	+1	+2
Regional Orgs. as points of contact	0	0	+3	+3	0	+1	0	+1	+2

[343] United Nations Security Council, "Cooperation between the UN and regional and subregional organizations in maintaining international peace and security", *UN Doc No. S/PV.6257*, 2010.
[344] United Nations Security Council, "Cooperation between the UN and regional and subregional organizations in maintaining international peace and security", *UN Doc No. S/PV.6702,* 2012.

SC Working Methods – Outside Input – Enhanced Input

In customary practice, Council members always speak before any of those invited to its open meetings. Some Member States have complained that this results in a situation in which some of the Council members ignore whatever is said once the other members have spoken. Indeed, it is not unusual to see a PREP leave the Council chamber before the non-members have had the chance to voice their contributions. For this reason, the PREP of Mexico demanded in 2011 that "*during open debates the order of the speakers' list should be reversed, so that Council members would deliver their statements at the end. That would allow them to truly listen to the membership and to include its contributions in the outcomes of such meetings, particularly when a presidential statement is adopted.*"[345]

Such a reversal of the speakers' list, or alternatively a disregard of membership status in the order of speakers, would probably make it harder for Council members to ignore the contributions of the non-members and thereby improve deliberative synergy in the UN (SYN +3). Moreover, by de-emphasizing the differences in status and minimizing the opportunities for dismissive gestures, such a procedural reform would be conducive to an atmosphere of respect in the open meetings of the SC (MOM +1). Since such a reform would need to be based on a consensus in the SC, the requirements are somewhat demanding (REQ 0). When during its presidency in 2011, Portugal took the initiative and attempted to have the non-members speak first during an open debate, it was not allowed to do so by the other Council members.[346] There is much support for such a reform in the wider membership – NAM would welcome it –

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[345] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.6672 (Resumption 1)*, 2011.
[346] See the statement of Mexico in: United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.6672 (Resumption 1)*, 2011.

but as the Portuguese presidency discovered, the opposition is also strong. In 2008, e.g., France expressed *"very serious reservations"*[347] against having a representative of a regional organization take the floor before the Council members have done so (SUP +1/OPP -1).

Although the P5 will in all likelihood not allow a reversal of the speakers list as a general rule, they have, under special circumstances, shown some flexibility in letting non-members speak before the Council members. In December 2012, they agreed that exceptions may be made. Hence, presidential note 922 reads: *"The members of the Security Council may agree, by consensus on a case-by case basis and when they consider it appropriate for certain open debates, to invite non-members to alternate their interventions with those of Council members. In such situations, those Council members who wish to do so will give up their slot on the speakers' list to non-members."*[348] In this regard, there is some space for negotiation, and much will depend on the number of such exceptions made in the next years (NEG 0).

A further issue with regard to the participation of non-members in the SC's open debates is that the decisions are routinely made well before the meeting itself. This is evident in the frequent adoption of the respective resolutions and presidential statements immediately after the last speaker is heard, without taking the time necessary to incorporate in it the contributions made during the debate. In fact, on one occasion a presidential statement was already adopted at the very beginning of the debate.[349] In 2011, the PREP of Colombia accordingly pointed out that *"[i]t may seem*

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[347] United Nations Security Council, "The situation in Somalia", *UN Doc No. S/PV.6095*, 2008.
[348] United Nations Security Council, "Note by the President of the Security Council", *UN Doc No. S/2012/922,* 2012.
[349] Security Council Report, *Security Council Working Methods – A Work in Progress?*, p. 15

contradictory for open debates to be held in which presidential statements or resolutions that had been previously negotiated among Council members are adopted. A reasonable break should be allowed between an open debate and the negotiation and adoption of such documents to allow Council members to incorporate points of view that emerged in the debate."[350]

The requirements for this proposal to be put into practice are only somewhat demanding. It essentially boils down to the question of whether the Council members are willing to postpone their decisions and whether the President of the SC schedules the correlated meetings favorably. Considering the fact that these open debates are mostly topical and therefore do not demand immediate action on behalf of the SC, there is no pressure on them to make decisions in a timely fashion (REQ 0). Many Member States have voiced the desire to see their input reflected more adequately in the outcome of these debates, and hence this proposal enjoys much support (SUP +1).

The fact that this practice has persisted to this day indicates the P5's unwillingness to reconsider their approach, and accordingly, the only achievable consensus on the matter so far has been the vague statement made in presidential note 922 that "[w]*here appropriate for certain open debates, the adoption of an outcome might occur at a date subsequent to that of the open debate in order to allow it to more fully reflect, if the Security Council considers it appropriate, matters raised during the debate*"[351] (OPP -1). As with the issue of the speakers' list, much depends on the number of cases in which such exceptions will be made in the next years (NEG 0).

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[350] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.6672*, 2011.
[351] United Nations Security Council, "Note by the President of the Security Council", *UN Doc No. S/2012/922,* 2012.

Allowing more time for the incorporation of the non-members' contributions into the outcome of Council debates would definitely improve the deliberative synergy within the UN system (SYN +3). By minimizing the disregard of the non-members' contributions to the debates, this would, furthermore, promote an atmosphere of respect in the Council's deliberations (MOM +1).

PROPOSAL	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Reversal of speaker's list in open debates	+1	0	+3	+4	0	+1	-1	0	0
More time for outcomes of debates	+1	0	+3	+4	0	+1	-1	0	0

SC Working Methods – Information – Outreach

A recurring issue with regard to SC working methods has been the timely circulation of draft resolutions. Unless the wider membership receives this information well before the respective decisions are made, these states' delegates can neither consult their capitals nor prepare and communicate their input on the matter. According to the presidential note on working methods of 2006, "[t]*he members of the Security Council agree to consider making draft resolutions and presidential statements as well as other draft documents available as appropriate to non-members of the Council as soon as such documents are introduced within informal consultations of the whole, or earlier, if so authorized by the authors of the draft document.*"[352] Despite this agreement, in the Council's debate on the implementation of this note in 2008, many speakers felt the need to reiterate this point. The PREP of Tonga, e.g., complained about the prevalent method of circulating drafts: "*They are often trimmed and edited before reaching informal consultations. Such a practice makes it hard for non-*

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[352] United Nations Security Council, "Note by the President of the Security Council", *UN Doc No. S/2006/507*, 2006.

members to be readily informed of the work of the Council. It also makes it difficult for nonmembers to provide meaningful input into the process, even in rare opportunities such as open debates."[353]

In an effort to improve this situation, the PREP of Spain in 2011 suggested establishing the practice of circulating drafts *before* rather than *as soon as* they are introduced in consultations: "*We encourage the distribution of those initial drafts, to the extent possible, before they are passed on to informal consultations of the whole. I know that is an ambitious proposal, but if it were put into even partial practice it would certainly enhance the transparency of the Council's work.*"[354] More demanding proposals are made by NGO representatives such as Peter Padbury who as early as 1995 pointed out the importance of circulating drafts: "*The preparation of negotiating documents should be a much more open process. The Secretariat should distribute widely an outline paper and then successive drafts, inviting analysis, examples and creative solution-oriented input. This would allow government departments and others to use the process in more constructive ways. It would allow major groups who cannot afford to come to these meetings to have a say. It would make it much easier for writers to focus their contribution, and for the Secretariat to incorporate contributions. This is a very simple, but important innovation that could significantly increase ownership and participation.*"[355]

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[353] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.5968 (Resumption 1)*, 2008.
[354] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.6672 (Resumption 1)*, 2011.
[355] Peter Padbury, "UNCED and the Globalization of Civil Society", in: Eric Fawcett and Hanna Newcombe (eds), *United Nations Reform: Looking Ahead after 50 Years*, Toronto: Dundurn Press 1995, p. 217

Since the timely circulation of SC drafts improves the transparency of the Council and increases the quantity and quality of outside input, it is generally desirable to promote such practice (SYN +3). The point in time at which a draft is circulated depends exclusively on the authors of the respective draft: some Council members have a more proactive attitude towards transparency than do others, and all will interpret the provision to make 'documents available as appropriate' as they see fit (REQ 0). There is much support in the wider membership for the practice of distributing drafts in a timely manner, but the P5 have a reserved attitude towards this matter. They have agreed that such a practice is desirable in principle, but in practice, they will continue to make the timing of the distribution dependent upon the case at hand (SUP +1/OPP -1). Those who strive to promote this practice can proceed to set examples, but given the disproportional involvement of the P5 in drafting resolutions, much depends on whether these will consistently circulate information in a timely manner (NEG 0).

In 2008, the PREP of Australia put forward the idea that the SC should collect and issues statistics on its working procedures. The expectation is that if it were possible to compare, e.g., the number of changes made to draft resolutions in one year compared to the next, it would be possible to track the implementation of the efforts to increase outside input.[356] Therefore, according to Australia, "[t]*he Council should keep those sorts of statistics and issue them periodically — say, every two years — so that we can know if we are making progress or not.*"[357] Since the compilation and distribution of such statistics would increase the transparency of the SC's decision-making and would also aid in holding it accountable, such an innovation would be desirable (SYN +3).

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[356] Security Council Report, *Security Council Working Methods – A Work in Progress?*, p. 7.
[357] United Nations Security Council, "Workshop for Newly Elected and Present Security Council Members", *UN Doc No. S/2008/195*, 2008.

The question is whether the collection of insightful data is feasible. Presumably, the task of collecting this data would fall to the UN Secretariat. In that case, the SC would have to mandate it to do so and the Secretariat would then require additional resources in order to comply (REQ 0). The Department of Political Affairs has indeed increased its activities with regard to the collection and publication of data on the work of the SC, but quickly runs up against its limits. E.g., the P5 would not allow it to publish any data on the Arria-formula meetings in its statistics on 2011.[358] Although many states might be in favor of the Australian proposal, there is currently no momentum of support (SUP 0). As their reluctance concerning the data on Arria-formula meetings demonstrates, it is unlikely that the P5 would agree to the collection of any sensitive procedural data that could publically expose them to criticism (OPP -1). Compromise solutions in which various limits might apply to the type of data that is collected and distributed are easily imaginable, but then it is questionable whether these would yield any insightful results. As the PREP of Australia himself pointed out, an alternative solution could be to mandate outside actors such as the NGO *Security Council Report* with this task[359] (NEG +1).

The timely integration of the incoming Council members is a further issue for the effective functioning of the SC. Due to the Council's lack of transparency, in the past the new members often assumed their seats on the SC with imperfect skills regarding its working methods and with little knowledge of the minutiae of its agenda.[360] To ensure a smooth transition from one year to the next, the incoming members are now

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[358] Interview at the United Nations Secretariat, Department of Political Affairs, New York, 7 June 2012.

[359] The role of Security Council Report will be discussed in chapter "Relations between Security Council and Civil Society".

[360] Interview at the United Nations Secretariat, Department of Political Affairs, New York, 7 June 2012.

invited to attend the Council's meetings as observers in the months between their election and the start of their term. In addition, Finland began in 2003 to host annual 'Workshops for Newly Elected and Present Security Council Members' to bring together the Council members in their new composition and to prepare the incoming representatives for their task.[361] Currently, *Security Council Report* as well is significantly expanding its efforts to provide customized preparation for incoming members.[362]

Innovations such as these that enable a more smooth transition between the outgoing and incoming members are desirable for two reasons: firstly, these measures are likely to increase the effectiveness of the SC by lessening the disruption caused by the integration of the new members and secondly, they help to reassure the incoming members of their role in the Council and are thereby conducive to an atmosphere of mutual respect in its deliberations (FUNC +2/MOM +1). Since all sides stand to benefit from these innovations, they are generally popular. With regard to the pre-term attendance of incoming Council members, e.g., the debate evolved much more around the details of this arrangement, i.e., the time frame and the particular types of meetings they were allowed to attend, rather than its desirability as such (SUP +1/OPP+1). There is a range of measures individual Member States can take in order to integrate more smoothly into the Council (NEG +1).

PROPOSAL	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Timely circulation of drafts	0	0	+3	+3	0	+1	-1	0	0
Compilation and distribution of stats	0	0	+3	+3	0	0	-1	+1	0
Integration of incoming members	+1	+2	0	+3	+1	+1	+1	+1	+4

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[361] United Nations Security Council, "Workshop for newly elected and current Security Council members", *UN Doc No. S/2004/135*, 2004.
[362] For more detail see chapter "Relations between Security Council and Civil Society".

SC Working Methods – Information – UN Journal

The most significant issue concerning the UN Journal is the announcement of SC meetings. Which meetings should be announced and when? There have been many complaints from within the UN membership that the late announcement of meetings, or the lack of any such announcement, greatly impedes their ability to follow the developments within the Council and to prepare contributions to its work. Concerning the first question, it has been proposed that the Journal consistently announce meetings of the Council's subsidiary bodies as well as all expert meetings. In 2008, e.g., the PREP of Switzerland called for the *"announcement in the Journal of the United Nations of all meetings of the Security Council and its subsidiary bodies, including expert-level meetings."*[363]

On the face of it, the announcement of these meetings in the UN Journal should ensure an increase in the transparency of the Council and promote input from non-members. There is a danger, however, that a further formalization of these meetings would entice the P5 to outsource decision-making even further from the SC. *Security Council Report* demonstrates that the monthly publication of the provisional Programme of Work resulted in the over-formalization of consultations of the whole with the consequence that decision-making was outsourced from consultations of the whole to expert meetings. Hence, the provisional Programme of Work has actually diminished the transparency of the Council's decision-making instead of increasing it.[364] It is very likely that the expert meetings would suffer the same fate were they to be announced in the UN Journal (SYN 0).

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[363] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.5968*, 2008.
[364] Security Council Report, *Security Council Working Methods – A Work in Progress?*, pp. 3-4.

Permission for the announcement of expert meetings and of those of subsidiary bodies requires an informal consensus in the Council (REQ 0). Although many Member States are in favor of such announcements, the P5 are very reluctant to agree to this (SUP +1/OPP -1). So far all they were willing to concede is the agreement to "*encourage Chairs of the subsidiary bodies of the Council to make the schedules of meetings of subsidiary bodies available to the public, when appropriate, through their websites and the Journal of the United Nations.*"[365] This, of course, leaves a lot of leeway to a case-by-case interpretation of the necessity to announce such meetings, but since the Chairs are often elected members, such announcements may well establish themselves (NEG +1). Since expert meetings are less formal than those of the subsidiary bodies, the P5 have more control over their procedures and it is therefore less likely that expert meetings will be announced regularly (NEG 0).

Regarding the timely announcement of SC meetings, the PREP of Singapore in 2008 proposed a deadline for decisions on the format and the announcement thereof: "*Perhaps one suggestion would be to establish an agreed time frame for concluding negotiations on the format — ideally, 48 hours before the debate — in order to give involved States the opportunity to prepare.*"[366] As such a deadline would allow both Council members and non-members to better prepare themselves and improve the quality of their participation, it would be desirable (SYN +3). The biggest challenge with this proposal are the negotiations on the format themselves which, depending on the subject at hand, might need to accommodate very differing opinions (REQ 0). The P5 are not keen on putting additional pressure on these negotiations and would favor

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[365] United Nations Security Council, "Note by the President of the Security Council", *UN Doc No. S/2006/507*, 2006, paragraph 47.
[366] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.5968 (Resumption 1)*, 2008.

temporal flexibility in deciding the format of meetings (OPP 0). On the other hand, the S5 are proactively in support of such a deadline and many others have demanded the timely announcement of meeting formats (SUP +1).

A surprisingly persistent issue has been the designation of appropriate titles for items on the agenda of the SC. According to traditional Council practice, these items are given their titles based on the document requesting discussion in the SC.[367] For this reason, about a fifth of the item titles on the Council agenda are based on one and the same format giving absolutely no cue of the subject matter: 'Letter dated […] from the Permanent Representative of […] to the President of the Security Council.' At the open debate on SC working methods in 2008, which is officially titled 'Implementation of the Note by the President of the Security Council', the PREP of the UK pointed out that *"we can look at further ways of keeping the Security Council agenda up to date and selfexplanatory. The title of today's debate is a classic example of using bureaucratic language rather than something that can be readily understood by all."*[368]

Although seemingly an insignificant technicality, inaccessible agenda titles can greatly diminish the transparency of the SC. The titles of agenda items direct the attention of the audience and function as the primary cognitive access points for anyone who is not yet part of the respective debates. It would therefore be very desirable to have self-explanatory titles for the items on the agenda of the SC (SYN +3). The greatest challenges for putting this proposal into practice are the necessary

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[367] Interview at the Office of a NGO involved with the Security Council, New York, 12 June 2012.
[368] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.6672*, 2011.

bureaucratic rearrangements, on the one hand, and the requirement of finding a new method for titling agenda items, on the other (REQ 0).

This method could be based on either a new automatism, which might again lead to formulistic titles, or a case by case consensus of the SC. There is strong support for such a rearrangement, and a transitional solution in which old agenda items keep their obscure names but new issues are assigned self-explanatory titles, is easily imaginable. As early as 2006, the members of the Council agreed to "*the desirability, whenever possible, of using descriptive formulations of agenda items at the time of their initial adoption*"[369] (SUP +1/NEG +1). One issue is that the Council members often prefer to deliberately hide issues behind obscure agenda titles in order to avoid acknowledgment that these topics do indeed pose a problem.[370] The discussion on the SC working methods is a case in point. Hence, China, Russia and the US prefer to keep the option of using obscure agenda titles and will only adapt descriptive titles 'whenever possible' (OPP 0).

PROPOSAL	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Announcement of expert meetings	0	0	0	0	0	+1	-1	0	0
Announcement of subsidiary meetings	0	0	0	0	0	+1	-1	+1	+1
Deadline for announcement	0	0	+3	+3	0	+1	0	0	+1
Descriptive titles for agenda items	0	0	+3	+3	0	+1	0	+1	+2

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[369] United Nations Security Council, "Note by the President of the Security Council", *UN Doc No. S/2006/507*, 2006, paragraph 2.
[370] Interview at a Permanent Representation of a UN Member State, New York, 8 June 2012.

SC Working Methods – Formalization

It has been a long-standing demand of a large number of Member States to formalize the Council's Provisional Rules of Procedure. Although detailing the rules for voting and decision-making, the UN Charter left it to the discretion of its main bodies to determine their own rules of procedure. Of these bodies, today only the SC retains merely provisional arrangements. Speaking on behalf of the African Group, the PREP of Sierra Leone stated in 2010 that "*we continue to stress for more increased inclusivity, transparency, and legitimacy of its proceedings, and here we would like to emphasize that the Rules of Procedure, which still remain provisional after 60 years of the Council's existence is a cause for concern.*"[371] The NAM and many other states share this sentiment and determinately reiterate this demand whenever possible (SUP +1). Yet formalizing the rules of procedure requires a consensus of all Council members, and the P5 strongly resist such a modification (REQ -1/OPP -1). Since the removal of the word 'provisional' is an either-or issue, there does not appear to be much room for compromise (NEG -1).

From the perspective of the P5, formalizing the rules of procedure would lessen the SC's ability to react to unforeseen developments and prevent it from adapting to the challenges of the day. Edward Luck supports this position with the argument that it was the Council's ability to evolve "*its tools and working methods as conditions* [change] *in unpredictable ways*"[372] which has saved it from irrelevance throughout the years. This flexibility is seen as essential to the SC's decisiveness. It is doubtful, however, whether the formalization of these rules would indeed prevent the Council

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[371] United Nations General Assembly, "Report of the Security Council", *UN Doc No. A/65/PV.48*, 2010.

[372] Edward Luck, "A Council for All Seasons: The Creation of the Security Council and Its Relevance Today" in: Vaughan Lowe et al. (eds.), *The Security Council and War: The Evolution of Thought and Practice since 1945*, Oxford: Oxford University Press 2008, p. 83.

from adapting. In fact, in the almost seven decades of their existence, the PRP have been revised only six times.[373] The current version dates from 1983, which indicates that during the last 30 years – a period in which the SC has faced the constant necessity to adapt to highly volatile circumstances and has, therefore, undergone striking changes in its working methods – no changes to the PRP have been made.

The argument concerning the decisiveness could, moreover, be inversed. The Austrian Initiative on the Security Council and the Rule of Law, led by the renowned legal scholar Simon Chesterman, comes to the conclusion that "[a]*cknowledging that the Council's powers derive from and are implemented through law will ensure greater respect for Council decisions. As part of a commitment to the rule of law, the Council should adopt formal rules of procedure rather than continuing to rely on provisional rules.*"[374] No matter whether this causality holds in the real world, this argument demonstrates that the relationship between the formalization of the PRP and the Council's decisiveness is both very contestable and much contested. Instead of necessarily decreasing the SC's decisiveness, a formalization of the PRP would increase its transparency. Such a modification would constitute a commitment to international law and would create legal obligations which is, in all likelihood, the real reason why the P5 oppose this reform. Even if formalized, the rules of procedure would not be set in stone and could be adapted to the requirements of future scenarios while improving the transparency of the Council through predictability and legal guarantees (SYN +3).

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[373] United Nations Security Council, "Intervention by the Philippines", *UN Doc No. S/2008/589*, 2008.
[374] United Nations General Assembly, "The United Nations Security Council and the Rule of Law", *UN Doc No. A/63/69*, 2008.

A further proposal towards the establishment and clarification of obligations is put forward by Kishore Mahbubani, former PREP of Singapore, who suggests a more specific codification of the Council members' responsibilities. He argues that "*the lack of clear assignments of responsibilities to either the P-5 or the E-10 members has created a structural weakness in the Council.*"[375] As Mahbubani explains, this would not only make the SC more transparent and accountable, but the creation of responsibilities and objectives would increase the pressure on its members to consider the common good rather than only their national interests and thereby improve its deliberations (MOM +1/SYN +3). In terms of feasibility, however, this proposal faces the same challenges as the formalization of the PRP, and hence, it is unlikely to be put in place.

Another suggestion presented by Muhbabani would be to keep official records of the consultations of the whole. "*As the Council often works by referring to precedents, the elected members are at an obvious disadvantage when they have either no knowledge of or background on the precedents.*"[376] The creation of a formal institutional memory would benefit the elected members who often assumed membership without adequate knowledge of the longer term developments of Council debates. The issue with this proposal is that if official records of consultations of the whole were to be kept, these would essentially turn into private meetings. Instead of demanding official records for consultations of the whole, it might, therefore, be more practical to advocate the increased use of these private meetings. Indeed, the trend seems to point in the opposite direction: instead of a further formalization of the

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[375] Kishore Mahbubani, "The Permanent and Elected Council Members", in: David Malone (ed.), *The UN Security Council: From the Cold War to the 21st Century*, Boulder; London: Lynne Rienner 2004, p. 262.
[376] Mahbubani, *The Permanent and Elected Council Members*, p. 260.

consultations, in June 2012, Portugal and the UK initiated a presidential note that calls for less formality in order to promote more interactive and vivid discussions.[377]

In the opinion of James Paul and Céline Nahory the rotating presidency of the SC impairs its smooth functioning: "*The Council's influential presidency changes constantly in a monthly rotation, producing an organized confusion*."[378] In addition to the monthly transfer of business, it is problematic that many of the elected members lack experience in leading the procedures of the Council, and the one-month term of presidency leaves the representatives very little time to grow into the job. Thus, Paul and Nahory propose a more institutionalized presidency for the SC. This could consist of increasing the support of the Secretariat by providing a strong staff force for the office of the president – much like it has recently been done with the presidency of the GA. Moreover, the office of a speaker of the SC could be created whose task it would be to brief the wider membership and the media on behalf of the President.

Since the monthly rotating presidency does, in fact, cause some disruptions in the business of the SC, it would be desirable to ensure more smooth transitions between them by institutionalizing the presidency in the ways suggested above[379] (FUNC +2). Yet, such a reform would require not only a consensus in the Council but also additional staff and resources for the Secretariat (REQ -1). The P5, furthermore, are very cautious about giving up too much procedural control of the SC to the Secretariat and therefore oppose this initiative (OPP -1). There is no strong momentum in support

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[377] United Nations Security Council, "Note by the President of the Security Council", *UN Doc No. S/2012/402*, 2012.
[378] Paul, James, and Céline Nahory, *Towards a Democratic Reform of the UN Security Council,* New York: Global Policy Forum 2005.
[379] Interview at the United Nations Secretariat, Department of Political Affairs, New York, 7 June 2012.

of this proposal in the wider membership. Although, on the one hand, many see this as a chance to put some limits on the procedural dominance of the P5, on the other hand, some are reluctant to give the UN Secretariat too much influence as they perceive it to be too susceptible to the influence of the US (SUP 0). But since it is not beyond imagination that the P5 and a number of other Member States might at some point come to the conclusion that the institutionalization of the presidency does indeed increase the effectiveness of the SC and that this will serve their interest better than their fear of a loss of control, there might be room for negotiation in the near future (NEG +1).

PROPOSAL	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Formalization of Rules of Procedure	0	0	+3	+3	-1	+1	-1	-1	-2
Codification of responsibilities	+1	0	+3	+4	-1	+1	-1	-1	-2
Institutionalization of the presidency	0	+2	0	+2	-1	0	-1	+1	-1

SC Working Methods – Agenda

This section will evaluate those reform proposals that concern the agenda of SC meetings. The main problem these proposals aim to alleviate is that, as the Council's activities have increased over the years, its agenda has become overloaded as well.[380] The weight of the agenda severely limits the time the SC can dedicate to the discussion of single issues and thus entails the deterioration of their deliberative quality (MOM +1). Moreover, since shortage of time restrains the possibility of reaching consensus through rational deliberation, the cramped agenda is also an obstacle to the fulfillment of the Council's systemic function (FUNC +2). Finally, this

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[380] Jürgen Dedring, *The United Nations Security Council in the 1990s: Resurgence and Renewal*, Albany: State University of New York Press 2008, pp. 3-5.

situation leaves less space for consultation with external actors and consideration of outside input, and hence, it inhibits deliberative synergy within the system (SYN +3).

Every month, the Secretariat publishes and distributes the 'seizure list': This document lists all the items declared to be on the Council's agenda. As this list has been growing longer and longer over the years, there has recently been increased interest in improving the mechanisms for delisting items. In 2006, the Council decided that at the beginning of each calendar year every item on the agenda that had not actively been considered in the last five years should automatically be deleted unless any of the Member States objected to the removal of the item. Two years later, it was decided to reduce the time limit for inactivity to three years. Following the implementation of this measure, the number of items on the list decreased from 106 in 2009 to 84 in 2010.[381] By 2012, the number of items on the list had again increased to 87.[382]

The prospect of an automatic removal of dormant agenda items had evoked widespread protests from the UN membership, but when the caveat that an item can only be removed if no objections are raised was added to the proposal, this guaranteed the acceptability of this mechanism, and since the P5 especially had an interest in shortening the agenda, it was successfully put into practice.[383] There are currently no signs of discomfort with this reform and it will very likely establish itself. Although this is a purely formal measure, the fact that this innovation helps to ensure that the

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[381] Security Council Report, *Security Council Working Methods – A Work in Progress?*, New York 2010, p. 17.
[382] United Nations Security Council, "Summary statement of matters of which the Security Council is seized", *UN Doc No. S/2012/10*, 2012.
[383] For more details on the importance of the seizure list and the debate on the mechanism, see Ian Hurd, "Legitimacy, Power, and the Symbolic Life of the UN Security Council", *Global Governance*, 8 (1), 2002, pp. 39-41.

agenda de jure properly reflects the agenda de facto makes it not only more transparent but might also improve the focus of the Council's deliberations. As the UK PREP put it in 2012: "*How can we properly be accountable to our members if we cannot even be frank about what is on our agenda?*"[384] (REQ 0/SUP +1/OPP +1/NEG +1).

A more practice-oriented proposal for shortening the agenda is the idea that the SC should devolve more work to its subsidiary bodies and expert panels.[385] Over the years, the Council has established 20 subsidiary bodies specializing on a wide range of topics from individual sanction regimes to the future of peacekeeping. These bodies include all of the SC members and operate on the basis of consensus decision-making. Expert panels are more informal groups of junior staff members with a speciality in the topic at hand. As a result of the cramped agenda of the SC, the importance of both the subsidiary bodies and the expert panels has in fact steadily increased in recent years. Today, much of the nitty-gritty of the Council's work takes place in these fora.[386]

Is this a development that should be encouraged further? Devolving work to subsidiary bodies and expert panels definitely lightens the Council's work load and thereby helps to alleviate the associated negative effects on the quality of its deliberations. On the other hand, an expansion of this practice would greatly diminish the prospects for deliberative synergy between the SC and other parts of the system. As Edward Luck points out, the work of the subsidiary bodies "*tends to be more*

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[384] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.6870*, 2012.
[385] See, e.g., Paul and Nahory, *Towards a Democratic Reform of the UN Security Council.*
[386] Security Council Report, *Security Council Transparency, Legitimacy and Effectiveness: Efforts to Reform Council Working Methods 1993-2007*, New York 2007, p. 12.

opaque and far less known than that of the parent body."[387] These meetings are always held behind closed doors, and other UN members receive only sparse information on the proceedings. *Security Council Report* concludes therefore that moving decision-making to expert panels and subsidiary bodies has a "*negative impact on the overall dynamics between the Council and its wider constituency*"[388] (SYN -3). By enabling more thorough and focused work on selected issues, these measures promote the systemic function of the SC and provide more time for the exchange of justifications of assertions and validity claims in internal deliberations, but this does not improve the consideration of outside input if its external connections are diminished in the first place (MOM +1/FUNC +2).

The political opposition to devolving work to subsidiary bodies is different from that of devolving it to expert panels. Concerning the subsidiary bodies, much of the wider UN membership has come to terms with the fact that their increasing importance is an inevitable result of the Council's workload, which is why they now concentrate on demanding that these bodies be more transparent instead of arguing against the practice of devolving work to them[389] (OPP 0). Because expert panels are often held outside of the UN premises and are generally much more informal, the wider membership perceives the prospects of gaining at least some control over these meetings as much less promising. Hence, the opposition to devolving work to expert panels is greater than the opposition to devolving it to subsidiary bodies (OPP -1). In the end, however, the bargaining chips are largely in the hands of the P5 who can

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[387] Edward Luck, "Rediscovering the Security Council: The High-level Panel and Beyond", in: *Reforming the United Nations for Peace and Security*, New Haven: The Yale Center for the Study of Globalization 2005, p. 146.
[388] Security Council Report, *Security Council Transparency, Legitimacy and Effectiveness,* p. 12.
[389] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.6672*, 2011.

effectively decide to use expert panels as much as they see fit (REQ +1/NEG +1). Since these panels are becoming more expedient to the P5, they are also becoming more important to the work of the SC in general (SUP +1).

Another idea for alleviating the problem of the agenda was put forward by the Permanent Representative of Liechtenstein in the open debate on SC working methods in 2008: "*We appreciate the heavy workload and the time constraints under which the Council is conducting its work. We acknowledge the improvements that have been made. Further measures to improve efficiency are necessary to enable the Council successfully to carry out all its tasks. Discussing issues in specific configurations, such as in the Peacebuilding Commission, could be an interesting format in the future.*"[390]

The Peacebuilding Commission (PBC) is itself a fairly recent institutional innovation that grew out of the reform efforts of the 2005 World Summit.[391] It was created with the goal of overcoming the problem of institutional overlap within the UN system regarding the complex task of rebuilding war-torn countries. The PBC's Organizational Committee is made up of 31 states selected by both the SC and the GA as well as ECOSOC. Its Country-Specific Configurations are composed on the basis of the all-affected principle.[392] Obviously, its focus on peacebuilding would very much limit the number of issues discussion of which the SC could possibly devolve to the PBC, but the nature of the PBC would make such a mechanism desirable. The

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[390] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.5968 (Resumption 1)*, 2008.
[391] Ejeviome Eloho Otobo, "The New Peacebuilding Architecture: An Institutional Innovation of the United Nations", in: Peter Danchin and Horst Fischer (eds.), *United Nations Reform and the New Collective Security*, Cambridge; New York: Cambridge University Press 2010, pp. 212-234.
[392] United Nations General Assembly, "The Peacebuilding Commission", *UN Doc No. A/RES/60/180*, 2005.

latter combines the input of the UN's main institutions in its deliberations and it is equally accountable to all of them (SYN +3). Furthermore, its Country-Specific Configurations would supposedly have the advantage of expertise and comprehensive overview on the issues devolved to them (FUNC +2). A mechanism that would enable the SC to devolve deliberation on certain issues to the PBC which would then report back to the Council would certainly be desirable.

But is such a mechanism politically feasible? Since the PBC is a subsidiary body to the SC, the GA, and ECOSOC, the requirements for this proposal to be put into practice are somewhat complex. A special arrangement between the SC and the PBC would also entail questions of how to uphold equal accountability to its parent institutions (REQ 0). This is why the P5 are not well disposed to such an arrangement: For them, moving deliberations to the PBC would mean a loss of control. Not only is the PBC accountable to other institutions, but it directly involves a much larger number of states in its deliberations than does the SC and it does not accord a special status to the P5[393] (OPP -1). Theoretically, such a mechanism might be in the interest of significant parts of the wider UN membership, but so far the idea has not gained much momentum (SUP 0). The SC, however, has recently included the chairs of the PBC in some of its deliberations.[394] If this practice establishes itself, further cooperation between the two bodies could follow *"in the future"* (NEG 0). Indeed, the careful phrasing of the Permanent Representative of Liechtenstein indicates that the proposer himself does not consider the time to be ripe for such an initiative.

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[393] Apart from the fact that they are guaranteed a seat on the Organizational Committee.
[394] This innovation is discussed further below.

Council members have recently turned their attention to a problem regarding the annual schedule of the SC. Portugal and the UK are pushing the resolution of the so-called 'periodicity problem': most of the operational Council mandates are renewed in either December or June of each year, thereby clogging the agenda of the respective months.[395] Although the majority of these renewals are more or less a matter of routine, others often entail protracted political debates on the revisions of the mandates. Spreading the renewal of mandates more evenly throughout the year would enable the SC to function more efficiently and allow for a more individualized consideration of each renewal (MOM +1/FUNC +2). Resolving the periodicity problem is an incremental task that will take some years to be fully implemented. In essence, it depends on the willingness of the Council members to renew individual mandates earlier than scheduled. In some cases one or the other member will have political reasons for protracting renewals and potential revisions to the mandate as long as possible (REQ 0/OPP 0). But since there are no objections to the general intention of resolving the periodicity problem and since not only Portugal, but also the UK have made this issue their cause, it can be expected that it will be pursued consistently (SUP +1/NEG +1).

The UK and Portugal are also promoting technological innovations, such as the use of video teleconferencing. In June 2012, they pushed through a presidential note which stated that "[t]*he members of the Security Council intend to resort more often to the use of video teleconferencing for briefing the Council, where appropriate, while preserving a balanced approach between video teleconferencing and briefings in*

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[395] *What's in Blue: Insights on the Work of the Security Council*, "Council's March Programme of Work", 2 March 2012, http://whatsinblue.org/2012/03/councils-march-programme-of-work.php

person, including during open meetings in the open chamber."[396] Video conferencing allows for ad hoc briefings from the field and provides the SC with more timely information on existing and emerging conflicts, while at the same time saving time and money by reducing the need for the costly presence of briefers. As the US representative explained, this "*enabl*[es] *the Council to maintain its vital role in early warning and conflict prevention*" (FUNC +2).

In November 2012, the South African representative suggested extending the use of video teleconferencing to interinstitutional communications: "*As a means of concretely fostering cooperation, South Africa encourages the President of the Council to interact regularly with the Chairperson of the Peace and Security Council on issues on the agendas of both Councils. The two Councils could further benefit from more interaction and substantive discussion on a regular basis. In that regard, the use of video technology could successfully be deployed to regularize such interaction between the two Councils.*"[397] As discussed in the context of increasing the input of regional organizations, an improvement in institutional interaction with the AU would promote deliberative synergy in the UN's decision-making. Moreover, video conferencing may very well contribute to the general improvement of interinstitutional relations within the UN system (SYN +3). The introduction of video teleconferencing has been very popular, and the Council is now increasingly making use of it (SUP +1/OPP +1). Since the individual application of this innovation leaves much room for negotiation, and since there are only few practical requirements, the

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[396] United Nations Security Council, "Note by the President of the Security Council", *UN Doc No. S/2012/402*, 2012.
[397] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.6870*, 2012.

prospects for a more extensive use of video teleconferencing in the decision-making procedures of the UN are very good (REQ +1/NEG +1).

PROPOSAL	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Shorten 'seizure list'	+1	+2	+3	+6	0	+1	+1	+1	+3
Devolve work to subsidiary bodies	+1	+2	-3	0	+1	+1	0	+1	+3
Devolve work to expert panels	+1	+2	-3	0	+1	+1	-1	+1	+2
Devolve work to PBC	+1	+2	+3	+6	0	0	-1	0	-1
Resolve periodicity problem	+1	+2	0	+3	0	+1	0	+1	+2
Video teleconferencing	+1	+2	+3	+6	+1	+1	+1	+1	+4

SC Working Methods – Subsidiary Bodies

Recent debates on SC working methods have highlighted two interconnected issues: the designation of the chairs of the subsidiary bodies and 'penholdership', i.e., the question of who may draft resolutions. The current convention which regulates these two issues prescribes a division of labor between the P5 and the E10: while the latter chair the subsidiary bodies, the former take on the drafting of SC resolutions. This arrangement, which was set up by the P5, is now being heavily contested. Many states are no longer willing to accept the practice that the Chairs of the Council's subsidiary bodies are determined exclusively by the P5 and designated exclusively to elected members. The PREP of Switzerland echoed the sentiments not only of the S5 when he stated that "*the designation of the chairs of subsidiary bodies by the five permanent members only, and of the elected members only, is an anachronism.*"[398]

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[398] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.6672*, 2011.

From the perspective of the E10, it is deplorable that the P5 show only little interest in consulting them on their preferences and, much worse, that they often act against their stated interests. When Portugal assumed its seat on the Council in 2011, e.g., it made it known to the P5 that it wished to chair the Informal Working Group on Documentation which is responsible for the Council's working methods. The US, however, dreaded the Portuguese activism in this area and ensured that Bosnia-Herzegovina was assigned the chair of the group.[399] Since the latter has less resources and staff, which means that solely by carrying out the routine administration of the group it will already reach the limits of its capacity, this prevents undesired initiatives with regard to the Council's working methods. This effect is amplified by the fact that the P5 designate the chairs only slightly in advance and thereby leave the E10 with scarce time to prepare for their mandates. Many Member States feel that the division of labor between chairmanship and penholdership allows the P5 to keep the E10 occupied with administrative tasks. Especially the sanctions committees are very technical and are therefore assigned to states which the P5 want to 'keep busy' while they themselves focus on politically more significant decision-making.[400]

It is reasonable to expect that the abolition of the convention on chairmanship would somewhat decrease the categorical difference between the permanent and elected members and thereby promote an atmosphere of respect among the Council members (MOM +1). In terms of effectiveness, it would give the SC more flexibility in nominating the most adequate Chairs for its subsidiary bodies. For instance, would it not make sense to designate France as the Chair of the Sanctions Committee on the DRC rather than Azerbaijan (FUNC +2)? On the other hand, the exclusive

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[399] Interview at a Permanent Representation of a UN Member State, New York, 6 June 2012.
[400] Interview at a Permanent Representation of a UN Member State, New York, 8 June 2012.

designation of the Chairs to elected members guarantees rotation in these offices. If France were indeed to become Chair of the Sanctions Committee on the DRC, there would be the danger that it would, over the years, monopolize the office for the very reason that it would be regarded as the technically most appropriate candidate. In this perspective, the rotation of Chairs guarantees a more balanced participation in the work of the subsidiary bodies. China, e.g., has argued that the current convention prevents the committees from being chaired by states with vested interests.[401] However, if more participation in the work of the subsidiary bodies equals less participation in the drafting of resolutions and the correlated decision-making, which in practice it often does, in sum total the E10 remain disadvantaged (SYN 0). Hence, it would be desirable to abolish the current convention on chairmanship.

It is probably also because the P5 see this convention as a mechanism to keep the peace amongst themselves that they will not agree to its abolition (OPP -1). The support for such a modification goes way beyond the S5 and includes NAM and many others, such as Germany[402] (SUP +1). Although agreement on an outright abolition of this convention is unlikely in the near future, there is some room for negotiations regarding, e.g., a more open discussion on the distribution of chairs and an earlier designation of these in order to allow for more preparation (NEG +1).

The P5's quasi monopoly on drafting resolutions has come under fire as well. The PREP of India found very clear words for expressing his opinion on penholdership: "*Quite apart from the fact that it takes quite a while to understand what the concept of a pen holder is and which member is holding which pen for which issue, it is difficult*

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[401] Interview at a Permanent Representation of a UN Member State, New York, 6 June 2012.
[402] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.6870*, 2012.

to understand why pen holding should basically be a monopoly of permanent members, with concentration in even fewer fingers.[403] Holding the pen bestows the responsibility for drafting resolutions upon the respective state and thereby grants it political leadership on a particular issue.

Although the P5 usually prefer to keep their fingers on the pen, occasionally they permit elected members to take the lead. Most recently, Germany has had the privilege of being allowed considerable leeway in drafting resolutions. As one of the world's strongest economic powers involved in several military operations overseas and having one of the largest permanent missions in New York, Germany was a natural candidate for leadership. However, since other states, such as India, which also have strong capabilities, have not received such preferential treatment, this is not the sole explanatory factor. Germany's advantage is that it is embedded in a strongly integrated region which includes two of the five permanent members. Its close ties to France and the UK afford more access to the inner circles of the SC.[404] Yet, the willingness of the P5 to make exceptions also depends very much upon the issue at hand. Whereas Germany was allowed to take the initiative on the situation in Afghanistan, it was denied the right to draft a resolution when it intended to become active concerning the situation in Yemen.[405]

Abolishing the current exclusive convention on penholdership would somewhat diminish the structural inequality between the P5 and the E10 and would thereby promote an atmosphere of mutual respect (MOM +1). Since the P5 already now allow

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[403] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.6672*, 2011.
[404] Interview at a Permanent Representation of a UN Member State, New York, 15 June 2012.
[405] Interview at a Permanent Representation of a UN Member State, New York, 6 June 2012.

for exceptions in cases in which there is, in terms of effectiveness, a clearly appropriate candidate, not much would change in this regard (FUNC 0). By reducing the P5's ability for exclusive decision-making, opening up penholdership to the elected members would increase the transparency of the SC and increase the opportunities for outside input (SYN +3). While the P5 are opposed to abolishing the convention on penholdership, India, and with it the majority of the UN membership, are strongly in favor of such a reform[406] (SUP +1/OPP -1). Since there will be no change in this regard if the P5 do not agree, some Member States are pushing efforts at compromise. Portugal is currently attempting to establish the practice of co-penholdership in the SC. This would allow elected members to draft resolutions and take leadership on issues in conjunction with one of the P5. While this would somewhat dilute the exclusiveness of P5 leadership, they would still remain in control of which states to accept as co-penholders and, as senior partners in this cooperation, they could flexibly define the role of their co-penholders. It seems that this compromise has some chances for success[407] (REQ 0/NEG +1).

A further topic debated in 2011 is the involvement of the Chairs of the PBC's Country-Specific Configurations in Council deliberations. The SC often invites some of these Chairs to participate in its open debates if the issue at hand is related to the work of the respective configuration. The PREP of Mexico suggested promoting and expanding this practice to other types of meetings: "*we should maintain the practice of inviting the Chairs of the country-specific configurations of the Peacebuilding Commission to participate in debates that involve issues that are on their agenda.*

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[406] Interview at a Permanent Representation of a UN Member State, New York, 15 June 2012.
[407] Interview at the Office of a NGO involved with the Security Council, New York, 12 June 2012.

This could be extended to informal consultations as well."[408] One step in this direction is for Council members to become involved with the chairs of the PBC through the convention of interactive dialogues.[409]

Further involving the Chairs of the Country-Specific Configurations in the SC's deliberations promises to strengthen the coherence between the different bodies of the UN – the PBC in itself is a tool for achieving systemic coherence – and would, furthermore, increase the Council's outside input, thereby promoting the deliberative synergy within the system (SYN +3). There is strong support for the involvement of these chairs: France, Germany and the UK and most of the WEOG actively promote this initiative, as do Brazil and some of the TCCs, while the US agrees less enthusiastically[410] (SUP +1). However, especially Russia, but also China, are more cautious about this involvement from the outside.[411] The PREP of New Zealand indirectly pointed out the likely reason for this reluctance: "*We urge the Council to build on recent positive steps to increase meaningful interaction with the Peacebuilding Commission, particularly with the Chairs of country-specific configurations* […] *Such interactions need not impinge on the Council's powers and prerogatives. Indeed, properly handled, they have the potential to augment the quality and legitimacy of its deliberations*"[412] (OPP 0). Since the establishment and promotion of the involvement of the PBC in the Council's deliberations is largely a

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[408] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.6672 (Resumption 1)*, 2011.
[409] *What's in Blue: Insights on the Work of the Security Council*, "Peacebuilding Commission Open Debate and Interactive Dialogue", 11 July 2012, http://whatsinblue.org/2012/07/peacebuilding-commission-open-debate-and-interactive-dialogue.php
[410] Interview at a Permanent Representation of a UN Member State, New York, 15 June 2012.
[411] Interview at a Permanent Representation of a UN Member State, New York, 6 June 2012.
[412] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.6672 (Resumption 1)*, 2011.

matter of setting precedence and of reiteration, it is likely that there will be more development in this area (REQ 0/NEG +1).

Finally, the proposal has been made to revive the Military Staff Committee (MSC). The MSC is a special case in that it is the Council's only subsidiary body that was set up by the UN Charter itself. It is composed of military staff from the P5 and is mandated to "*advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.*"[413] It is, however, also one of the most insignificant subsidiary bodies in practice. The Cold War turned the MSC into a stillbirth and even after the collapse of the Soviet Union it never came anywhere close to fulfilling its mandate. In 2001, the Russian Federation put forward a comprehensive proposal to revive the MSC and enable it to live up to its purpose. The Russian position paper argued that "[a] *more active use of the capacities of the Military Staff Committee to strengthen the United Nations potential in the field of maintenance or restoration of peace and security would organically coincide with efforts to increase the effectiveness of the United Nations and its Security Council.*"[414]

Although in 2005 the UN membership had officially "*request*[ed] *the Security Council to consider the composition, mandate and working methods of the Military Staff Committee*"[415] and the Russian delegation pushed the initiative for several years, in practice, it did not gain much support. In 2008, the PREP of the Russian Federation

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[413] *Charter of the United Nations*, Chapter VII, Article 47,
http://www.un.org/en/documents/charter/chapter7.shtml
[414] United Nations Security Council, "Position Paper on the Military Staff Committee", *UN Doc No. S/2001/671*, 2001.
[415] United Nations General Assembly, "2005 World Summit Outcome", *UN Doc No. A/60/L.1,* 2005.

repeated the standpoint *"that increasing transparency in the work of the Council could benefit from the Russian initiative on reinvigorating the Military Staff Committee to ensure the relevant level of military expertise as the Council develops the military aspects of its peacekeeping operations."*[416] Yet, so far all the Russian delegation was able to achieve is the SC's anemic assurance that it *"will continue to review the role of the Military Staff Committee*"[417]

The problem of the initiative is that the wider membership does not perceive itself to have any interest in strengthening an institution that does not guarantee it any type of participation. More importantly, the US is opposed to reviving the MSC because it does not want to afford the Russian Federation institutionalized influence on military operations in which it does not participate (SUP 0/OPP -1). Since this proposal would strengthen the predominance of the P5 in the Security Council and work towards the exclusion of other inputs, it is not desirable (SYN -3). The Military Staff Committee could be upgraded in various ways and, therefore, there is some room for negotiation (NEG 0).

PROPOSAL	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Modify Convention on Chairs	+1	+2	0	+3	0	+1	-1	+1	+1
Modify Penholdership	+1	0	+3	+4	0	+1	-1	+1	+1
More involvement of PBC	0	0	+3	+3	0	+1	0	+1	+2
Revive Military Staff Committee	0	0	-3	-3	0	0	-1	0	-1

[416] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.5968*, 2008.
[417] United Nations Security Council, "United Nations peacekeeping operations", *UN Doc No. S/PRST/2009/24*, 2009.

Conclusion

So far, the academic literature has approached the task of improving the legitimacy and effectiveness of the Security Council as a matter of reforming its membership and voting procedures. Although several commentators have pointed out that it is the working methods of the Council in which real progress is feasible,[418] up until now, the relevant literature has completely neglected this issue. This chapter has taken up the challenge of analyzing proposals for reform of the Council's working methods, and the results provide a strong argument for the potential of procedural innovations in this area. Unlike the prospects of one single revolutionary reform of the UN Charter, innovations in the area of working methods have the potential to bring about meaningful change incrementally through many relatively modest adjustments. In fact, in the course of the last decades, it is this type of change that has made it possible for the SC to adapt to its changing environment, while the debate on the reform of its composition and voting arrangements, on the other hand, has remained in deadlock throughout.

This analysis demonstrates that improvement is possible in a wide range of areas, be it the format of the meetings, the opportunities for outside input, the availability of information, the agenda, or the subsidiary bodies. Concerning a formalization of the Council's procedures and responsibilities, however, it seems that, at the moment, little can be done. This is regrettable since, contrary to Edward Luck's argument that the Council's rules of procedure must remain provisional in order to guarantee flexibility, there is no reason to believe that a formalization of the PRP would indeed diminish

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[418] See e.g., Nico Schrijver, "Reforming the UN Security Council in Pursuance of Collective Security", *Journal of Conflict and Security Law*, 12 (1), 2007, p. 135; Thomas Weiss and Karen Young, "Compromise and Credibility: Security Council Reform?", *Security Dialogue*, 36 (2), 2005, p. 152.

the Council's ability to adapt. Instead, this would increase both the transparency as well as the accountability of the SC.

Enhancing the legitimacy and effectiveness of the Council's decision-making procedures by reforming its working methods is a process that builds on many moderate steps towards improvement. There are, however, some promising innovations that deserve to be singled out. One distinctly important innovation would be to improve the quality and quantity of the TCC meetings. As everyone stands to profit from it, there is, in principle, no significant opposition to such an improvement. Rather, the success of this proposal simply requires more of an effort from all parties involved. The P5 should provide insightful information and avoid presenting the TCCs with pre-established decisions, whereas the TCCs need to give valuable input and engage proactively. Unless both sides send adequately qualified and authorized staff to these meetings, there will be no improvement.

Another distinctly promising area of reform is the role of regional organizations. Both the legitimacy and the effectiveness of the Council would benefit significantly from the improvement of the regional organizations' roles of functioning as conveyor belts for the perspectives of its members into the SC and of serving as the Council's main points of contact on issues concerning regional conflicts. Although there are some differences of opinion on how this could be implemented in practice, regional organizations today enjoy unprecedented levels of perceived legitimacy at the UN, and there is much potential for a progressive enhancement of their role. Finally, it would be highly recommendable to dilute the standing convention on penholdership. Such a reform would be especially important because it would allow the E10 to take

political leadership on individual agenda items and therefore grant them considerable influence, thereby diversifying the sources of input into the Council's decision-making. The Portuguese proposal for co-penholdership would be a first significant step in the right direction.

VI. Relations between the SC and the GA

SC-GA Relations

- **Decision-making**
  - GA right to require review of decisions
  - Ch.VII Consultation Committee
  - Commission decision-making
  - Reform of Charter article 12
  - Simplify UFP procedure
  - Legally binding GA resolutions
- **Coordination**
  - Increase interaction between PGA & PSC
  - Coordination of thematic debates
  - Coordination by the Secretary-General
- **Accountability Mechanisms**
  - **SC Reports**
    - Improve annual report
    - Informal meetings on the annual report
    - Single-issue GA debate
    - Monthly assessments
    - Monthly assessments to the GA
    - Special subject-oriented reports
  - **GA Oversight**
    - Add. consultations & recommendations
    - Codify E10's responsibilities
    - Permanent GA Committee

SC-CS Relations

- **CS Assemblies**
  - PEGA
  - DGCA
  - Associational Assembly
- **CS Initiatives**
  - Security Council Report
  - NGO WG on the SC
- **SC Initiatives**
  - Increase physical access
  - Improve Arria-Formula
  - Seminars with NGO reps
  - Retreats with NGO reps
  - NGO reps in the delegations
  - SC Missions

SC Working Methods

- **Meetings**
  - **Public Meetings**
    - Replace consultation with open meetings
    - Orientations debates
    - Wrap-up sessions
    - Horizon-scanning sessions
    - Briefings on Consultations
    - Briefings on programme of work
  - **Closed Meetings**
    - More TCC meetings
    - Arria-formula and interactive dialogues
    - Kosovo model
- **Formalization**
  - Formalization of Rules of Procedure
  - Codification of responsibilities
  - Institutionalization of the presidency
- **Agenda**
  - Shorten "Seizure List"
  - Devolve more work to subsidiary bodies
  - Devolve more work to expert panels
  - Devolve work to the PBC
  - Resolve periodicity problem
  - Video teleconferencing
- **Outside Input**
  - **Increased Input**
    - Amendment of rule 37 of the PRP
    - More Groups of Friends
    - Regional Orgs. as 'conveyor belts'
    - Regional Orgs. as points of contact
  - **Enhanced Input**
    - Reversal of speaker's list in open debates
    - More time for outcomes of debates
- **Subsidiary Bodies**
  - Abolish Convention on Chairs
  - More involvement of PBC
  - Revive Military Staff Committee
- **Information**
  - **Outreach**
    - Timely circulation of draft
    - Compilation and distribution of stats
    - Integration of incoming members
  - **UN Journal**
    - Announcement of expert meetings
    - Announcement of subsidiary meetings
    - Deadline for announcement
    - Descriptive titles for agenda items

SC Membership & Voting

- **Membership**
  - **Modification**
    - Abolish permanent membership
    - Ad hoc membership
    - Senatorial seats
    - Re-electable membership
    - Moral superpower seat
    - Conditions for membership
  - **Regional Representation**
    - Regional seats
    - Regional rotation
    - Strongest Candidates
  - **Expansion**
    - New permanent members
    - New elected seats
- **Voting**
  - **GA Involvement**
    - Refer vetos to the GA
    - Explain vetos to the GA
  - **Abolish Veto**
    - Abolish veto
    - Phase out veto
    - Less veto members
  - **Limitation of Veto**
    - Qualitative limitation
    - Limit to chapter VII
    - Annual limit
    - Added vetos
    - Qualified majority against veto
  - **Alternative Procedures**
    - Indicative Voting
    - Weighted Voting
    - Negative vote without veto

Introduction

This chapter will analyze those reform proposals that target the relationship between the Security Council and the General Assembly. Efforts to increase the cooperation and synergy between these bodies face the challenge that, in general, the UN membership perceives this relationship within the framework of a rivalry for influence and therefore often reacts hypersensitively to alterations in the institutional 'balance of power'. First and foremost, many feel that the SC has progressively encroached on the prerogatives of the GA in the last decades, but vice versa, the P5 also warn against too much involvement of the GA in issues of peace and security.[419] On the other hand, the interaction between the Assembly and the Council also bears

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[419] For more detail see chapter 'The Politics of UN Reform'.

with it the promise of inclusive decision-making, and hence it is not only essential for the Member States' perception of the legitimacy of the organization but it is also of crucial importance to the concept of the UN as a deliberative system.

Evaluation

SC-GA Relations – Coordination

The progressive dilution of clear boundaries between the fields of policy for which each institution is responsible has led to significant overlap in the work of Assembly and Council. This development has not only sparked debates on 'encroachment', but there have also been complaints about duplication of work, and more importantly, lack of coordination of the simultaneous efforts made by these bodies. One of the most straightforward suggestions to remedy this situation is the institutionalization of meetings between the presidents of the GA and the SC. In 2006, the Council officially encouraged the President of the SC to hold such meetings for better coordination on a regular basis.[420] Although some such sessions were already taking place, as of 2009, there was still some confusion in the UN membership as to why the proposal to hold regular meetings between the presidents "*never came to fruition.*"[421] Although in the meantime, the Presidents now usually meet at least once a month, the frequency of the meetings still very much depends upon the individuals in office.[422] The wider membership has recently shifted the focus of its demands away from the quantity to the quality and continuation of these meetings.[423]

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[420] United Nations Security Council, "Note by the President of the Security Council", *UN Doc No. S/2006/507*, 2006, paragraph 51.
[421] United Nations Security Council, "Workshop for Newly Elected and Present Security Council Members", *UN Doc No. S/2009/193,* 2009.
[422] Interview at the United Nations Secretariat, Department of Political Affairs, New York, 7 June 2012.
[423] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.6672*, 2011.

As the Egyptian representative, speaking on behalf of NAM, pointed out, meetings between the presidents of the GA and the SC promise to promote "*increased coherence and complementarity among those organs in a mutually reinforcing manner*"[424] and are thereby conducive to synergy in the UN system (SYN +3). Thus, it would be desirable to firmly establish and improve the quality of regular meetings between the presidents. The biggest challenge in this regard is the monthly rotation of the Council presidency. As James Sutterlin explains, these meetings "*have not been as helpful as hoped in bringing the two organizations into closer rapport, partly because of the monthly rotation of the Council presidency and partly because the meetings have been more for information exchange than for discussing possible collaborative undertakings.*"[425] These two problems are, of course, interconnected: scheduling the program of the GA is a very cumbersome process that requires much time and circumspection. The Presidents of the SC, on the other hand, usually do not have the time for the type of long-term planning necessary to organize collaborative undertakings with the GA. Since the presidents of the two bodies can meet at best three or four times before the end of the month, it is a challenge to build up an effective work relationship in time. Although there have been some successful precedents, the rotation of the Council presidency therefore remains a considerable challenge for the organization of collaborative undertakings (REQ 0).

The necessity of early scheduling has not gone unnoticed in the UN membership: in 2008, the Argentinian representative suggested that meetings of the President of the GA "*with the Security Council president of the coming month could be organized in*

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[424] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.6672*, 2011.
[425] James Sutterlin, "Some Thoughts - Mostly Cautionary - on the Recommendations of the High-level Panel on Threats, Challenges, and Change", in: *Reforming the United Nations for Peace and Security*, New Haven: The Yale Center for the Study of Globalization 2005, p. 177.

relation to the Council's agenda."[426] This proposal, however, entails the problem that it is the Council who would need to arrange its agenda according to that of the Assembly. Obviously, the P5 are somewhat reserved towards such a one-sided affair (OPP 0). Yet, the support for improving the meetings between the presidents of GA and SC is strong and goes well beyond NAM (SUP +1). Much depends on the details, and it is likely that some practical compromise may evolve that will more or less promote the quality and quantity of these meetings (NEG +1).

One specific way in which the presidents can go beyond the exchange of information and towards a more proactive collaboration is the coordination of thematic debates in the GA and the SC. As the Japanese representative explained in 2008, such coordination greatly increases the deliberative synergy between these institutions: *"As the Security Council and the General Assembly have their own responsibilities and memberships, cross-cutting issues such as conflict prevention, peacebuilding, climate change and other relevant matters deserve substantive discussion in both organs, and one organ can make useful inputs to others based on those discussions"*[427] (SYN +3).

Ideally, the discussion in the GA would take place well ahead of the respective discussion in the SC, so that the latter can incorporate the input from the former in its decision-making. In terms of feasibility, the challenges are very much the same as with the coordination between the presidents of the GA and the SC in general, i.e., organizational complications and the reserved attitude of the P5. Despite this, it is likely that there will be more coordinated thematic debates in the future. That said, the

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[426] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.5968 (Resumption 1)*, 2008.
[427] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.5968*, 2008.

successful coordination of thematic debates also depends upon the specific topic to be debated. As mentioned above, there is general disagreement in the membership as to which topic may be discussed in which forum. It will obviously be more complicated to coordinate two thematic debates if a large portion of the membership feels that one of these debates should not be held to begin with.

K. Venkata Raman suggests that the Secretary-General (SG) play a more active role in the coordination of the SC and the GA. According to him, the SG should consult with the wider membership more often and then confer those perspectives to the SC.[428] It is questionable, however, whether the involvement of the SG in the relations between these two institutions is generally desirable. The SGs were never meant to become directly involved in the intergovernmental deliberations at Turtle Bay.[429] Instead, as the heads of the Secretariat, they were mandated to organize the administrative support for these deliberations to run smoothly. Nonetheless, the SGs have in fact often assumed very political roles and have at times also been heavily involved in the relationship between the GA and the SC. But the involvement of SGs is usually motivated by extraordinary circumstances such as a deadlock in intergovernmental negotiations of primary importance or by the desire to mobilize the membership in pursuit of a greater cause.

The rationale behind this reluctance is the necessity for the SGs to keep adequate distance from the intergovernmental process of decision-making. Unless they want to jeopardize their perceived neutrality, the SGs cannot afford to be perceived by the

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[428] K. Venkata Raman, "Law, Politics and United Nations Enforcement of Peace", in: Eric Fawcett and Hanna Newcombe (eds), *United Nations Reform: Looking Ahead after 50 Years*, Toronto: Dundurn Press 1995, p. 165.
[429] Except for the function mandated in article 99.

membership as an additional actor in the decision-making procedures of the UN. Perceived neutrality is one of the most important assets for the office of SG: if they lose this asset, they also lose their ability to mediate and propel the negotiations between governments by their extraordinary interventions. Such interventions of the SGs are political exclamation marks that lose their significance if used after every sentence. It is no coincidence that the only clearly political right the UN Charter confers to the SGs is the task of ringing the tocsin by bringing "*to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.*"[430] The SGs can be administrators, sometimes mediators and motivators, but never coordinators. The routine task of coordinating the SC and the GA should be left to the presidents of these bodies who are by mandate much more intrinsic to the respective intergovernmental deliberations (FUNC 0).

It is highly unlikely, moreover, that the SGs would have the necessary time for the task of effectively coordinating the SC and the GA. The agenda of the SGs is a zero-sum game: every task added deducts from the time available for those functions that are more essential to this office, i.e., administration, representation, and mediation (REQ -1). In addition to this, large sections of the membership are not particularly keen on 'politicizing' the office of the SG. The majority of NAM perceives the SGs to be catering to the needs of the SC rather than to those of the GA. On the other hand, the US tends "*to look askance at any figure with the standing or charisma to constitute a force of its own.*"[431] As the SGs' routine involvement in the UN's decision-making procedures would be perceived by many as taking these out of the

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[430] *Charter of the United Nations*, Chapter XV, Article 99,
http://www.un.org/en/documents/charter/chapter15.shtml
[431] James Traub, "The Secretary-General's Political Space", in: Simon Chesterman (ed.), *Secretary or General: The UN Secretary-General in World Politics*, Cambridge; New York: Cambridge University Press 2007, p. 201.

hands of the Member States, there is not much interest in such arrangement (SUP 0/OPP 0).

PROPOSAL	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Increase interaction between PGA & PSC	0	0	+3	+3	0	+1	0	+1	+2
Coordination of thematic debates	0	0	+3	+3	0	+1	0	+1	+2
Coordination by the Secretary-General	0	0	0	0	-1	0	0	0	-1

SC-GA Relations – Accountability Mechanisms – SC Reports

The annual report of the SC to the GA is the accountability mechanism par excellence between these two bodies. Article 24 of the UN Charter commands that "[t]*he Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.*"[432] Thus, at the end of every year, usually in November, the President of the SC presents an overview of the Council's activities in the past 12 months to the GA. The annual report of the SC is highly significant to the membership because it is both the most visible source of information about the work of the Council as well as the primary symbol of the SC's legal accountability to the GA. This makes the report a prominent focal point for efforts to recalibrate the balance between the two institutions.

With regard to the content of the annual report, the core demand of large portions of the UN membership is that its introduction should be less descriptive and more analytical: rather than simply listing the actions taken by the Council it should give insight into the dynamics of decision-making. In 2011, the PREP of Egypt reiterated the Non-Aligned Movement's standpoint that "*the annual report should elaborate the*

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[432] *Charter of the United Nations*, Chapter V, Article 24,
http://www.un.org/en/documents/charter/chapter5.shtml

circumstances under which the Council adopts different outcomes, be they resolutions, presidential statements, press statements or elements to the press. It is imperative that the General Assembly be aware not only of the decisions adopted by the Council, but also of the rationale, reasons and backgrounds of those decisions, as well as the effectiveness and impact of those decisions on the situation on the ground.''[433]

A further suggestion for improving the quality of the annual report is that it should not only give account of the Council's actions, but also explain its inaction on certain issues. The Permanent Representative of Mexico, e.g., stated that "[i]*n order to ensure greater transparency in the Council's work, Mexico recommends that the report make mention of situations brought to the attention to the Council but on which the Council decided that no action needed to be taken*." In the same statement, it was also suggested to include more detailed information on the work of the subsidiary bodies in the report: "*my country believes it indispensable that it contain concise information on the work of all the Council's subsidiary bodies, such as the sanctions committees and the Working Group on Documentation, inter alia, as these are integral part of the report.*"[434]

Are these suggestions for the improvement of the annual report desirable? While they would not have any direct impact on the quality of the deliberations in the GA or the SC and would not aid these institutions in fulfilling their systemic functions, they would certainly promote deliberative synergy within the system by improving the

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[433] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV/6672*, 2011.
[434] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.5968*, 2008.

transparency of the Council's work, by providing for some accountability, and moreover, by creating communication between the two bodies (SYN +3).

The endeavor to improve the content of the annual report began in 2002 when, mainly at the initiative of Singapore, it was decided to put more effort into its conception. Ever since, the first draft of the report is always written already in July. But even though the report of 2002 was indeed more explanatory and concise than those before it, in the succeeding years the analytical edge of the reports slowly wore off and the little improvement that had been made was lost again.[435] In recent years, Viet Nam, Uganda, Nigeria, Germany, and Colombia have been responsible for the drafting of the report and have renewed the efforts to improve its analytical introduction with, however, only moderate success. The Permanent Representative of India called the report of 2011 a *bland summary.*"[436] It is not that there was not enough support for these suggestions: to this day most of the UN membership calls for such improvements to be made; it is not that the opposition was too strong to be overcome: while the P5 are not necessarily in favor of elevating the status of the report, they are also not fiercely opposed to such attempts; the real problem is that the requirements for making the report truly analytical, explanatory, and comprehensive are formidable (SUP +1/OPP 0).

The annual report to the GA is based on the consensus principle, meaning that all of the Council members must agree to its content. While it is sometimes possible to forge consensus on individual resolutions, it is harder to unify the various

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[435] Security Council Report, *Security Council Working Methods – A Work in Progress?*, New York 2010, p. 16.
[436] United Nations Department of Public Information, "'Opaque, non-inclusive' Security Council must pursue lasting, candid interaction with entire United Nations membership, General Assembly delegations say", *UN Doc No. GA/11168*, 2011.

perspectives on how and why this or that resolution came about. It is nearly impossible, however, to combine all of these into a comprehensive narrative interpretation of the work of the Council over an entire year. Lydia Swart relates that "[a]*ccording to one source, the General Assembly's request for improved annual reports was met with derision - and even audible laughter - in the Security Council. This source added that the permanent members evidently believe that the Security Council's 15 members are unlikely to ever agree on anything beyond the facts that contributed to the outcomes.*"[437] Even Singapore, one of the most proactive Member States regarding the reform of the Council's working methods, had to recognize this problem. In 2008, the PREP stated that "*we have asked repeatedly for a more analytical annual report. But, that is seldom achieved, because, understandably, it is difficult to square the viewpoints of 15 Council members*"[438] (REQ -1).

Up until 1993 the annual report was discussed and adopted behind closed doors, but following a review of its working methods in that year, the SC decided to adopt the report in a public meeting. In 2002, Singapore suggested opening the speakers' list at these meetings in order to enable a public debate on the content of the report. Although this idea was put into praxis that same year, this public debate turned out to be not only the first but also the last of its kind. Since it lacked the support of the P5, the Singaporean initiative was disregarded in subsequent years. In 2008, however, Viet Nam, being the drafter of the report that year, circumvented the necessity of approval by the P5 and convened an informal meeting with the wider membership in order to receive additional input regarding its content. This initiative was continued in

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[437] Lydia Swart, „Revitalization of the Work of the General Assembly", in: *Managing Change at the United Nations*, New York: Center For UN Reform Education 2008, p. 25.
[438] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.5968 (Resumption 1)*, 2008.

the following years: Uganda (2009), Nigeria (2010), Germany (2011), and Colombia (2012) all decided to hold such informal meetings before they finalized their drafts.

Although some Member States are unsatisfied with the productivity of these informal meetings,[439] their continuation would definitely improve the deliberative synergy between the SC and the GA. These meetings afford the wider membership the opportunity to give their input on the annual report, and by allowing them to gain insight on the process of its drafting, they increase the transparency of the SC without having any direct effect on these institutions' systemic functions or on the deliberations within them (SYN +3). Hence, it would be desirable to maintain the 'good practice' of holding informal meetings with the wider membership during the process of drafting the annual report.

There is both strong support as well as strong opposition to the involvement of the wider membership in drafting the SC report. As mentioned above, the P5 averted the establishment of open debates on the report, but current developments indicate that their attitude towards surrogate informal meetings is more flexible. In presidential note 922 of December 2012, they approved that "*presidencies in charge of preparing the draft introduction to the report may consider organizing, where appropriate, interactive informal exchanges of views with the wider membership*"[440] (OPP 0). Most of the wider membership is strongly in favor of such meetings, which is the reason why they have now been held four years in a row (SUP +1).

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[439] Interview at a Permanent Representation of a UN Member State, New York, 15 June 2012.
[440] United Nations Security Council, "Note by the President of the Security Council", *UN Doc No. S/2012/922,* 2012.

The advantage of these meetings is that their informal nature makes the support of the P5 unnecessary as long as none of the latter hold the July presidency which is responsible for drafting the report (REQ +1). In that regard, it would be important to have members who are willing to engage the membership presiding in the month of July in the next two or three years. The better the meetings have established themselves, the higher the political cost for any of the P5 to break with such a tradition. Indeed, in late 2012, the US representative already acknowledged the practice as a 'tradition': "*In July, the Council President traditionally meets with Member States to solicit views on the annual report of the Security Council to the General Assembly. The United States, as Council President for July 2013, looks forward to continuing that practice and to receiving suggestions on ways to enhance the report*"[441] (NEG 0).

Since 2004, the annual report has been presented to the GA in a joint debate together with a discussion of SC reform. As speakers tend to prioritize the latter, this has had the effect that the report has received much less attention than it had previously. In 2011, Germany asked the presidency of the GA to again "*separate the debates on the annual report and on the issue of Security Council reform in order to allow for a more focused debate on both issues.*"[442] The President of the GA agreed and scheduled a morning meeting for the former and the afternoon meeting of the same day for the latter issue.[443]

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[441] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.6870*, 2012.
[442] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV/6672*, 2011.
[443] United Nations Department of Public Information, "'Opaque, non-inclusive' Security Council must pursue lasting, candid interaction with entire United Nations membership, General Assembly delegations say", *UN Doc No. GA/11168*, 2011.

In future GA sessions as well, the two issues should be debated separately. This does not only improve the communication between the GA and the SC, but also promotes the GA's systemic function by providing for a more clear and transparent justification of the Member States' policies on these issues (FUNC +2/SYN +3). Since both those states that prioritize a substantive reform of the SC and those states that value procedural reforms above all perceive themselves to profit from the increased analytical clarity this separation of the two issues provides, there is strong support for this innovation[444] (SUP +1/OPP +1). The only obstacle might be the question of in how far the schedule of the GA can accommodate the additional time requirements of having two separate debates, but in 2011, this problem was managed well (REQ 0).

One matter of contention are the monthly assessments of the outgoing presidencies of the SC. In 1997, the Council decided that such assessments may be made by those states that wished to give an overview of the work accomplished under their presidencies and that these assessments, although not representative of the views of the SC as a whole, would be attached to the annual report.[445] These assessments have since established themselves as an undisputed practice of the outgoing presidencies. As with the annual report, the main point of contention is the content of these assessments. In 2011, e.g., the Portuguese PREP stated that "[a]*ssessments are useful instruments that will increase awareness of the work of the Council once they are circulated among the wider membership. They should provide useful insights from the perspective of the presidencies, not mere factual descriptions. More thought should be put into improving the analytical aspects of the assessments, as they are the source of*

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[444] Interview at a Permanent Representation of a UN Member State, New York, 15 June 2012.
[445] United Nations Security Council, "Note by the President of the Security Council", *UN Doc No. S/1997/451*, 1997.

the introduction of the Security Council's annual report."[446] A more radical suggestion was made by the Nordic Countries in 2008: "*regular reports of the Security Council to the General Assembly, with an assessment by each outgoing presidency, could be instituted.*"[447]

More analytical and explanatory assessments would indeed improve the transparency of the SC, strengthen communication with the GA and thereby promote deliberative synergy. The same can be said of the proposal to turn the assessments into regular reports to the GA (SYN +3). Regarding the feasibility of improving the content of the assessments, as with the annual report, there is strong support and only moderate opposition to this proposal (SUP +1/OPP 0). Unlike the annual report, however, the imperative to 'square the viewpoints of 15 Council members' is less strong. Since the assessments do not represent the opinion of the SC as such and therefore involve much less negotiation and coordination among the Council members, it would be easier, relatively speaking, to make the content more analytical. It is up to those states that are in support of this proposal to set examples by improving the content of their assessments, as was done by the Portuguese presidency in November 2011.[448] Should this be the case, the P5 might still choose to ignore these innovations and carry on with business as usual. As with the informal meetings on the annual report, the key question is whether it is possible to change the status quo by coordinated persistence (REQ 0/NEG 0).

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[446] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV/6672 (Resumption 1)*, 2011.

[447] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.5968*, 2008.

[448] *What's in Blue: Insights on the Work of the Security Council*, "Annual Report Adoption", 6 November 2012, http://www.whatsinblue.org/2012/11/annual-report-adoption.php

The situation is very different with regard to the proposal to turn the assessments into monthly reports to the GA. In this case, there is strong opposition from the P5 who neither want to make these assessments obligatory, nor show interest in increasing the oversight of the GA over the minutiae of the Council's work (OPP -1). Both the practical requirements for such a proposal, as well as the negotiations on it, are complicated by the need for consensus among all the Council members (REQ -1/NEG -1).

As quoted above, the UN Charter also requires that 'special reports' of the SC were to be made to the GA 'when necessary.' So far, this provision has been totally neglected by the Council. For this reason, the General Assembly in 2005 sent out a reminder and decided "*to invite the Security Council to submit periodically, in accordance with Article 24 of the Charter, special subject-oriented reports to the General Assembly for its consideration on issues of current international concern.*"[449] As the representative of the Philippines explained in 2008, the hope is that such "*periodic reporting would enable the General Assembly and the general membership to gain a more current appreciation of the status of matters before the Council.*"[450]

Special subject-oriented reports would promote deliberative synergy by increasing the transparency of the SC as well as by improving communication with the GA (SYN +3). The problem is, however, that, as Luck puts it, "*frequent reporting could make it that much harder for an already overburdened Council to devote sufficient time and*

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[449] United Nations General Assembly, "A strengthened and revitalized General Assembly", *UN Doc No. A/RES/59/313*, 2005.
[450] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.5968*, 2008.

attention to its wide-ranging substantive work."[451] This would lead to a deterioration of the Council's systemic function and would also diminish the deliberative quality within the SC by lessening the time available for the adequate justification of assertions and validity claims (MOM -1/FUNC -2).

The problem with the special subject-oriented reports is not that the opposition were unassailable: while the P5 show no interested in them, they are not adamantly opposed to it either[452] (OPP 0). The real challenge lies in mobilizing the resources for such reports. For this proposal to move forward, it would require a dedicated SC member to devote considerable time and effort in the pursuit of the greater good of transparency and accountability. At the moment, none of the Council members is ready to take up the burden of setting a precedent by making the drafting of a subject-oriented report its priority.[453] The underlying problem is, of course, that once Member States assume their responsibilities on the Council, they are usually too caught up in daily affairs to pursue overarching projects. For the initiator, moreover, there is the danger that, after dedicating considerable resources to such a report, it would not obtain the approval of the SC or that it would be watered down to insignificance in the respective negotiations, as is the fate of many a grand initiative at the UN (REQ -1).

Although the initiative has lost some momentum – after 2005 the Assembly no longer included the invitation for special subject-oriented reports in its resolutions on the revitalization of the General Assembly – support for this proposal is still strong. In

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[451] Edward Luck, "Reforming the United Nations: Lessons from a History in Progress", in: Jean Krasno (ed.), *The United Nations: Confronting the Challenges of a Global Society*, Boulder, Co; London: Lynne Rienner 2004, pp. 359-397.
[452] Interview at a Permanent Representation of a UN Member State, New York, 6 June 2012.
[453] Interview at a Permanent Representation of a UN Member State, New York, 6 June 2012.

2011, NAM restated its demand for such reports[454] (SUP +1). Since much would depend on the topic and the specific content of these reports, there is some space for negotiation in achieving the approval of the entire Council (NEG 0).

PROPOSAL	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Improve annual report	0	0	+3	+3	-1	+1	0	0	0
Informal meetings on the annual report	0	0	+3	+3	+1	+1	0	0	+2
Single-issue debate in the GA	0	+2	+3	+5	0	+1	+1	0	+2
Monthly assessments	0	0	+3	+3	0	+1	0	0	+1
Monthly assessm. to the GA	0	0	+3	+3	-1	+1	-1	-1	-2
Special subject-oriented reports	-1	-2	+3	0	-1	+1	0	0	0

SC-GA Relations – Accountability Mechanisms – GA Oversight

An alternative type of accountability mechanisms are those that aim to establish oversight of the GA over the SC rather than relying solely on the information provided by the latter. According to Swart, some "*Member States see a role for the General Assembly in evaluating the work of the Security Council, allowing for more checks and balances in the United Nations.*"[455] In this perspective, the plenary debate on the annual report of the SC should be used for a more comprehensive evaluation of the Council's performance. If deemed necessary for this task, informal consultations following the plenary debate should be held in order to crystallize the "*matters to be brought to the attention of the Security Council.*"[456]

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[454] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV/6672*, 2011.
[455] Swart, *Revitalization of the Work of the General Assembly*, p. 24.
[456] United Nations General Assembly, "Revitalization of the work of the General Assembly", *UN Doc No. A/RES/58/126*, 2004, paragraph A.4.

By affording more time for the consideration of the issue and by providing a more interactive informal forum complementary to the formal plenary debate, additional consultations on the report of the SC would add to the deliberative quality of the respective deliberations of the GA (MOM +1). The appendant elaboration of a list of issues to be brought to the attention of the SC would provide it with additional input and thereby improve the deliberative synergy between the two institutions (SYN +3). Since the SC reports, however, continue to lack analytical content, they are a less than ideal basis for the GA's deliberations on the performance of the Council. Some are skeptical, therefore, as to whether such additional deliberations would yield any meaningful outcomes[457] (REQ 0). Whereas previous resolutions indicate that the Assembly is generally in support of these measures,[458] the P5 are obviously neither interested in extending the deliberations on the performance of the Council nor particularly keen on the SC receiving 'instructions' from the GA (SUP +1/OPP -1). The bargaining chips on this issue are in the hands of the Assembly who can, of course, regulate its own agenda and communications (NEG +1).

Another proposed method of increasing the GA's oversight of the SC is to clarify and codify the responsibilities and obligations of the elected members and thereby promote the accountability of the latter to the rest of the UN membership.[459] While the GA's regional groups already have some such mechanisms – some more extensive than others – there is no overarching regulation of the elected members'

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[457] Swart, *Revitalization of the Work of the General Assembly*, p. 25.
[458] United Nations General Assembly, "Revitalization of the work of the General Assembly", *UN Doc No. A/RES/58/126*, 2004, paragraph A4; United Nations General Assembly, "Strengthening of the United Nations System", *UN Doc No. A/RES/51/241*, 1997, annex.
[459] E.g., Kishore Mahbubani, "The Permanent and Elected Council Members", in: David Malone (ed.), *The UN Security Council: From the Cold War to the 21st Century*, Boulder; London: Lynne Rienner 2004, p. 253-266; Edward Luck, "Rediscovering the Security Council: The High-level Panel and Beyond", in: *Reforming the United Nations for Peace and Security*, New Haven: The Yale Center for the Study of Globalization 2005, pp. 126-152.

responsibilities to their constituency. Regardless of whether the constituency in question is the Assembly as a whole or only the respective regional group,[460] there is, according to this perspective, a need to define a general minimum standard for the elected members' responsibilities to their constituency. By setting standards and putting additional pressure on the elected members to justify their performance on the Council in the GA, the codification of their responsibilities would benefit the systemic function of the latter (FUNC +2). Moreover, such a codification would in all likelihood increase the expectations towards the elected members to take into account the perspectives of their constituency in the decision-making procedures of the SC. This would increase the deliberative synergy between the Assembly and the Council (SYN +3).

It is somewhat unclear exactly how the codification of the responsibilities of elected members could be put into practice. One possible way would be for the GA to adopt a resolution that enumerates these responsibilities. The problem is, however, that it is legally debatable, to say the least, whether the Assembly may prescribe a Member State how to act on the Council. From the vantage point of the SC, this would constitute an outside interference into its own jurisdiction. Beyond that which is prescribed in it, the Charter clearly leaves the determination of internal functions and procedures up to each of the main institutions themselves. On the other hand, a resolution of the SC would, of course, lead to the reverse problem of interfering with the GA's jurisdiction. A clean solution would be an amendment of the Charter itself, but this obviously entails rigid formal obstacles.

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[460] It is the GA who elects the members, but the candidates are predetermined by the regional groups.

A further problem is the question of representation as such: in how far is it possible for one state to represent others in the Council? As discussed elsewhere, the equation between regional proximity and political proximity fails too often in practice to hold in theory.[461] Even if it were not for the regional factor, there is still the problem of state sovereignty. Can a state be expected to represent other states if this would require it to act against what it perceives to be its national interest? It could be argued that a state can represent the regional discourse, but in most cases, there are several competing discourses on each region. Even if there were no such competition, the regional discourse would always remain secondary to the state's delegated representativeness of its people (REQ -1). It is for this very dilemma that there is not much momentum for this proposal in the UN membership (SUP 0). Many Member States are highly sensitive to any attempt to circumscribe state sovereignty. The P5, furthermore, do not stand to gain from the prospect that GA mandates might tie down the elected members in the Council's deliberations, making them less susceptible to persuasion or manipulation (OPP -1). Since a codification of the responsibilities of the elected members could vary widely both in content as well as in precision, there is much space for negotiation regarding this matter (NEG +1).

The participants to the second Conference for a More Democratic United Nations (CAMDUN) held in 1991 made a more far-reaching proposal to increase the GA's oversight of the Council. They suggest that the Assembly should establish a committee of 15 members, representative of all of the world's regions, that should watch over the activities of the SC.[462] This 'Permanent Committee of the General Assembly' would closely follow the performance of the Council and report its

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[461] See chapter 'The Politics of UN Reform'.
[462] Vicenç Fisas, *Blue Geopolitics: The United Nations and the Future of the Blue Helmets*, London; East Haven, CT: Pluto Press 1995, p. 20.

observations and assessments to the GA. It is doubtful, however, whether the Permanent Committee of the GA, if put into practice, would promote the free flow of information between the two bodies. There is, for instance, no reason to assume that it would gain more insight into the work of the Council than any individual Member State could acquire via briefings from its allies on the SC, from the President of the SC, or even from NGOs.[463] But more importantly, it is more likely that such a committee would filter the flow of information between these bodies instead of increasing it. If it were to fulfill its function of overseeing the SC, the committee would have to interpret and evaluate its observations in order to compose its reports to the GA. The result would be a constant debate on the correct interpretation of events among the 15 committee members leading to the omission of information in those cases in which no consensus can be found. In the best case scenario, the committee would offer the GA a dogmatic interpretation of events. In the worst case scenario, it would block the flow of information (SYN -3).

The requirements are formidable for setting up such a Permanent Committee of the GA. If such a body were to be set up as a GA committee, as its proposers envision, it would still require, for both legal and practical reasons, the unequivocal consent of the SC in order to attain effective oversight of the latter. As with the codification of the elected members' responsibilities, an amendment to the Charter would seem more appropriate. In addition to these obstacles, there is also the necessity of providing the staff and resources required to fund such a permanent committee (REQ -1). The idea of a Permanent Committee of the GA has never caught on with the UN membership which is why, after more than 20 years, it remains only a suggestion (SUP -1/OPP -1).

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[463] Especially considering the work of NGOs such as Security Council Report.

Hypothetically, however, there would be some space for negotiation as there is a range of imaginable options regarding the precise function, working methods, and clout of such a committee (NEG 0).

PROPOSAL	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Add. consultations & recommendations	+1	0	+3	**+4**	0	+1	-1	+1	**+1**
Codify E10's responsibilities	0	+2	+3	**+5**	-1	0	-1	+1	**-1**
Permanent GA Committee	0	0	-3	**-3**	-1	-1	-1	0	**-3**

SC-GA Relations – Decision-making

Some proposals for UN reform envision the GA acquiring the right to demand a review of the decisions made by the SC. Joseph Camilleri suggests that in cases of controversial decision-making by the Council, the Assembly should convene emergency meetings in order to evaluate these actions. "*If a majority of member states were dissatisfied with the actions of* [the] *Council, the General Assembly would have the power to require* [it] *to reconvene and review its handling of the relevant issues, in the light of advice received from the General Assembly.*"[464]

The crucial question concerning this proposal is whether there would be any legal force to the GA's instructions. If so, then the Assembly would have to be endowed with law-making powers which presently it does not possess. Such a reform, which is discussed further below, would entail a number of bigger questions regarding the nature of the UN. Another problem is that this would greatly inhibit the SC from fulfilling its systemic function. The authority of the Council, and thereby the decisiveness of the UN as a whole, is dependent upon the perception that its

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[464] Joseph Camilleri, "Major Structural Reform", in: Esref Aksu and Joseph Camilleri (eds.), *Democratizing Global Governance*, London: Palgrave Macmillan 2002, pp. 257.

resolutions are the definite result of a meticulous process of decision-making, that these resolutions are binding by law and, most importantly, that they give dependable guidance for the Member States' policy decisions. Once every SC resolution were issued with the GA's right to recall, this perception would dwindle, and with it, the decisiveness of the Council.

Such a right would, moreover, not only threaten the Council's authority, but also risk creating both inconsistency in the Member States' policies and confusion in UN mandated operations. What if the SC authorizes an operation, but this authorization is recalled by the GA three days later? Considering the need to organize an emergency session by assembling the requests of the "*majority of the Members of the United Nations*"[465], to debate the issue at hand and to compose instructions for the SC that find the approval of two thirds of the membership, three days is an over optimistic time frame. Even just three days would already suffice for the development of irreversible dynamics on the ground. It is obvious that a right for the Assembly to require the Council to review its decisions could easily conjure up hazardous situations. It is for this very reason that in a domestic context, decision-making prerogatives on matters of security are categorically separated between the executive and the legislative, and it is always either the one or the other who has either the right to declare war or the right to deploy troops, or both. If the GA is to have any legally binding decision-making powers at all in matters of global peace and security, then these must be exclusive and complementary to those of the SC instead of being revisionary (FUNC -2).

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[465] United Nations General Assembly, "Uniting for Peace", *UN Doc No. A/RES/377(V)AA*, 1950.

If the GA, as Camilleri seems to suggest, could merely give advice to the SC, then the post-facto nature of this mechanism becomes the key problem. Why would the SC pay any regard to the GA's input if it has not done so before? In all likelihood, the Council members would be even less susceptible to input from the GA after they have already made their decisions. Neither would the SC be keen on standing corrected, nor would the Council members be more likely to change their minds after potential operations have begun rather than before. It is reasonable to expect that the input of the GA would, instead, merely be acknowledged in an inconsequential pro-forma session. There is the danger, moreover, that such a mechanism would promote a mentality among Council members that they are required to listen to the GA only after they have taken the decisions and established the facts, rather than before (SYN -3). Since a right for the GA to demand a review of the SC would require an amendment to the Charter, the legal obstacles are considerable (REQ -1). Although some parts of NAM might be well-disposed to the idea, it is not seriously being considered in the membership and the P5 would not allow it (SUP 0/OPP -1). The proposal does not leave much room for negotiation (NEG -1).

Michael Reisman suggests a mechanism that would require the SC to take into consideration the perspectives of the GA *before* any decisions are made. The idea is that a 'Chapter VII Consultation Committee' would have to be activated before the Council may authorize the use of force. This committee "*should be composed of twenty-one members of the Assembly, representing a range of regions and interests, to be selected annually by the Assembly. A protocol would be established, by which the Security Council would immediately notify the committee whenever it planned to move into a chapter VII decision mode. The President of the Council and the*

Secretary-General would promptly meet with the committee to share the Council's information and views and solicit the committee's views, which would be reported to the Council. Throughout the crisis, the Council and committee would remain in contact in this fashion. As a result, the Council would always be apprised of representative Assembly views and the Assembly, for its part, would have the full benefit of the Council's perspective."[466]

The need to consult the Chapter VII Consultation Committee in case it considers the authorization of enforcement measures would have a negative effect on the SC's ability to fulfill its systemic function. This mechanism would not only require additional time and delay the Council's decision-making, but it would also make the achievement of consensus more difficult (FUNC -2). On the other hand, this committee would increase the deliberative synergy between the two bodies. Unlike the proposal for a right of review, it would be purely consultative and ensure that outside input makes its way into the Council *during* its deliberations instead of *after* (SYN +3). Since this proposal would require the approval of both the SC and the GA, the requirements for establishing this committee would be formidable. The budget for additional staff and resources would also have to be taken into consideration (REQ -1). There is presently no momentum in support of this proposal in the GA, and it is reasonable to expect strong opposition from the P5 and others that are concerned about the effectiveness of the Council (SUP 0/OPP -1). Since the main point of contention would be the essence of the committee, i.e., the requirement for prior consultation, there would not be much room for negotiation (NEG -1).

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[466] Michael Reisman, "The Constitutional Crisis in the United Nations", *American Journal of International Law*, 87 (1), 1993, p. 99.

Another type of proposals that envision the establishment of committees as mediators between the GA and the SC suggests, unlike Reisman, that these should have regular decision-making powers rather than merely consultative rights. E.g., David Steele proposes a 'Permanent Commission of the Security Council' that, standing between the GA and the SC, would predetermine the peaceful settlement of disputes between Member States.[467] Aidan Hehir suggests taking the issue of military interventions out of the hands of the SC altogether: "*the authorization of intervention would have to become the sole preserve of an international body, within the UN, comprising officials elected by the General Assembly to represent the UN and not individual states. This group would be tasked with determining, on the basis of existing international law and reports from objective observers on the ground, when a situation required external intervention.*"[468]

Instead of promoting the deliberative synergy in the UN system, such committees would, if they were established, constitute independent players in the decision-making process and curb the influence of both Council and Assembly. It is not clear why it should be assumed that these institutions would take into account the perspectives of non-members any more than does the SC. Moreover, the suggested committees would stand in competition to the Council and would diminish its authority, limit its jurisdiction, and generally inhibit its ability to effectively govern global peace and security. Such competition could in practice very well lead to problematic situations in terms of governance. If, e.g., the body suggested by Hehir were to determine against the will of the SC that there is the need for an intervention, would this mean that any resulting operation would remain beyond the authority of the UN, equipped

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[467] David Steele, *The Reform of the United Nations*, London: Crome Helm 1987, pp. 111-132.
[468] Aidan Hehir, *Humanitarian Intervention after Kosovo: Iraq, Dafur, and the Record of Global Civil Society*, Basingstoke; New York: Palgrave Macmillan 2008, p. 130.

with a blank check for the ensuing actions? Or would the Council be expected to govern an operation it never supported? Or would the authorizing body rule in a state of emergency instead? Obviously, all of these options are highly problematic (FUNC -2).

Equipping committees with the decision-making powers envisioned in these proposals would require an amendment of the Charter. Also, additional financial burdens would have to be taken into consideration (REQ -1). Not only is there no support for these proposals in the membership, but it is generally unlikely that a significant number of Member States would perceive them to be in their interest. From the perspective of NAM, there is the concern that the very nature of such committees would erode the principle of state sovereignty, and for the P5, in any case, such an enfeeblement of the SC would be wholly unacceptable (SUP -1/OPP -1). The idea to move decision-making to a special committee is not negotiable (NEG -1).

Some proposals for reform aim to increase the direct involvement of the GA in the governance of global peace and security. As it is, the GA is already very much engaged with issues of peace and security. Articles 11, 13, and 14 of the Charter clearly spell out the right of the GA to deal with these matters, and it is not unusual for them to make up more than a third of the total items on the agenda of the Assembly.[469] The real matter of contention is article 12 which determines that "[w]*hile the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make*

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[469] The number for 1993 is 42,4 %. See Erskine Childers and Brian Urquhart, *Renewing the United Nations System*, Uppsala: Dag Hammersköld Foundation 1994, p. 130.

any recommendation with regard to that dispute or situation unless the Security Council so requests."[470]

This article was obviously meant to safeguard the Council's primary responsibility for the maintenance of international peace and security, but many contest its exclusivity. Some, such as Vicenç Fisas, call for the reform of article 12 "*so that the General Assembly can make recommendations and influence the decisions of the Security Council.*"[471] A less direct approach is that of promoting the mechanism set up by the Uniting For Peace resolution (UFP). Rather than attempting to change the article, the approach taken by the UFP is to interpret the Council's exercise of its functions in a narrow way: as long as the SC is not taking action in respect of any dispute or situation, it is neglecting its function rather than exercising it. The UFP determines that "*if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations […].*"[472]

Since its adoption in 1950, the provisions of the UFP have been invoked only eleven times.[473] In the opinion of NAM, the UFP mechanism should be simplified in order to make it more readily applicable.[474] In 2011, the representative of Indonesia stated that

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[470] *Charter of the United Nations*, Chapter IV, Article 12, http://www.un.org/en/documents/charter/chapter4.shtml
[471] Fisas, *Blue Geopolitics,* p. 11.
[472] United Nations General Assembly, "Uniting for Peace", *UN Doc No. A/RES/377(V)AA*, 1950.
[473] Dominik Zaum, "The Security Council, the General Assembly, and War: The Uniting for Peace Resolution", in: Vaughan Lowe et al. (eds.), *The Security Council and War: The Evolution of Thought and Practice since 1945*, Oxford: Oxford University Press 2008, p. 159.
[474] Spencer Zifcak, *United Nations Reform: Heading North or South?*, London; New York: Routledge 2009, pp. 46-47.

there was a need to clarify "*the functions and powers of the General Assembly on the issues of international peace and security, which are not regulated under Chapter V of the Charter in its present language. In a scenario where the Council does not take action on a case that is clearly threatening international peace and security, the Assembly should have the power to make recommendations, even if the Council does not request it to do so.*"[475]

Jean Krasno and Mitushi Das recommend that "*the Uniting for Peace resolution should be viewed with a renewed perspective in order to increase the effectiveness of the United Nations in combating the challenges posed by threats to the peace in an increasingly complex world and when narrow state interests threaten UN action.*"[476] Yet, both the reform of article 12 and the simplification or accentuation of the UFP would amplify the competition of the GA with the SC instead of promoting deliberative synergy between these bodies. Article 12 only forbids the Assembly to issue recommendations in a specific situation and does not prevent it from debating the respective matters, consulting with the Council or conveying its views to the latter through various alternative mechanisms.

Recommendations from the GA, however, would potentially lead to a situation in which the UN issues contradicting instructions to its Member States and would generally entail the same negative effects with regard to authority, effectiveness, and governance that were discussed in the context of decision-making by commissions. Dominik Zaum also draws negative conclusions from his analysis of the UFP: "*In*

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[475] United Nations General Assembly, "Question of equitable representation on and increase in the membership of the Security Council and related matters", *UN Doc No. A/66/PV.51*, 2011.
[476] Jean Krasno and Mitushi Das, "The Uniting for Consensus Resolution and Other Ways of Circumventing the Council", in Bruce Cronin and Ian Hurd (eds.), *The UN Security Council and the Politics of International Authority*, London: Routledge 2008, p. 191.

light of the deep and acrimonious divisions between the G-77 and Western countries
that emerged in the wake of the Iraq war and the 2005 world summit, and the
penchant of some of its members for symbolic politics with little consideration for the
impact of such politics on the reputation of the UN as a whole, greater involvement by
the Assembly would reduce the effectiveness and credibility of the UN rather than
strengthen it"[477] (FUNC -2).

Moreover, current events demonstrate that the UFP has not been forgotten: in the
aftermath of the Chinese and Russian veto on a resolution condemning the actions of
the Syrian government against its own population in February 2012, some Arab and
Western diplomats entertained the idea of resorting to the UFP mechanism. However,
since there were strong concerns of alienating China and Russia, and since the P3 did
not want to strengthen a mechanism that might eventually turn against them, the idea
was quickly dismissed. This episode indicates that promoting the UFP is not a matter
of simplifying or clarifying its procedures, but instead, it is primarily due to political
reservations that it is not applied more often.[478] As Swart points out in a general
observation regarding the UFP, "[r]*esorting to a vote in the General Assembly on such*
highly politicized issues would likely risk the alienation, and possibly the
disengagement, of certain Member States."[479]

For obvious reasons, both of these proposals face strong opposition from the P5 and a
number of other Member States (OPP -1). A reform of article 12 does not leave much
room for negotiation. The P3's rejection of considering the UFP even in a situation in

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[477] Zaum, *The Security Council, the General Assembly, and War,* p. 173.
[478] Kosovo is another example. See Krasno and Das, *The Uniting for Consensus Resolution and Other Ways of Circumventing the Council*, pp. 186-187.
[479] Swart, *Revitalization of the Work of the General Assembly*, p. 24.

which its application would not be detrimental to its interests indicates that the same conclusion can be drawn with regard to a simplification of the UFP mechanism (NEG -1). Whereas a reform of Article 12 would, of course, require an amendment of the Charter, the UFP is entirely in the hand of the GA (REQ -1/REQ 0). Also, the former proposal does not carry any momentum in the membership, whereas the latter is on the agenda of NAM (SUP 0/SUP +1).

Finally, there are those who believe that the GA should entirely take over the role of the SC by acquiring both its ability to adopt legally binding resolutions as well as its full responsibility for global peace and security. In 2011, the Venezuelan representative stated that "[w]*e believe that General Assembly resolutions should be binding, that every country should be obliged to comply with them and that this organ should exercise full responsibility in matters of international peace and security*."[480] If put into practice this proposal would make the SC obsolete and radically diminish the decisiveness of the UN's decision-making on issues of global peace and security.

The very existence of the SC is based on the realization that a body as big as the GA, with its almost 200 members, is too unwieldy to respond to crisis situations with the required speed and decisiveness. At the time of the foundation of the UN, when the prospective Assembly was to be not even a third of today's size, there was a general consensus among the founders that a smaller body was needed to function as the executive in situations of conflict. There is no reason to assume that this judgement would be any more wrong today than it was back then. Moreover, as this proposal would in all likelihood frequently lead to situations in which the GA adopts

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[480] United Nations General Assembly, "Report of the General Assembly", *UN Doc No. A/66/PV.50*, 2011.

resolutions that lack the support of any of its most powerful members, the UN's ability to enforce its resolutions would decrease significantly, thus lessening its authority and threatening to eventually bring about its irrelevance to the governance of global peace and security (FUNC -2). The proposal to grant the GA the right to adopt legally binding resolutions would require a fundamental overhaul of the Charter, and only a very small minority of the membership actively pursues this goal (REQ -1/SUP 0). The P5 and many others are adamantly opposed to any such endeavor, leaving no room for negotiation (OPP -1/NEG -1).

PROPOSAL	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
GA right to require review of decisions	0	-2	(-3)[481]	-2	-1	0	-1	-1	-3
Ch.VII Consultation Committee	0	-2	+3	+1	-1	0	-1	-1	-3
Commission decision-making	0	-2	0	-2	-1	-1	-1	-1	-4
Reform of Charter article 12	0	-2	0	-2	-1	0	-1	-1	-3
Simplify UFP procedure	0	-2	0	-2	0	+1	-1	-1	-1
Legally binding GA resolutions	0	-2	0	-2	-1	0	-1	-1	-3

Conclusion

Too often the relationship between the SC and the GA is conceptualized in an antagonistic framework in which the activities of one body necessarily infringe upon those of the other. Following the example set by most of the UN membership, the relevant literature focuses largely on the rivalry between the two institutions.[482] Although the institutional balance needs to be taken into account, and the membership's respective sensitivities place significant limits on the possible extent of

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[481] Only if non-binding.
[482] See, e.g., Zaum, *The Security Council, the General Assembly, and War;* Swart, *Revitalization of the Work of the General Assembly.*

deliberative synergy between the SC and the GA, this should not overshadow the prospects of cooperation and complementarity between the two institutions. This chapter demonstrated that there are several promising options for strengthening the relationship between the Council and the Assembly in order to improve the legitimacy and effectiveness of the UN's decision-making within the framework of a deliberative system. The key to such improvement lies in the widening and deepening of interinstitutional coordination, in complementary debates within the two bodies, in creating opportunities for Member States to give their input into SC deliberations and in reinforcing the SC's accountability to the GA.

Regarding accountability, there are several steps that can be taken in order to enhance the annual report of the SC to the GA, but the most important measure would be an enhancement of the monthly assessments of the Council's presidencies. Since these assessments are incorporated into the annual report, they could function as the basis for its improvement. It is in these assessments in which the respective presidencies have some degree of freedom to create an analytical narrative of events that is more revealing to the reader than the mere compilation of facts which characterizes the annual report.

There is little cause for optimism concerning the proposals that aim for a more proactive oversight of the Assembly over the Council. Programmatic recommendations given to the SC by the GA on the basis of the annual report would be both recommendable and feasible. But it is unlikely that a codification of the responsibilities of the elected members will be achieved in the near future, and proposals such as the one for a Permanent Committee of the General Assembly would

only harm the deliberative synergy between the two institutions. Finally, there is nothing to gain from placing some of the Council's decision-making powers in the hands of the Assembly. One notable exception is Reisman's idea of a Chapter VII Consultation Committee which could, in theory, improve the deliberative synergy between the SC and the GA. In practice, however, such a committee is simply impossible to establish.

VII. Relations between the SC and Civil Society

SC-GA Relations

SC-CS Relations

CS Assemblies
- PEGA
- DGCA
- Associational Assembly

CS Initiatives
- Security Council Report
- NGO WG on the SC

SC Initiatives
- Increase physical access
- Improve Arria-Formula
- Seminars with NGO reps
- Retreats with NGO reps
- NGO reps in the delegations
- SC Missions

SC Working Methods

SC Membership & Voting

Membership

Voting

Modification
- Abolish permanent membership
- Ad hoc membership
- Senatorial seats
- Re-electable membership
- Moral superpower seat
- Conditions for membership

Regional Representation
- Regional seats
- Regional rotation
- Strongest Candidates

Expansion
- New permanent members
- New elected seats

GA Involvement
- Refer vetos to the GA
- Explain vetos to the GA

Abolish Veto
- Abolish veto
- Phase out veto
- Less veto members

Limitation of Veto
- Qualitative limitation
- Limit to chapter VII
- Annual limit
- Added vetos
- Qualified majority against veto

Alternative Procedures
- Indicative Voting
- Weighted Voting
- Negative vote without veto

Decision-making
- GA right to require review of decisions
- Ch. VII Consultation Committee
- Commission decision-making
- Reform of Charter article 12
- Simplify UFP procedure
- Legally binding GA resolutions

Coordination
- Increase interaction between PGA & PSC
- Coordination of thematic debates
- Coordination by the Secretary-General

Accountability Mechanisms

SC Reports
- Improve annual report
- Informal meetings on the annual report
- Single-issue GA debate
- Monthly assessments
- Monthly assessments to the GA
- Special subject-oriented reports

GA Oversight
- Add. consultations & recommendations
- Codify E10's responsibilities
- Permanent GA Committee

Meetings

Public Meetings
- Replace consultation with open meetings
- Orientations debates
- Wrap-up sessions
- Horizon-scanning sessions
- Briefings on Consultations
- Briefings on programme of work

Closed Meetings
- More TCC meetings
- Arria-formula and interactive dialogues
- Kosovo model

Agenda
- Shorten "Seizure List"
- Devolve more work to subsidiary bodies
- Devolve more work to expert panels
- Devolve work to the PBC
- Resolve periodicity problem
- Video teleconferencing

Subsidiary Bodies
- Abolish Convention on Chairs
- More involvement of PBC
- Revive Military Staff Committee

Information

Outreach
- Timely circulation of draft
- Compilation and distribution of stats
- Integration of incoming members

UN Journal
- Announcement of expert meetings
- Announcement of subsidiary meetings
- Deadline for announcement
- Descriptive titles for agenda items

Formalization
- Formalization of Rules of Procedure
- Codification of responsibilities
- Institutionalization of the presidency

Outside Input

Increased Input
- Amendment of rule 37 of the PRP
- More Groups of Friends
- Regional Orgs. as 'conveyor belts'
- Regional Orgs. as points of contact

Enhanced Input
- Reversal of speaker's list in open debates
- More time for outcomes of debates

I. Introduction

In a conversation with a top-level representative of the UN Secretariat in New York, I was asked about my research. In my response I reached the point where I dealt with the relationship between Non-Governmental Organizations and the Security Council. The immediate reaction to this was: "*But the NGOs are with the General Assembly!*" This is representative of a general attitude obviously still prevalent in even the highest echelons of the Secretariat. The traditional view expressed in this reaction is based, of course, on the fact that NGOs obtain their formal accreditation at the UN from the Economic and Social Council (ECOSOC). Moreover, the majority of NGOs deal with issues that do not fall into the traditional understanding of matters of international peace and security, the domain of the SC.

Since the end of the Cold War, however, the role of the SC in global politics has undergone a significant transformation. The Council has expanded the interpretation of its mandate to include affairs that in previous times generally were understood to fall into the categories of economic or social issues, and today *"the Council's decisions affect nearly all NGO constituencies - including human rights, humanitarian relief, disarmament, governance, and the concerns of women and children."*[483] The NGO community at the UN has now successfully established regular consultations with the members of the SC and in some cases it has even authored Council resolutions.[484] In his analysis of NGO interaction with the SC, Martin Binder comes to the conclusion that "[a]*lthough more detailed case studies will be required in order to trace the influence of NGOs in the Security Council decision-making process, the impact of SC-NGO interaction on a number of issues is fairly apparent.*"[485] This chapter will evaluate those proposals for reform that aim to increase the influence of Civil Society on the SC, be it via NGOs or via specially selected representatives.

II. Evaluation

SC-CS Relations – SC Initiatives

One of the primary demands of the NGO community at the UN is to gain more access to the UN premises in New York. Strictly speaking this suggestion does not aim at a reform but at a restoration of lost privileges. At the turn of the century, the UN Secretariat started to become more restrictive towards NGO representatives and decided to close down their access to the second floor of the Conference Building.

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[483] http://www.globalpolicy.org/security-council/ngo-working-group-on-the-security-council.html
[484] See chapter 'The United Nations as a Deliberative System in Practice'.
[485] Martin Binder, "The Politicization of International Security Institutions: The UN Security Council and NGOs", *Wissenschaftszentrum Berlin für Sozialforschung*, Discussion Paper SP IV 2008-305, 2008, p. 16.

Since the delegates' lounge as well as the entrances to both the SC and ECOSOC are located on this floor, this came as a major blow to the lobbying efforts of the NGO community.[486] As Cora Weiss from *Hague Appeal for Peace* relates, the UN has since progressively tightened its security measures making it "*very hard to move around the UN these days compared to 10 years ago.*"[487]

Giving the NGO representatives more access to the UN premises would certainly create more opportunities for interaction with members of the SC. It is these informal interactions on a personal level, taking place in the lounges and hallways at the UN, that can provide the NGO representatives with first-hand information on the developments within the Council. Moreover, physical proximity enables the NGOs to bring their opinions across in conversation as well as through the targeted dissemination of information materials. At Turtle Bay, personal networks are invaluable political assets, and the advocacy NGOs in particular depend on these opportunities to establish connections with the Member States' representatives (SYN +3).

For the Secretariat to increase the access of NGOs at the UN, three interconnected issues would have to be dealt with. It would need the support of the Member States, it would have to address security concerns, and it would have to find some way of managing the ever-growing numbers of NGO representatives. According to the Secretariat, one of the main reasons for restricting the access for NGOs were its security concerns. Two distinct factors play a role here: on the one hand, the turn of the century had seen incidents in which representatives of Member States were

[486] James Paul, "Civil Society and the United Nations", in: Heidi Moksnes and Mia Melin, *Global Civil Society: Shifting Powers in a Shifting World*, Uppsala: Uppsala Universitet 2012, p. 69.
[487] Interview with Cora Weiss, President, *Hague Appeal For Peace*, New York, 9 November 2010.

accosted by NGO affiliates inside the UN premises[488] and on the other hand, 9/11 greatly exacerbated the fear of terrorism in most of the world, but nowhere more so than in New York City. Considering that the current Chief of Security himself took part in rescuing victims of the attacks on the Twin Towers, one can deduce what impact this event has had on the perceptions of those who are responsible for security at the UN. From my own experience, I know that there is no security briefing at the UN headquarters in which the fact that it has been declared a target by Al-Qaeda is not mentioned at least once. If NGO access is to be improved, the security concerns of the Secretariat will have to be addressed. It will not suffice to try to convince them that NGOs are peaceful.

An interconnected reason for restricting the physical access of NGO representatives was that the constant growth in numbers of accredited NGOs had left many officials with the impression that the UN was 'flooded' with them.[489] It is in the interests of the NGOs themselves that the delegates of the Member States feel comfortable on the UN premises and therefore remain ready for conversation instead of being overwhelmed by those who seek their attention. Hence, if NGOs are to have meaningful interaction with the delegations, it will be necessary to manage the access of the more than 3500 accredited NGOs in a way that balances their physical access with the need for maintaining an environment that is conducive to deliberation (REQ 0).

Much of the UN membership is currently opposed to the idea of increasing NGO access. In the past, the US played an important role in promoting more restrictive

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[488] Chadwick Alger, "The Emerging Roles of NGOs in the UN System: From Article 71 to a People's Millennium Assembly", *Global Governance*, 8 (1), 2002, p. 98.
[489] Paul, *Civil Society and the United Nations*, p. 69.

policies,[490] and together with those states that take a dismissive stance towards NGOs in principle, they form a sizable opposition to any such proposal (OPP -1). On the other hand, even those Member States that are the most sympathetic to the cause of the NGOs cannot disregard the concerns regarding local security and the growing number of representatives (SUP 0). Considering the wide variety of possible improvements of access to the UN premises, there is some space for negotiation and progress in this matter and although it is unlikely, it is not impossible. The key challenge for the NGOs is to formulate suggestions that address the concerns of the membership and of the Secretariat which could then be used by sympathetic Member States to make a more compelling case to the rest of the membership for increasing NGO access (NEG +1).

The Arria-Formula meetings are the only format that allows NGOs to participate directly in the consultations of the members of the SC. As discussed elsewhere, the prospects for a more frequent recourse to this format are promising.[491] However, much of its present popularity rests on its new found utility for holding consultations with non-Council members or international organizations, rather than with NGOs. Many regard consultations with the latter more negatively and either refuse to participate in these meetings or do so half-heartedly (OPP -1). Thus, some NGOs have lost faith in the utility of these meetings: according to one NGO representative, "*the Arria-Formula meetings have become completely useless and inconsequential and have become a tool for them to say they have taken care of the NGOs.*"[492]

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[490] Paul, *Civil Society and the United Nations*, p. 69.
[491] See chapter 'Security Council Working Methods.'
[492] Interview with Paul Mikov, UN Representative, *World Vision*, New York, 9 November 2010.

The convention of seminars that bring together Council members with NGO representatives could be an alternative to the Arria-Formula meetings. In 2004, the Cardoso Report, which had been initiated by then Secretary-General Kofi Annan with the objective of generating new ideas for civil society engagement with the UN, suggested the installation of "*experimental series of Security Council seminars to discuss issues of emerging importance to the Council. Serviced by the Secretariat, these would include presentations by civil society and other constituencies as well as United Nations specialists, such as special rapporteurs.*"[493] Although such SC seminars have so far not been installed as regular practice, the idea is not dead. In fact, some Council members have held individual seminars with NGO representatives during their presidencies. In 2011, the French representative advertised the idea in the Council: "*during its presidency in May, France organized a debate on the Democratic Republic of the Congo (see S/PV.6539) that brought together the main stakeholders as well as other Congolese officials. The meeting was preceded by a seminar with non-governmental organizations that made it possible to consolidate consensus on a complex issue. We believe that such an exercise, including broad agreement, could be useful and productive.*"[494]

Establishing the practice of holding regular SC seminars with NGO representatives would definitely improve the deliberative synergy between the Council and the NGO community at the UN. If these seminars are held well before the respective debate in the Council itself, they offer the NGO representatives the opportunity to participate in shaping the very premises of the Council's deliberations (SYN +3). For the Council

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[493] United Nations General Assembly, "We the peoples: civil society, the United Nations and global governance", *UN Doc No. A/85/817*, 2004, chapter V.
[494] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.6672*, 2011.

members themselves, these seminars can also serve as very informal opportunities for initial and tentative debates and hence as indicators for the positions that are likely to arise in the SC. Moreover, such informal debates on more equal terms between the representatives of Council members and those of NGOs may promote their mutual respect (MOM +1).

Such seminars do, of course, require considerable organizational capacity. Much depends on the Council presidency's ability to time the seminar adequately, to convince the other members of the utility of the seminar, to select a group of participants who will be perceived as legitimate stakeholders and who can provide insights helpful to the SC's particular task, and, if necessary, to fly in stakeholders from the region in question. Obviously the Member State holding the presidency will need to have a particularly high interest in the issue in order to make the additional effort of convening such a seminar, as was the case with France regarding the situation in the DRC (REQ 0). The opposition to this proposal is, as with the involvement of NGOs in the work of the SC in general, strong (OPP -1). However, in this case the advantage is that, firstly, the idea is proactively supported by some permanent members and secondly, convening such informal seminars does not require the approval of the entire Council, which leaves the supporters in a good bargaining position (SUP +1/NEG +1). For these reasons, these seminars may very well become more frequent and establish themselves as regular Council practice.

A related proposal is that of holding SC retreats with NGO representatives. In the 2009 workshop for incoming Council members, one representative suggested "*some Arria-formula meetings in the format of a retreat to permit a more in-depth*

discussion."[495] This idea is based on the existing SC practice of going on retreats at least twice a year. Both the workshop for newly elected and present SC members as well as the annual Security Council Retreat with the Secretary-General bring together the PREPs in an informal environment in order to discuss general issues regarding the function and work of the Council.[496]

Such retreats would have the same advantages as do the above mentioned SC seminars with NGO representatives. In fact, given the extended amount of time available for deliberation, these retreats could possibly have an even greater effect on the deliberative synergy and respect between the Council and the NGO community at the UN (MOM +1/SYN +3). In terms of feasibility, however, the proposal for retreats faces more challenging obstacles. Because retreats are more time consuming and also require additional resources, there is slightly less support. Unlike the seminars, none of the P5 have shown any proactive interest in SC retreats with NGO representatives (REQ 0/SUP 0). When the proposal was put forward in the SC workshop, others were quick to respond that "*time is scarce*"[497] and that such retreats were impractical. Although it takes place only once a year, the Security Council Retreat with the Secretary-General itself has received its fair share of criticism from the membership (OPP -1).

But even if there were agreement on the utility of retreats with NGOs, the tight schedule of the SC would only allow for a very limited number of these events

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[495] United Nations Security Council, "Workshop for Newly Elected and Present Security Council Members", *UN Doc No. S/2009/193*, 2009, session II.
[496] *What's in Blue: Insights on the Work of the Security Council*, "Security Council Retreat with the Secretary-General", 3 April 2012, http://whatsinblue.org/2012/04/security-council-retreat-with-the-secretary-general.php
[497] United Nations Security Council, "Workshop for Newly Elected and Present Security Council Members", *UN Doc No. S/2009/193*, 2009, session II.

throughout the year. In contrast to the SC seminars, SC retreats have so far been a much more consensual endeavor, based on the participation of all the Council members, which means that the bargaining position of the supporters of this proposal is comparatively weaker (NEG 0).

Another potential way of increasing NGO input is for the Council members to include civil society representatives in their delegations. Some Member States frequently apply this practice in the GA, but it is basically nonexistent in the SC. According to James Sutterlin, all of the Member States should adopt the inclusion of NGO representatives as a common practice.[498] As Sutterlin writes, this practice would open *"a channel for civil society input and also spread a better understanding of the United Nations in the home country."*[499] It would, furthermore, provide the NGO representatives with direct insight into the Council's deliberations and thereby greatly increase their understanding of its dynamics (SYN +3).

There is, however, a danger that the inclusion of NGO representatives in the delegations of Member States might negatively affect their independence, both perceived and actual. Other delegations could begin to closely associate NGOs with particular Member States, viewing them as their extensions, rather than as actors in their own right, and the NGOs could in fact become overly dependent on the hosting state's continued support and be more influenced by the regular members of the delegation than vice versa. Clearly, this would inhibit the NGOs from fulfilling their function of giving input that is perceived as promoting the common good (FUNC -2).

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[498] Sutterlin, James, "Some Thoughts - Mostly Cautionary - on the Recommendations of the High-level Panel on Threats, Challenges, and Change", in: *Reforming the United Nations for Peace and Security*, New Haven: The Yale Center for the Study of Globalization 2005, p. 178.
[499] Sutterlin, *Some Thoughts*, p. 178.

Especially international NGOs have, therefore, to tread carefully when considering an invitation to join the delegation of a Member State. Although it is up to the discretion of the individual Member States to take outsiders on board, and those that regularly apply this practice in the GA might very well begin to do the same more often in the SC as well, the problem could arise that the unilateral inclusion of NGO representatives in the deliberations of the SC will induce the other Council members to outsource the more sensitive discussions, and possibly the actual decision-making as such, to other venues. For this reason, such a practice would need to be acceptable to all of the key actors in the respective debate. The procedures for the accreditation of delegates, furthermore, are much stricter for the SC than they are for the GA, and certain conventions on confidentiality would have to be taken into consideration[500] (REQ 0/SUP +1/OPP -1/NEG +1).

The field missions of the SC, which have the objective of giving the Council members on-the-ground perspectives of the situations on its agenda, are another opportunity for interaction with civil society. In 2004, the Cardoso panel recommended *"[e]nsuring that Security Council field missions meet regularly with appropriate local civil society leaders, international humanitarian NGOs and perhaps others, such as business leaders. United Nations Headquarters and field staff should facilitate the meetings."*[501] In 2010, the SC explicitly addressed this recommendation in Note of the President 507, which *"encourage*[s] *Security Council missions to continue to avoid restricting their meetings to those with governmental interlocutors and interlocutors*

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[500] Interview at the United Nations Secretariat, Department of Political Affairs, New York, 7 June 2012.
[501] United Nations General Assembly, "We the peoples: civil society, the United Nations and global governance", *UN Doc No. A/85/817*, 2004, chapter V.

of conflict parties and to hold, as appropriate, meetings with local civil society leaders, non-governmental organizations and other interested parties."[502]

Today, such meetings have indeed become part of the standard repertoire of Council missions. Yet, since the organization of the itinerary of the field missions is in the hands of the lead country on the country-specific situation in question, the degree of direct engagement with civil society depends on that country's attitude. It has become standard to have at least one meeting with civil society representatives. One particularly interesting example is, when during a Council mission to Sierra Leone in May 2012, the UK organized a meeting with Civil Society representatives which afterwards developed into an impromptu question and answer session between some of the Council members and local women's groups held under the shade of a mango tree.[503]

Even in those cases in which these missions provide only very limited time for consultations, they still offer various opportunities for civil society actors to get their message across. When during a four-day mission to Haiti in February 2012, the Council members visited the base of the UN Stabilisation Mission in Haiti (MINUSTAH), e.g., they encountered groups of demonstrators chanting anti-MINUSTAH slogans.[504] This may very well have contributed to the fact that the SC members returned to New York with a reinforced sense of urgency regarding the need

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[502] United Nations Security Council, "Note by the President of the Security Council", *UN Doc No. S/2010/507*, 2010.
[503] *What's in Blue: Insights on the Work of the Security Council*, "Council Visiting Mission to Africa: Sierra Leone", 24 May 2012, http://whatsinblue.org/2012/05/council-visiting-mission-to-africa-sierra-leone.php
[504] *What's in Blue: Insights on the Work of the Security Council*, "Dispatches From Haiti Council Visit", 15 February 2012, http://whatsinblue.org/2012/02/wib-dispatches-council-mission-to-haiti-14-february.php

to limit the military component in the reconstruction of Haiti. In a briefing on the mission, the PREP of the US, Susan Rice, who had led the mission, reported that many Haitians "*shared a desire to see the mission eventually leave, with strengthened Haitian institutions taking on its responsibilities.*"[505]

In 2012, the South African representative concluded that "[g]*iven the usefulness of such visits, including mini-missions, the Council may wish to consider increased field visits.*"[506] As the Haitian case demonstrates, it is not only the additional time spent with members of civil society, but the very nature of these missions itself that promotes the deliberative synergy between them and the SC (SYN +3). On the other hand, these missions, which usually include most of the PREPs, are very time consuming and therefore put additional strain on the Council's agenda. Although lower-level representatives can take the posts of the PREPs in the Council chambers and, in exceptional cases, the Council can set up an official meeting outside of New York, the decision-making capabilities of the SC are somewhat limited during these missions.[507] Additional Council missions would therefore risk obstructing the effective work of the SC (FUNC -2).

These missions also require a fair amount of additional resources and, considering the security of the delegation, can only be conducted if the situation on the ground is relatively stable (REQ 0). There is much support for promoting Council missions as a means "*for members of the Council to better understand the reality and to speak*

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[505] United Nations Security Council, "Briefing by Security Council mission to Haiti", *UN Doc No. S/PV.6724*, 2012.

[506] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.6870*, 2012.

[507] *What's in Blue: Insights on the Work of the Security Council*, "Consultations on Visiting Mission to West Africa", 17 May 2012, http://whatsinblue.org/2012/05/consultations-on-visiting-mission-to-west-africa.php

directly with local stakeholders," as the French representative put it in 2011[508] (SUP +1). The strength of the opposition very much depends upon the individual mission proposed, rather than on the practice as such (OPP 0). There is, therefore, much room for negotiation, and the question whether there will be more Council missions and whether these will dedicate more time to consultations with civil society representatives will largely depend upon the nature of the situations on the agenda of the SC (NEG +1).

PROPOSAL	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Increase physical access for NGOs	0	0	+3	+3	0	0	-1	+1	0
More Arria-Formula meetings	0	0	+3	+3	+1	+1	-1	0	+1
SC seminars with NGO reps	+1	0	+3	+4	0	+1	-1	+1	+1
SC retreats with NGO reps	+1	0	+3	+4	0	0	-1	0	-1
NGO reps in SC delegations	0	-2	+3	+1	0	+1	-1	+1	+1
SC Missions	0	-2	+3	+1	0	+1	0	+1	+2

SC-CS Relations – CS Initiatives

Rather than relying solely on the Council's ability for innovation, the NGO community at the UN promotes its own initiatives for institutionalizing its relationship with the SC. One of these is the NGO Working Group on the Security Council (NWG). Since the academic literature has, so far, mentioned the Working Group only in passing, the evaluation of this innovation warrants some detail.

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[508] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.6672*, 2011.

Founded in the mid-1990s, the NWG currently has 34 member organizations, including humanitarian, human rights, disarmament and faith-based NGOs.[509] The members of the group are all large and well-known international NGOs who maintain an office in New York and whose agenda significantly overlaps with that of the SC. Membership is granted upon successful application and the payment of the membership fees.[510] Each NGO has a representative in the NWG, and while they are allowed to send other people to the meetings as well, only the designated representative is allowed to actively participate. Usually the NWG invites the permanent representatives of current SC members; but there are also frequent meetings with incoming and recent members, specialized mission staff, UN officials such as the PGA or the High Commissioner for Human Rights, and occasionally even Foreign Ministers. The number of attendees various greatly: the Council members often bring a team of experts, and many of the NGO representatives are selective not only according to their own schedule but also based on the nature of the meeting. If the invitee is a representative of the P5, e.g., attendance will usually be higher than if one of the smaller elected Council members is invited.[511] Currently, these meetings take place about four times per month.[512]

The meetings normally are held either in the Church Center of the United Nations, located directly across from the UN Headquarters, or in the Member States' permanent missions. They are always off the record, scheduled to last about 90 minutes, and the standard format is to begin with an opening statement by the invitee

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[509] Although WILPF currently has no designated representative on the WG, it is still part of the group.
[510] Interview with Joseph Donnelly, International Delegate to the UN, *Caritas Internationalis*, New York, 5 November 2010.
[511] Interview with Michelle Brown, Senior Advocate, *Refugees International*, New York, 14 October 2010.
[512] http://www.globalpolicy.org/events-mm/ngo-working-group-on-the-security-council-meetings.html

followed by a question-and-answer session. Since time is limited, the individual NGO representatives are asked to confine themselves to one question each. The invitee or one of the experts on his team – or sometimes both – will directly respond before the next NWG member asks a question. Most of the coordination between the NWG members is ad-hoc: among the humanitarian NGOs, e.g., "*there is a tacit agreement that someone will ask about this, then another about that, so that all the crises on the SC agenda are covered.*"[513] The rules of procedures require the NGO representatives to ask questions rather than make statements. As one representative put it: "*if they make a statement and don't ask a question, the chair will go after them after the meeting.*"[514]

The NWG meetings promote the deliberative synergy between the SC and NGO community at the UN in multiple ways. First of all, the meetings bring the NGO representatives face to face with members of the SC. This simple fact alone is invaluable for many of the NWG members who otherwise cannot easily establish personal contact with these people. Even for a representative of such a prominent NGO as *Médicines Sans Frontières* (MSF), Fabien Dubuet, "*sometimes it can be the first time to meet an ambassador and get to know him.*"[515] The NWG makes it possible for the SC members to maintain contact with a relatively large group of NGOs without investing excessive amounts of time. For them the NWG is convenient, and those NGOs whom the ambassadors otherwise do not have the time to meet profit from this. One call can bring a state representative in touch with an entire network of NGOs: when, e.g., the Austrian Foreign Minister, Michael

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[513] Michelle Brown, *Refugees International*.
[514] Interview with Fabien Dubuet, UN Representative, *Médicines Sans Frontièrs*, New York, 15 October 2010.
[515] Fabien Dubuet, *Médicines Sans Frontièrs*.

Spindelegger, came to New York in May of 2010, he had only to contact the NWG and immediately a meeting was set up.[516] As one of the NWG members put it: "*in the UN today there is greater appetite for engaging NGO networks; not 5000 NGOs, but the existing networks*."[517]

The most basic objective of the NWG is the exchange of information and, as some of the NGO representatives would say, mutual education. According to James Paul from *Global Policy Forum* (GPF), "*NGOs knew nothing about the Security Council*"[518] when they first started the Working Group. The NWG was the first venue in which NGOs could get first-hand information about the SC and the issues on its agenda. It helps the NGOs to understand the dynamics and positions in the SC and since the meetings are off the record, ambassadors often give information they would not provide publicly.[519] In the words of Joseph Donnelly, representative of *Caritas Internationalis*, it is "*like taking your SC Council class once or twice a month because there's always an update on something that you didn't know.*"[520]

On the other hand, SC members often profit from the information NGOs provide. In the view of Weiss, the SC members "*really depend on us because we are the hands and hearts and heads on the ground and we know what's going on in the field, and many of them don't have the capacity and the people to find out what's going on out there.*"[521] One of the early supporters of the NWG, Ambassador Juan Somavía of Chile, confirms that in many cases NGOs have crucial information of the facts on the

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[516] Interview with James Paul, Executive Director, *Global Policy Forum*, New York, 13 October 2010.
[517] Joseph Donnelly, *Caritas Internationalis.*
[518] James Paul, *Global Policy Forum.*
[519] Joseph Donnelly, *Caritas Internationalis.*
[520] Joseph Donnelly, *Caritas Internationalis.*
[521] Cora Weiss, *Hague Appeal for Peace.*

ground "*much of which never gets on the table of the Security Council.*"[522] In this regard, the NWG provides a convenient access point for SC members to tap the pool of information provided by an entire network of NGOs. Donnelly explains that often "*they realize we know more and they are open to that, but they won't come knocking on NGOs doors. The Working Group provides the more formal appropriate agenda to say: we're interested.*"[523]

Consequently, for many of the NWG members the meetings are not only about what the invitees can tell them concerning the dynamics in the Council, but also about telling the SC members "*what they need to know.*"[524] This exchange of information often leads to a process of confidence building between NGOs and Member States, and therefore the NWG meetings are a unique opportunity for delegations that are "*not accustomed to dealing with NGOs.*"[525] In this way, these encounters promote mutual respect between the SC members and the NGO representatives, and the more meetings there are, the more confidence will be built (MOM +1).

The issue of 'mutual education' leads to the question of in how far NGOs should use the NWG meetings for attempts to influence the policies of the SC members. The views on this differ within the NWG itself: there is about a half-half split in the membership between operational NGOs on the one hand and advocacy and think tank type NGOs on the other. Just like MSF, many of the former "*do not view it as a group that is trying to influence the SC*".[526] For these organizations, attempts at influencing

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[522] Juan Somavía, *The Humanitarian Responsibilities of the United Nations Security Council: Ensuring the Security of the People*, New York: Global Policy Forum 1996.
[523] Joseph Donnelly, *Caritas Internationalis.*
[524] Joseph Donnelly, *Caritas Internationalis.*
[525] Interview with Andrew Tomlinson, Head, *Quaker UN Office*, New York, 10 November 2010.
[526] Fabien Dubuet, *Médicines Sans Frontièrs.*

SC members are limited to very technical issues necessary to keep their operations on the ground running smoothly: these issues can be very simple, such as visa problems, or more serious, such as kidnappings of their members. In the perspective of these NGOs, the NWG is not an advocacy forum as this "*was not the way it was conceived.*"[527]

Many of the other NGOs would starkly disagree with this and argue that since its inception one of the purposes of the NWG has been to provide them with "*an opportunity for advocacy and pressure*"[528], as Paul puts it. Very often the main objective is to bring issues which have not been given adequate attention to the delegations and urge that these be placed on the SCs agenda. But the NWG members also attempt to influence the policies on existing agenda items by presenting credible and well-targeted evidence from the field together with high-quality analyses of the problems at hand.[529] Donnelly reports that he found "*repeatedly really timely synergies where you can see by the look on their faces that they think: that's something I didn't know.*"[530]

What most of the NGOs appreciate much more than the opportunity to influence the SC members within these meetings is the NWG's ability "*to empower and inform members to better influence the Council themselves.*"[531] The meetings "*can serve as entry points, and in bilateral discussions it is more likely to change opinions.*"[532] Often there is important follow-up after the meetings and informal contacts are

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[527] Fabien Dubuet, *Médicines Sans Frontièrs.*
[528] James Paul, *A Short History of the NGO Working Group,* New York: Global Policy Forum 2010.
[529] Paul, *A short history of the NGO Working Group.*
[530] Joseph Donnelly, *Caritas Internationalis.*
[531] Interview with Scott Paul, Fellow, *Campaign For Innocent Victims in Conflict*, email correspondence of 2 November 2010.
[532] Andrew Tomlinson, Quaker UN Office.

established.[533] The NWG has been successful at securing NGOs a place in the Council's environment by making both sides familiar with each other. Donnelly recounts that "*I have been frequently stopped on the street by either the permanent representative or one of the staff experts to say: Mr. Donnelly, in the meeting the other day you said...*"[534] The NWG creates an informal dynamic of interaction between NGO representatives and SC delegations that goes beyond the meetings themselves. As Paul Mikov from *World Vision* explains, it is "*outside of those meetings where the more dogged kind of work of advocacy takes place where there is significant room for influence, depending on the issue and the Member State in question, and this space has grown over the years*."[535]

Furthermore, since the meetings help the NWG members to better understand the dynamics within the Council, e.g. which Member State supports which position, what they would vote for independently and what their allegiances are, they are supportive of a "*divide and conquer mentality*" on the part of the NGOs. "*By being in* [the NWG] *you hear how they talk to each other and you see the gaps*."[536] This knowledge can then be used to refine advocacy strategies and choose targets more precisely. An increase of the frequency of these meetings would, consequently, further strengthen the deliberative synergy in the UN system (SYN +3).

Moreover, the meetings of the NWG often facilitate consensus among its members. Even though the NWG members do not coordinate the meetings amongst themselves beforehand, the group does serve its members as a network for "*cross-fertilization*

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[533] Interview at the Office of a NGO involved with the Security Council, New York, 12 November 2010.

[534] Joseph Donnelly, *Caritas Internationalis.*

[535] Paul Mikov, *World Vision.*

[536] Joseph Donnelly, *Caritas Internationalis.*

and mutual reinforcement."[537] In the meetings, NGOs sometimes hear information from other NGOs they had not heard before, and often the shared concerns and perspectives voiced by various members may support the individual representatives in the pursuit of organizational objectives. *"How often do NGOs sit down one on one and talk with their colleagues?"*, Donnelly asks. *"It doesn't happen a great deal because we're so busy. So if you work on a specific issue, like Somalia, but we never had a discussion on this issue and you sit in the meeting and the ambassador says something about it and suddenly five hands go up, it's great because you can see some sort of coalition building right there. This has been very useful. It helps us to learn from each other*"[538] (MOM +1).

Would it be feasible to increase the quantity and duration of the NWG meetings as to further deepen the relationship between its members and the SC? In terms of the requirements, the fact that the meetings are organized by the NGOs themselves is both a curse and a blessing. The positive side of this is that they have the control over the entire process and are able to push the agenda on their own initiative. The negative side is that they themselves have to pay the bills. This is a considerable challenge for the NGOs at the UN and it could prove to be the stumbling block for the NWG. When, e.g., the MacArthur Foundation cut its funding of GPF – the NGO that is the organizing force behind the NWG – the frequency of the meetings temporarily decreased to about two per month because of a lack of staff and resources.[539] Another obstacle is the increasingly tight schedule of the SC, which makes it *"tremendously difficult to pin down the ambassadors and get a meeting*"[540] (REQ 0).

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[537] Paul Mikov, *World Vision.*
[538] Joseph Donnelly, *Caritas Internationalis.*
[539] James Paul, *Global Policy Forum.*
[540] James Paul, *Global Policy Forum.*

There is strong support for the NWG in the UN membership: In general, Austria, Chile, and Italy have been highly involved with the group. The only SC members that did not meet with the NWG in 2011 were China, Gabon, and Nigeria. On the other hand, France, Germany, Portugal, South Africa, and the UK convened with the group on a regular basis. Somewhat surprisingly, the Council member that met with the NWG most often is India. When India was elected to the Council, many of the NGOs were particularly keen on confronting it with the humanitarian consequences of its policies regarding the Kashmir conflict.[541] It seems that, contrary to the expectations held at the UN, this has not harmed India's willingness to cooperate with the NWG. Throughout the year, the US usually holds at least some meetings with the group, whereas the Russian Federation gets slightly less involved. The only permanent member that is strictly opposed to the NWG is China. Its last meeting with the group dates back to 2006. In general, however, it appears that there is much willingness on the side of the UN membership to engage with the NWG (SUP +1/OPP -1). Hence, the possibility of increasing the frequency of the meetings seems to depend primarily on the organizational capacity of the NWG in terms of both acquiring the necessary resources as well as identifying the gaps in the personal agendas of the PREPs (NEG +1).

Another innovation from outside the UN is the NGO *Security Council Report* (SCR). Founded in 2005, this organization represents a common endeavor of academics and a number of governments interested in increasing the transparency of the SC. Its mission statement is "*the belief that consistent, balanced, high-quality information about the activities of the United Nations Security Council and its subordinate bodies*

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[541] This point was raised in several of the interviews with NGO representatives.

is essential to the effective performance of the Council and that this information should also be available to a wider group of stakeholders and the general public."[542] To this end, SCR publishes monthly reports on the work of the SC, a regular feed on daily developments called 'What's in blue', as well as special reports on outstanding issues. In the 2008 debate on SC working methods, the representative of Australia described the work of SCR as "*external auditing.*"[543] SCR's main donors are the governments of Canada and Norway, as well as the Hewlett and MacArthur Foundations. A further 14 governments also financially support SCR, only two of which are not from the Western European and Others Group: Kuwait and Singapore. SCR has not reached out to the P5 for funding as to not become financially dependent upon those it is meant to audit. Columbia University provides SCR with office space and staff.

Obviously, the term non-governmental organizations is particularly misleading in the case of SCR and, given its background, it comes as no surprise that it works in a very diplomatic and uncritical fashion. This, however, does not inhibit it from fulfilling its function of increasing the transparency of the SC. Indeed, since SCR receives funding from a particular set of governments, it is essential that it strive for neutrality and objectivity in its reporting lest it be perceived as a tool of particular interests. The diplomatic sensitivity of its staff has enabled the success and popularity of the organization and guarantees its continued access to information.

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[542] http://www.securitycouncilreport.org/site/c.glKWLeMTIsG/b.1074741/k.84B6/MISSION_AND_P URPOSE_IN_FULL.htm
[543] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.5968*, 2008.

Naturally, its relations are closest with some of the elected members: in 2012 these were, in particular, Azerbaijan, Germany, Guatemala, Portugal and Togo. But the organization also has good access to the P5, including China and Russia, although the quantity and quality of the information varies from case to case. Firstly, much depends on the personal relationships with individual staff members. Secondly, if the Member States have strong interests at stake, they are more reluctant to pass on insightful information. Thirdly, the P5 often value unanimity higher than transparency and therefore prefer to coordinate their positions amongst themselves before they give out information. For SCR's staff this means that they have to attempt to tap as many sources of information as possible in order to puzzle together an accurate picture of the situation in question.

SCR has been beneficial to both Member States and the general public. Especially smaller Member States that do not have the capacity to observe the daily developments in the Council profit from the SCR's reports, and indeed in many cases, the latter will – given its connections – have better access to information. In 2011, the representative of Costa Rica stated: "*I should add that from the non-governmental point of view, the Security Council Report website has contributed fundamentally to well-informed, systematic and rigorous monitoring of the activities of the Council.*"[544] The general public is allotted the availability of an unprecedented wealth of information on the work of the SC and, as a matter of fact, this research has itself greatly profited from this source. It is, therefore, reasonable to expect that an expansion of SCR activities would further increase the transparency of the Council (SYN +3).

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[544] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.6672 (Resumption 1)*, 2011.

In the last years, SCR has increased its staff so as to enable real-time coverage of the Council's activities. It is currently receiving additional funding for an expansion of its activities with regard to the incoming SC members. The objective is to formalize and deepen its relationships with these states in order to support them in capacity building for their term on the Council. Fostering good relationships with incoming Council members at a very early stage does not only enable these states to better pursue their goals and increase the effectiveness of the SC, but it also has the added benefit for SCR of already having established close contacts to these delegates once they assume their mandates. When, e.g., Guatemala took its seat on the Council in 2012, it received much assistance from SCR. Later on the organization profited from the willingness of Guatemala's delegates to pass on insightful information.

Not all states take up this offer of cooperation. SCR has, e.g., reached out to all those states aspiring for the Asian seat for 2013, i.e., Bhutan, Cambodia and South Korea, but only the latter took up the offer of assistance.[545] Saudi-Arabia, on the other hand, is now already engaged in capacity building for its expected Council membership in 2014. To this end, Saudi-Arabian diplomats are enrolled in courses at Columbia University in which SCR takes part as well. Often the organization even sends its staff on missions to the capitals of the states it is advising, as was most recently the case with Rwanda. The competitive advantage SCR has over the 'Annual Workshop for Newly-Elected Members' organized by the permanent mission of Finland is that it provides these states with more comprehensive and targeted information and training than they can acquire in bulk on one weekend. The efforts by Finland and those

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[545] South Korea won the election.

planned by SCR, nevertheless, also have the potential to complement each other and together to increase the effectiveness of the Council (FUNC +2).

Since SCR enjoys the strong support of a number of affluent governments and large foundations, it does not struggle with budgetary problems (SUP +1). Presumably, the most challenging aspect of extending its 'auditing' activities would be that the more information SCR acquires on the developments behind the scene and the more detailed its reporting becomes, the more diplomatic skill will be required in avoiding a clash with those Member States that have a more reserved attitude towards the need for transparency in the Council's work. Those representatives who provide the SCR with these insights are, furthermore, dependent upon its sensitive handling of this information lest they lose the confidence of the other Council members (REQ 0/OPP - 1/NEG +1).

PROPOSAL	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
NGO Working Group on the SC	+2	0	+3	**+5**	0	+1	-1	+1	**+1**
Security Council Report	0	+2	+3	**+5**	+1	+1	-1	+1	**+2**

SC-CS Relations – CS Assemblies

There is a long tradition of proposals for a non-governmental assembly to be created either via a transformation of the GA or in addition to it.[546] The more conventional branch of these proposals calls for the establishment of what John Dryzek et al. term the 'popularly elected global assembly' (PEGA).[547] One of the oldest and most

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[546] Johan Galtung recommends nothing less than four additional assemblies: Johan Galtung, "Alternative Models for Global Democracy" in Barry Holden (ed.) *Global Democracy: Key Debates*, London; New York: Routledge 2000, pp. 143-161.
[547] John Dryzek, André Bächtiger and Karolina Milewicz, "Toward a Global Deliberative Citizens' Assembly", *Global Policy*, 2 (1), 2011, pp. 33-42.

prominent of these proposals is Grenville Clark and Louis Sohn's *World Peace Through World Law* of 1966 in which the authors suggest transforming the GA into a popularly elected body.[548] In 1987, the *International Network for a UN Second Assembly* published an appeal to the GA to "*to mandate a study on the proposal for a UN Second Assembly, to be carried out by a UN Expert Group or an Independent International Commission.*"[549]

The *Campaign for a More Democratic United Nations* organized three large civil society conferences in the early 1990s in order to discuss and promote the idea of establishing such a bicameral system.[550] In 1994, Erskine Childers and Brian Urquhart advocated the creation of an inter-parliamentary assembly within the UN which could serve as a stepping stone for the establishment of a PEGA.[551] More recent variations of these proposals have been made, inter alia, by the *Global Governance Reform Project* (2000), Richard Falk and Andrew Strauss (2001), *UBUNTU* (2004), and the *Committee for a Democratic U.N.* (2010).[552]

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[548] Grenville Clark and Louis Sohn, *World Peace Through World Law: Two Alternative Plans*, Cambridge, MA: Harvard University Press 1966.
[549] International Network for a UN Second Assembly, *Appeal to the United Nations General Assembly to consider the proposal for a UN Second Assembly*, 1987,
http://www.earthrights.net/archives/gpa/unsa.html
[550] Frank Barnaby (ed.), *Building a More Democratic United Nations: Proceedings of CAMDUN-1*, London; Portland: Cass 1992.
[551] Erskine Childers and Brian Urquhart, *Renewing the United Nations System*, Uppsala: Dag Hammersköld Foundation 1994.
[552] Joseph Camilleri, Kamal Malhotra and Majid Tehranian, *Reimagining the Future: Towards Democratic Governance. A Report of the Global Governance Reform Project,* Melbourne: La Trobe University 2000; Richard Falk and Andrew Strauss, "Toward Global Parliament", *Foreign Affairs*, 80 (1), 2001, pp. 212-220; UBUNTU: World Forum of Civil Society Networks, *Proposals to Reform the System of International Institutions: Future Scenarios,* 2004,
http://www.reformwatch.net/fitxers/seminari_eng.pdf; Andreas Bummel, *Developing International Democracy: For a Parliamentary Assembly at the United Nations. A Strategy Paper of the Committee for a Democratic U.N.,* Berlin: Committee for a Democratic U.N. 2010,
http://www.kdun.org/resources/2010strategy_en.pdf

A PEGA would definitely promote the articulation and justification of diverse standpoints on a highly visible and transparent platform (MOM +1). One important issue which all of these proposals neglect, however, is the question of how the proposed assemblies would interact with the SC and what this would entail for the overall institutional balance in the UN. This problem is reduced, instead, to the question of whether the PEGA would be able to pass binding laws or whether it would function solely as an advisory organ to the GA. Either option would entail problems which these proposals fail to address in a satisfactory fashion. If the PEGA were endowed with law-making powers, would this mean that it could overrule the SC? As explained in respect to the proposal of giving such powers to the GA, this would diminish the authority of the Council and could lead to hazardous situations on the ground.[553]

If the PEGA were to be merely an advisory organ, then the problem becomes one of legitimacy rather than legality. The argument for such an advisory function is that the PEGA's recommendations would reflect a democratically more legitimated output than that of the SC or the GA and would, therefore, put pressure on the latter two to follow its advice. Although this could probably work in some cases, it is also clear that situations would arise in which the PEGA says one thing, the GA another, and the SC does something else. As a result, these competing claims to legitimacy would damage the legitimacy of the UN as a whole instead of increasing that of its governance of issues of global peace and security. In other words, a conflict of legality simply becomes one of legitimacy, which in the present context of global peace and security can have very similar consequences (FUNC -2).

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[553] See chapter 'Relations between Security Council and General Assembly.'

A further problem concerning the idea of a PEGA is that on a global level, people's solidarities towards each other are not yet strong enough to support aggregative decision-making in cases of controversy. The logic of solving problems of interest by 'counting heads' requires that the losing minority not see the resulting decision as a forceful imposition by the majority. But it is, e.g., highly questionable whether the citizens of the countries of the geopolitical North would accept the idea that the citizens of a handful of countries from the geopolitical South could determine their fate. Joseph Nye criticizes that *"treating the world as one global constituency implies the existence of a political community in which citizens of around 200 states would be willing to be continually outvoted by more than a billion Chinese and more than a billion Indians."*[554]

Without this sense of solidarity and community, the losing minority will perceive the outcome of the aggregative process as a forceful imposition, i.e., the tyranny of the majority.[555] As Michael Zürn points out, at present, international organizations cannot rely on existing solidarities but *"must contribute to democratization by facilitating the emergence of transnational political communities and transnational communication channels, and thus in the medium term improve the institutional scope for direct democratization."*[556] Dryzek et al. rightly warn that a PEGA could split into regional blocs instead of political parties, which would entail a centrifugal dynamic much like it exists today, e.g., in the Belgian parliament, thereby deepening the cleavages in the

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[554] In Heikki Patomäki and Teivo Teivainen, *A Possible World: Democratic Transformation of Global Institutions*, London; New York: Zed Books 2004, pp. 148

[555] For a discussion of the fundamental conditions for direct democracy in the context of IOs, see, e.g., Mathias Koenig-Archibugi, "Is Global Democracy Possible?", *European Journal of International Relations,* 17 (3), 2011, 519-542; Chris Brown, "International Poltical Theory and the Idea of World Community", in: Ken Booth and Steve Smith (eds.), *International Relations Theory Today*, Cambridge: Polity 1995, pp. 90-109.

[556] Michael Zürn, "Global Governance and Legitimacy Problems", *Government and Opposition*, 39 (2), 2004, p. 287.

global electorate rather than creating the solidarity necessary for a world community.[557]

Moreover, there is the problem that "[i]*n transnational elections, voters generally have no idea what is at stake, and there is no government to be formed. This matter is not one of voter ignorance. It is because the connection between vote and consequence is extremely tenuous.*"[558] Dryzek et al. use the elections for the European Parliament as an example to demonstrate that this results in votes that are based on expressive preferences rather than being issue-oriented. The electorate tends to use these elections, e.g., to express its judgment on the performance of national governments instead of indicating how it expects European issues to be handled. Votes of protest are more common at the European level than they are in national elections, strengthening those types of parties that feed off such votes, which are often racist or xenophobic. In the current state of global politics, a PEGA would, therefore, be detrimental to deliberative synergy within the UN system instead of promoting it (SYN -3).

There are, moreover, tremendous obstacles regarding the feasibility of these proposals. Most of the UN membership is strictly opposed to an assembly that would effectively compete with their governments' authority in global politics. As Dryzek et al. point out, China and the US are particularly hostile to proposals for a PEGA. The overwhelming majority of the political class of the US believes that there should be no authority above that of the US constitution, and China, the principled champion of state sovereignty, has no history of competitive elections on the national level.

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[557] Dryzek, Bächtiger and Milewicz, *Toward a Global Deliberative Citizens' Assembly*, p. 36.
[558] Dryzek, Bächtiger and Milewicz, *Toward a Global Deliberative Citizens' Assembly*, p. 35.

In fact, the opposition to a PEGA may well be stronger than even Dryzek et al. believe it to be. According to them, it is "*doubtless some states with good global citizenship credentials (such as Sweden) would support the idea.*"[559] Although Sweden, e.g., does indeed have comparatively good global citizenship credentials, it does not seem at all certain to assume that its government would willingly subject its fate to an assembly in which its representative would be outnumbered by a ratio of something around 1:720. Again, the root of the problem is the lack of a sufficiently well-developed sense of world community. Should the assembly consist of less than 700 parliamentarians, Sweden could even end up without its own representative – a problem that would be even more acute for all those states that are significantly smaller than Sweden. As Dryzek et al. point out, a guarantee of at least one representative per Member State would, on the other hand, entail a significant degree of distortion in any reasonably sized assembly. The PEGA might be, moreover, a particular problem for those states that are committed to proportional representation as these systems require multi-member constituencies[560] (SUP -1/OPP -1/NEG -1).

Finally, there is the problem of arranging the necessary resources for such a major project. This question as well is routinely neglected by those who propose a PEGA. One of the icons of the movement for a Parliamentary Assembly, Dieter Heinrich, argues that "[a] *more effective UN would ultimately save governments money. The cost of the UNPA should be regarded as an investment in wiser global decision-making that could help solve many global problems before they become expensive*

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[559] Dryzek, Bächtiger and Milewicz, *Toward a Global Deliberative Citizens' Assembly*, p. 35.
[560] Dryzek, Bächtiger and Milewicz, *Toward a Global Deliberative Citizens' Assembly*, p. 36.

nightmares."[561] There is no conclusive evidence, however, to support the assumption that the UNPA, or any other PEGA, would necessarily increase the effectiveness of the UN. As argued above, in the present circumstances, the opposite seems more likely. It is, moreover, wrong to present the world's financial needs as a zero-sum calculation. It is the availability of resources that determines which problems will be dealt with and not the other way around: the problems of this world are infinite. Some advocates of these proposals cite the world-wide expenditure on arms and argue that the cost of a PEGA would be miniscule in comparison.[562] Yet, they fail to make a convincing case for why they think these expenditures would be cut and why the resultant savings would not be invested in programs that are more popular with domestic electorates, such as health care, pensions, education, etc., rather than in a PEGA (REQ -1).

Dryzek et al. suggest an alternative to such elected assemblies: in their view a 'deliberative global citizens' assembly' (DGCA) would avoid many of the problems the proposals for a PEGA encounter. The idea is to establish an assembly that would issue recommendations based on extensive deliberation between randomly-selected citizens. This assembly could be permanent or issue-specific and temporary. It would number about 1000 members which would result in ballot districts of roughly seven million people.[563] Most of the deliberation would take place in smaller groups in order to enable face-to-face dialogue before discussion in the plenary.

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[561] Dieter Heinrich, "A United Nations Parliamentary Assembly", in: Eric Fawcett and Hanna Newcombe (eds), *United Nations Reform: Looking Ahead after 50 Years*, Toronto: Dundurn Press 1995, p. 99.
[562] Dieter Heinrich, *The Case for a United Nations Parliamentary Assembly*, Berlin: Committee for a Democratic U.N. 2010, p. 33.
[563] Dryzek et al. talk of one participant for every six million, but the world population is in fact much closer to 7 billion than it is to 6 billion.

As with a PEGA, a DGCA would promote the articulation and justification of diverse standpoints on a highly visible and transparent platform (MOM +1). The DGCA's emphasis on deliberation would probably somewhat mitigate the centrifugal force which a PEGA's focus on aggregative procedures would conjure. Also, since a DGCA would not require elections, the problem of the voters' lack of knowledge about the issues on the UN's agenda would become irrelevant. As Dryzek et al. explain, however, the majority of the randomly selected members of the assembly would in all likelihood be relatively uneducated and would require some guidance on the issues at stake. The members of the assembly would be provided with "*information and access to advocates from different sides of an issue and with expert testimony*" and the meetings would be facilitated by experts "*in order to increase the constructiveness of the dialogue, uphold mutual respect and civility, and minimize (for example) ad hominem arguments, deception, stereotyping, personal attacks and withholding of information.*"[564]

Obviously, the role of the facilitator in leading the deliberations would necessarily be crucial, and the high degree of varying and conflicting cultural attitudes of the participants would further amplify this importance. Not only does this arrangement carry with it a somewhat patronizing element, but it also brings up the question of how those who are to present their perspectives to the participants, those who are available to educate them upon request, and those who guide the deliberations are to be chosen. All these people will have a decisive influence on the outcome of the deliberations, and their appointment would in turn require a democratically legitimate

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[564] Dryzek, Bächtiger and Milewicz, *Toward a Global Deliberative Citizens' Assembly*, p. 36.

selection procedure, which would bring the problem of legitimate decision-making in global governance full circle.

But more importantly, the method of educating randomly selected participants would defeat the purpose of the entire exercise which is the promotion of input from public spheres, be they global or domestic, into the deliberations within the DGCA and the UN in general. If the assumption is that the participants would have to be educated, the flow of the transmission between the public sphere and the empowered sphere would be reversed. According to Habermasian theory, societal problems should be identified in the lifeworld, discussed in the public sphere, and then settled in empowered institutions. A DGCA would reverse this process: the problems would be identified by empowered institutions who then, by choosing certain presenters, experts, and facilitators, would act as gatekeepers between an isolated empowered sphere (the DGCA) and the free flow of information in the public spheres. The output of the DGCA would then guide the deliberations in the public spheres and thereby form peoples' perceptions of their lifeworld.

The core of the problem is that the participants would be divested of any representivity and accountability through either delegation *or* discourse. As Dryzek et al. write, the "*citizen participants would have no bonds of electoral accountability to particular constituencies*"[565] and as they would be presented with various discourses rather than presenting these themselves, neither would they be accountable in a discursive sense. The DGCA's purpose would effectively boil down to the hope that the cultural variation within the membership would, in sum, produce some degree of

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[565] Dryzek, Bächtiger and Milewicz, *Toward a Global Deliberative Citizens' Assembly*, p. 38.

cultural objectivity in judging pre-configured policy options, but even this is no more than an optimistic assumption (SYN -3).

Just as a PEGA, a DGCA would, moreover, evoke a conflict of legitimacy with the UN (FUNC -2). Dryzek et al. argue that China and the US would be more likely to agree to a DGCA than to a PEGA because, unlike the latter's, the former's structure would not resemble any domestic institution, and it would not be necessary to hold elections. In their view, e.g., the "*United States problem is likely to be ameliorated because an assembly based on random selection from the citizenry does not look like a direct challenger to the US congress; it is simply a very different kind of beast* […] *politicians may simply not know what to make of it*."[566] This perspective assumes that it is the nature of the assembly that determines whether it would be perceived as competition.

It is, however, much more likely that the determining factor would not be its nature per se, but the legitimacy it would entail. No matter whether the assembly's powers are to be merely communicative or not, it would establish a claim to legitimacy that competes with the respective intergovernmental decision-making procedures. US politicians, and others, do not have to understand the beast in order to fear it. For this reason, it is unlikely that governments would have a more favorable attitude towards a DGCA than they would have towards a PEGA. The establishment and maintenance of the former is, furthermore, just as dependent upon the availability of large amounts of funding as is the latter (REQ -1/SUP -1/OPP -1/NEG -1).

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[566] Dryzek, Bächtiger and Milewicz, *Toward a Global Deliberative Citizens' Assembly*, p. 37.

A third category of proposals for a civil society assembly are those that suggest a forum for associations rather than individuals. In 1982, the *UK Medical Association for the Prevention of War* proposed "*that Article 22 of the UN Charter be amended to create a subsidiary body for the General Assembly. The new body would represent the views of NGOs.*"[567] In 1995, The Commission on Global Governance recommended "*an annual Forum of Civil Society consisting of representatives of organizations to be accredited to the General Assembly as 'Civil Society Organizations'. The Forum should be convened in the General Assembly Hall sometime before the Annual Session of the Assembly. International civil society should itself be involved in determining the character and functions of the Forum.*"[568] Maria Murazzani suggests turning the Conference of NGOs with Consultative relationship to the United Nations (CONGO) into a subsidiary organ of the GA.[569]

In May of 2000, Secretary-General Kofi Annan invited more than 1400 civil society representatives to the Millennium NGO Forum at the UN in New York. In addition to discussing the issues on the agenda of the UN, the participants agreed to establish an assembly of civil society organizations which was to meet ahead of the annual session of the GA at least every two or three years.[570] This plan, however, never materialized, be it for the lack of substantial political support, the cost associated to such fora, or the absence of consensus on a strategy of how to organize and structure this assembly among the NGOs (REQ -1/SUP 0/OPP -1). This last point touches upon the problem of decision-making in an Associational Assembly. Since NGOs are discursive

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[567] Keith Suter, "Reforming the United Nations", in: Ramesh Thakur (ed.), *Past imperfect, Future UNcertain: The United Nations at Fifty*, Houndsmill; Basingstoke: Palgrave Macmillan 1998, p. 250.
[568] Commission on Global Governance, *Our Global Neighbourhood: The Report of the Commission on Global Governance*, Oxford: Oxford University Press 1995, p. 260.
[569] Maria Murazzani, "NGOs, Global Governance, and the UN: NGOs as the 'Guardians of the Reform of the International System'", *Transition Studies Review*, 16 (2), 2009, p. 508.
[570] Falk and Strauss, *Toward Global Parliament*, p. 214.

representatives, they have a mandate to argue their case, but cannot legitimately possess aggregative voting rights,[571] meaning that this assembly would have to operate on a consensus principle.

Considering the size of both the Millennium NGO Forum as well as CONGO, which has over 500 member organizations, finding a consensus on substantial issues other than NGO participation itself seems very ambitious, no matter how highly one values the power of deliberation. If a consensus were to be achieved in such a forum, it would be very likely that there really was no issue of decision-making to begin with. But if the assembly is not able to produce any meaningful and coherent output, it would merely function as a formally restricted platform for institutionally inconsequential deliberation (MOM +1). Would it be worthwhile to put this much effort into deliberations that might be carried out more vividly and interactive in the unrestricted space of an emerging global public sphere?

There is a danger, furthermore, that the formalized public display of disharmony among the NGOs could be instrumentalized by some Member States to discredit their efforts, providing them with a welcome excuse to ignore NGO input altogether. As Nora Keon warns, such an assembly *"could risk violating the very logic of how civil society operates and undermining the legitimacy on which its contribution to global governance is based."*[572] The same issues regarding decision-making and misplaced formalization also apply to Tatsuro Kunugi's suggestion of an inclusive assembly

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[571] See chapter 'Promoting a Deliberative System.'
[572] Nora McKeon, *The United Nations and Civil Society: Legitimating Global Governance – Whose Voice?*, London; New York: Zed Books 2009, p. 184.

consisting of states, NGOs, TNCs as well as international organizations, and to other such hybrid proposals[573] (SYN -3).

PROPOSAL	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
PEGA	+1	-2	-3	-4	-1	-1	-1	-1	-4
DGCA	+1	-2	-3	-4	-1	-1	-1	-1	-4
Associational Assembly	+1	0	-3	-2	-1	0	-1	0	-2

Conclusion

Although there are numerous proposals for a Civil Society Assembly, none of them have any prospects for implementation in the near future. Regardless of the specific nature of the assembly, at present, the world is simply not ready for such an institution. This is not purely a question of feasibility: even if these assemblies were to be created, they would not have the beneficial effects on UN decision-making promised by their advocates. Dryzek et al. have succinctly pointed out the shortcomings of the proposals for a PEGA, but their own scheme for a DGCA is itself highly problematic both in terms of feasibility and desirability. The main problem is that the members of such an assembly would, in effect, be representative neither in the aggregative, nor in the discursive sense. The obstacles for an associational assembly seem somewhat less daunting, yet the very essence of such an institution seems to be incompatible with the nature and character of NGOs. Instead of overregulating the channels for civil society input into the decision-making procedures of the UN, it would be more appropriate to multiply and diversify the opportunities for interaction.

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[573] Tatsuro Kunugi, "Enhancing the Poltitical Accountability of the United Nations via Multi-stakeholder Synergy", in: Sumihiro Kuyama and Michael Fowler (eds.), *Envisioning Reform: Enhancing UN Accountability in the Twenty-First Century*, Tokyo; New York; Paris: United Nations University Press 2009, pp. 193-214. An example for another such hybrid proposal is Andrew Kuper, *Democracy beyond Borders: Justice and Representation in Global Institutions*, Oxford: Oxford University Press 2004, pp. 163-171

Rather than creating additional empowered spheres, it is necessary to better connect those that already exist to the public sphere.

With regard to the UN's decision-making procedures on issues of global peace and security, there are a number of innovations that could improve the interaction between the SC and civil society. Although many civil society representatives have reason to complain about the quality of some of these meetings, the Arria-formula remains the primary gateway for NGOs to become directly involved in the SC's discussions and, in those cases in which the Council members show genuine interest in considering additional perspectives, these sessions are unique opportunities for influencing the Council's decisions. It would, therefore, be advisable to improve the quantity and quality of these meetings. The same applies to the SC seminars with NGO representatives. Since they allow the NGOs to participate in the shaping of the very foundations of the subsequent deliberations in the Council, these seminars are an excellent occasion for contributing meaningful and effective input. The SC's missions, as well, provide great opportunities to give input into its deliberations. Directly experiencing the situation on the ground rather than just talking about it in the Council chambers in New York often leaves a deep impact on the Council members, and there is great potential for the NGOs to expand their role in this process.

Furthermore, both of the initiatives driven by NGOs themselves are very promising. The work of Security Council Report is presently already highly commendable and strongly benefits the wider UN membership, NGOs, academia, and civil society in general. Due to SCR, the public now enjoys access to an unprecedented wealth of

information on the decision-making processes of the Council. SCR's plans to expand its activities can only be encouraged. The NGO Working Group on the Security Council fulfills a slightly different function: while SCR provides transparency to the public, the NWG provides transparency only to its own members. The benefit of this more limited approach is that the Council members are more likely to pass on sensitive information in the confidential meetings of the NWG. This information, as well as the more general insights the NGOs gain in these meetings, aid them in targeting effectively their input into SC deliberation. An increase and enhancement of these meetings is, therefore, highly recommendable.

VIII. Overview of Evaluation Results

SC Membership and Voting

Expansion	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Addition of permanent members	-1	-2	-3	-6	-1	+1	-1	-1	-2
Addition of elected members	0	-2	-3	-5	-1	+1	-1	-1	-2
Ad hoc addition of members	0	-2	0	-2	-1	-1	0	0	-2
Modification	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Abolish permanent membership	0	-2	0	-2	-1	0	-1	-1	-3
Senatorial seats	-1	-2	0	-3	-1	0	-1	-1	-3
Re-electable membership	0	+2	0	+2	-1	+1	-1	0	-1
Moral superpower seat	0	0	0	0	-1	-1	-1	-1	-4
Conditions for membership	0	+2	-3	-1	-1	0	-1	+1	-1
Regional Representation	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Regional seats (e.g. EU)	0	-2	+3	+1	-1	0	-1	-1	-3
Regional rotation	0	0	0	0	-1	+1	-1	0	-1
Abolition of Veto	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Abolition of veto	+1	-2	0	-1	-1	+1	-1	-1	-2
Fewer veto members	0	0	0	0	-1	+1	-1	-1	-2
Limitation of Veto	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Qualitative limitation of veto	0	0	0	0	-1	+1	-1	0	-1
Quantitative limitation of veto	-1	-2	0	-3	-1	0	-1	0	-2
Qualified veto	0	0	0	0	-1	0	-1	0	-2
Refer vetoes to the GA	0	-2	+3	+1	-1	0	-1	0	-2
Explain vetoes to the GA	+1	0	+3	+4	0	+1	-1	+1	+1
Alternative Procedures	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Negative vote without veto	0	+2	0	+2	-1	+1	-1	0	-1
Indicative voting	0	0	0	0	-1	+1	-1	-1	-2
Weighted voting	-1	-2	0	-3	-1	-1	-1	0	-3

SC Working Methods

Open Meetings	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Replace consultation with open meetings	0	-2	0	**-2**	0	+1	-1	-1	**-1**
Orientations debates	0	-2	+3	**+1**	0	0	0	0	**0**
Wrap-up sessions	+1	0	+3	**+4**	+1	+1	0	0	**+2**
Horizon-scanning sessions	0	+2	0	**+2**	0	+1	-1	+1	**+1**
Briefings on Consultations	0	0	+3	**+3**	-1	+1	+1	+1	**+2**
Briefings on Programme of Work	0	0	+3	**+3**	0	+1	+1	+1	**+3**
Closed Meetings	**DELIB MOM**	**SYST FUNCT**	**DELIB SYN**	**DS**	**REQ**	**SUP**	**OPP**	**NEG**	**FS**
More TCC meetings	0	+2	+3	**+5**	0	+1	+1	0	**+2**
Arria-formula and interactive dialogues	0	0	+3	**+3**	+1	+1	0	0	**+2**
Kosovo model	0	0	+3	**+3**	+1	+1	+1	0	**+3**
Increased Input	**DELIB MOM**	**SYST FUNCT**	**DELIB SYN**	**DS**	**REQ**	**SUP**	**OPP**	**NEG**	**FS**
Amendment of rule 37 of the PRP	0	0	0	**0**	-1	0	-1	-1	**-3**
More Groups of Friends	0	+2	-3	**-1**	+1	+1	0	+1	**+3**
Regional Orgs. as 'conveyor belts'	0	0	+3	**+3**	-1	+1	+1	+1	**+2**
Regional Orgs. as points of contact	0	0	+3	**+3**	0	+1	0	+1	**+2**
Enhanced Input	**DELIB MOM**	**SYST FUNCT**	**DELIB SYN**	**DS**	**REQ**	**SUP**	**OPP**	**NEG**	**FS**
Reversal of speaker's list in open debates	+1	0	+3	**+4**	0	+1	-1	0	**0**
More time for outcomes of debates	+1	0	+3	**+4**	0	+1	-1	0	**0**
Outreach	**DELIB MOM**	**SYST FUNCT**	**DELIB SYN**	**DS**	**REQ**	**SUP**	**OPP**	**NEG**	**FS**
Timely circulation of drafts	0	0	+3	**+3**	0	+1	-1	0	**0**
Compilation and distribution of stats	0	0	+3	**+3**	0	0	-1	+1	**0**
Integration of incoming members	+1	+2	0	**+3**	+1	+1	+1	+1	**+4**
UN Journal	**DELIB MOM**	**SYST FUNCT**	**DELIB SYN**	**DS**	**REQ**	**SUP**	**OPP**	**NEG**	**FS**
Announcement of expert meetings	0	0	0	**0**	0	+1	-1	0	**0**
Announcement of subsidiary meetings	0	0	0	**0**	0	+1	-1	+1	**+1**
Deadline for announcement	0	0	+3	**+3**	0	+1	0	0	**+1**
Descriptive titles for agenda items	0	0	+3	**+3**	0	+1	0	+1	**+2**

Formalization	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Formalization of Rules of Procedure	0	0	+3	+3	-1	+1	-1	-1	-2
Codification of responsibilities	+1	0	+3	+4	-1	+1	-1	-1	-2
Institutionalization of the presidency	0	+2	0	+2	-1	0	-1	+1	-1
Agenda	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Shorten 'seizure list'	+1	+2	+3	+6	0	+1	+1	+1	+3
Devolve work to subsidiary bodies	+1	+2	-3	0	+1	+1	0	+1	+3
Devolve work to expert panels	+1	+2	-3	0	+1	+1	-1	+1	+2
Devolve work to PBC	+1	+2	+3	+6	0	0	-1	0	-1
Resolve periodicity problem	+1	+2	0	+3	0	+1	0	+1	+2
Video teleconferencing	+1	+2	+3	+6	+1	+1	+1	+1	+4
Subsidiary Bodies	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Modify Convention on Chairs	+1	+2	0	+3	0	+1	-1	+1	+1
Modify Penholdership	+1	0	+3	+4	0	+1	-1	+1	+1
More involvement of PBC	0	0	+3	+3	0	+1	0	+1	+2
Revive Military Staff Committee	0	0	-3	-3	0	0	-1	0	-1

Relations between SC and GA

Coordination	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Increase interaction between PGA & PSC	0	0	+3	+3	0	+1	0	+1	+2
Coordination of thematic debates	0	0	+3	+3	0	+1	0	+1	+2
Coordination by the Secretary-General	0	0	0	0	-1	0	0	0	-1
SC Reports	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Improve annual report	0	0	+3	+3	-1	+1	0	0	0
Informal meetings on the annual report	0	0	+3	+3	+1	+1	0	0	+2
Single-issue debate in the GA	0	+2	+3	+5	0	+1	+1	0	+2
Monthly assessments	0	0	+3	+3	0	+1	0	0	+1
Monthly assessm. to the GA	0	0	+3	+3	-1	+1	-1	-1	-2
Special subject-oriented reports	-1	-2	+3	0	-1	+1	0	0	0

GA Oversight	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Add. consultations & recommendations	+1	0	+3	+4	0	+1	-1	+1	+1
Codify E10's responsibilities	0	+2	+3	+5	-1	0	-1	+1	-1
Permanent GA Committee	0	0	-3	-3	-1	-1	-1	0	-3
Decision-making	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
GA right to require review of decisions	0	-2	(-3)	-2	-1	0	-1	-1	-3
Ch.VII Consultation Committee	0	-2	+3	+1	-1	0	-1	-1	-3
Commission decision-making	0	-2	0	-2	-1	-1	-1	-1	-4
Reform of Charter article 12	0	-2	0	-2	-1	0	-1	-1	-3
Simplify UFP procedure	0	-2	0	-2	0	+1	-1	-1	-1
Legally binding GA resolutions	0	-2	0	-2	-1	0	-1	-1	-3

Relations between SC and Civil Society

SC Initiatives	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Increase physical access for NGOs	0	0	+3	+3	0	0	-1	+1	0
More Arria-Formula meetings	0	0	+3	+3	+1	+1	-1	0	+1
SC seminars with NGO reps	+1	0	+3	+4	0	+1	-1	+1	+1
SC retreats with NGO reps	+1	0	+3	+4	0	0	-1	0	-1
NGO reps in SC delegations	0	-2	+3	+1	0	+1	-1	+1	+1
SC Missions	0	-2	+3	+1	0	+1	0	+1	+2
CS Initiatives	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
NGO Working Group on the SC	+2	0	+3	+5	0	+1	-1	+1	+1
Security Council Report	0	+2	+3	+5	+1	+1	-1	+1	+2
CS Assemblies	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
PEGA	+1	-2	-3	-4	-1	-1	-1	-1	-4
DGCA	+1	-2	-3	-4	-1	-1	-1	-1	-4
Associational Assembly	+1	0	-3	-2	-1	0	-1	0	-2

Synthesis of proposals that are both highly recommendable and feasible

Limitation of Veto	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Explain vetoes to the GA	+1	0	+3	+4	0	+1	-1	+1	+1
Open Meetings	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Wrap-up sessions	+1	0	+3	+4	+1	+1	0	0	+2
Horizon-scanning sessions	0	+2	0	+2	0	+1	-1	+1	+1
Briefings on Consultations	0	0	+3	+3	-1	+1	+1	+1	+2
Briefings on Programme of Work	0	0	+3	+3	0	+1	+1	+1	+3
Closed Meetings	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
More TCC meetings	0	+2	+3	+5	0	+1	+1	0	+2
Arria-formula and interactive dialogues	0	0	+3	+3	+1	+1	0	0	+2
Kosovo model	0	0	+3	+3	+1	+1	+1	0	+3
Increased Input	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Regional Orgs. as 'conveyor belts'	0	0	+3	+3	-1	+1	+1	+1	+2
Regional Orgs. as points of contact	0	0	+3	+3	0	+1	0	+1	+2
Outreach	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Integration of incoming members	+1	+2	0	+3	+1	+1	+1	+1	+4
UN Journal	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Deadline for announcement	0	0	+3	+3	0	+1	0	0	+1
Descriptive titles for agenda items	0	0	+3	+3	0	+1	0	+1	+2
Agenda	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Shorten 'seizure list'	+1	+2	+3	+6	0	+1	+1	+1	+3
Resolve periodicity problem	+1	+2	0	+3	0	+1	0	+1	+2
Video teleconferencing	+1	+2	+3	+6	+1	+1	+1	+1	+4
Subsidiary Bodies	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Modify Convention on Chairs	+1	+2	0	+3	0	+1	-1	+1	+1
Modify Penholdership	+1	0	+3	+4	0	+1	-1	+1	+1
More involvement of PBC	0	0	+3	+3	0	+1	0	+1	+2

	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Coordination	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Increase interaction between PGA & PSC	0	0	+3	+3	0	+1	0	+1	+2
Coordination of thematic debates	0	0	+3	+3	0	+1	0	+1	+2
SC Reports	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Informal meetings on the annual report	0	0	+3	+3	+1	+1	0	0	+2
Single-issue debate in the GA	0	+2	+3	+5	0	+1	+1	0	+2
Monthly assessments	0	0	+3	+3	0	+1	0	0	+1
GA Oversight	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Add. consultations & recommendations	+1	0	+3	+4	0	+1	-1	+1	+1
SC Initiatives	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
More Arria-Formula meetings	0	0	+3	+3	+1	+1	-1	0	+1
SC seminars with NGO reps	+1	0	+3	+4	0	+1	-1	+1	+1
CS Initiatives	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
NGO Working Group on the SC	+2	0	+3	+5	0	+1	-1	+1	+1
Security Council Report	0	+2	+3	+5	+1	+1	-1	+1	+2

Synthesis of proposals that are highly recommendable but unlikely

	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Modification	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Re-electable membership	0	+2	0	+2	-1	+1	-1	0	-1
Alternative Procedures	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Negative vote without veto	0	+2	0	+2	-1	+1	-1	0	-1
Enhanced Input	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Reversal of speaker's list in open debates	+1	0	+3	+4	0	+1	-1	0	0
More time for outcomes of debates	+1	0	+3	+4	0	+1	-1	0	0
Outreach	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Timely circulation of drafts	0	0	+3	+3	0	+1	-1	0	0
Compilation and distribution of stats	0	0	+3	+3	0	0	-1	+1	0
Formalization	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Institutionalization of the presidency	0	+2	0	+2	-1	0	-1	+1	-1

Agenda	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Devolve work to PBC	+1	+2	+3	+6	0	0	-1	0	-1

SC Reports	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Improve annual report	0	0	+3	+3	-1	+1	0	0	0

GA Oversight	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Codify E10's responsibilities	0	+2	+3	+5	-1	0	-1	+1	-1

SC Initiatives	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Increase physical access for NGOs	0	0	+3	+3	0	0	-1	+1	0
SC retreats with NGO reps	+1	0	+3	+4	0	0	-1	0	-1

Synthesis of proposals that are highly recommendable but impossible

Formalization	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Formalization of Rules of Procedure	0	0	+3	+3	-1	+1	-1	-1	-2
Codification of responsibilities	+1	0	+3	+4	-1	+1	-1	-1	-2

SC Reports	DELIB MOM	SYST FUNCT	DELIB SYN	DS	REQ	SUP	OPP	NEG	FS
Monthly assessm. to the GA	0	0	+3	+3	-1	+1	-1	-1	-2

Conclusion

Introduction

The comparative analysis of more than 50 proposals for the reform of the UN's decision-making procedures on issues of international peace and security does not only provide valuable insights into the feasibility and desirability of the individual suggestions, but many lessons can be drawn from integrating these evaluations into a bigger picture. There are certain patterns in the overview of the evaluations that indicate current tendencies and likely future developments in the decision-making procedures. Based on an analysis of these factors, a number of recommendations directed at the UN membership and the NGO community at the UN regarding the process of reforms are provided in the closing section.

Current and Future Developments

Formal Stasis

As Ian Hurd points out, *"external change need not reduce the Council's effectiveness even in the absence of formal change, as long as the informal practice of the Council adapts to the new environment."*[574] This thesis sheds light on this process of adaption and demonstrates that, contrary to common perception, the SC is evolving constantly. Since the Council is the focal point of the UN's decision-making procedures on issues of global peace and security and needs to ensure both its connection to the rest of the UN as well as its continued decisiveness in a changing environment, this ability to evolve is of central importance to the prospects of a deliberative system.

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[574] Ian Hurd, "Security Council Reform: Informal Membership and Practice", in: Bruce Russett (ed.), *The Once and Future Security Council*, New York: St. Martin's Press 1997, p. 137.

This flexibility does not, however, apply to its formal arrangements on membership and voting, and the evaluation confirms the negative outlook for any changes in the composition of the SC. Except for the idea of re-electable membership, which is discussed further below, none of the proposals that aim at either an expansion or a modification of its membership obtain a feasibility score better than -2. This is because the opposition to any of these proposals is fierce, the requirements for putting them into practice are very demanding and the negotiations are stuck in unpromising deadlock. When I told a diplomat at the UN that I had attended the informal consultations on the question of equitable representation on the SC in 2010 and asked about those of 2012, the answer was unambiguous: "*The only thing that has changed is that two years have passed.*"[575] Even if something were to change eventually and one of these proposals were to obtain the necessary two-thirds majority in the GA, there would still remain a high probability that at least one of the P5 might not ratify the amendment to the Charter. Opinions vary as to who would be most likely to block an amendment, China, Russia or the US, but there is agreement that all of them must be considered as obstacles to such reform.[576]

Yet, this formal stasis should not be cause for concern: if put into practice, the relevant proposals would neither improve the effectiveness nor the legitimacy of the Council. Much to the contrary, such reforms would likely have negative effects in this regard. At the moment, expansion would not only risk the marginalization of the wider UN membership as well as promote exclusion and inequality within the Council, but it would also lead to a more cumbersome and inflexible decision-making process. The limitations inherent to any intergovernmental decision-making body

[575] Interview at a Permanent Representation of a UN Member State, New York, 15 June 2012.
[576] Steward Patrick, "UN Security Council Reform: Is it Time?", *Council on Foreign Affairs,* 11 January 2012, http://www.cfr.org/global-governance/un-security-council-reform-time/p27037

make it easy to argue the need for sweeping change in the UN's procedures on global peace and security. But the wide-spread belief that reform is essentially a choice between a change in membership or remaining at the status quo, which has been cultivated fervently over the last 20 years, is, in reality, obstructive to progress.

Much time and energy is spent on the pursuit of a goal that still, after all these years, remains elusive: both the SC and the GA regularly debate the issue in both formal and informal sessions which seldom generate any news; Member States sometimes organize conferences and informal meetings outside of the UN in order to discuss reform of the membership and to build coalitions; the academic and public debate as well is bent on this issue, thereby binding capacities for critical reflection and creative imagination which could be used to more effect in other areas of reform; and worst of all, as the recent attempts of the S5 to push the reform of the Council's working methods demonstrate, the progress and improvement of decision-making procedures is often taken hostage by the debate on expansion.[577] This enduring fixation on Council membership, moreover, constantly raises the stakes for the parties involved, as now every compromise may be perceived as a waste of the sunk costs that have accrued over the last 20 years. Ironically, the more effort is invested in this project, the less likely is its realization.

Efforts for improvement of the UN's decision-making procedures on global peace and security, including both those that strive for grand reform, such as Council expansion, as well as those that aim for change in its working methods, etc., have been misdirected in many different ways. Hence, there is a need for the UN Member States,

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[577] See chapter 'The Politics of UN Reform.'

NGOs, academia and the general public to take a fresh look at the present situation, identify the inherent possibilities and restrictions, and reorder preferences and policies accordingly. By providing a comprehensive overview of the various options for reform as well as a systematic and comparative analysis of the desirability and feasibility of each individual proposal, the present thesis may provide some guidance for exactly this task. Even those who might reject the normative foundations of the evaluation or others who might debate the accuracy of the political analysis may find the established framework helpful as a means of orientation or may use the evaluation of certain proposals as inspiring points of departure for further debate.

The Dynamics of Growing Demand

Many have pointed out that the Council has become increasingly active since the end of the Cold War. In all probability, this trend will continue, although possibly in different directions. The legal basis for the growth of its activities is its ever expanding definition of the concept of international security. But while in the 1990s the most decisive expansion of the Council's authority was into what had hitherto been considered as exclusively internal affairs of the Member States, today it increasingly extends its reach into various functional issue areas. Although the two cannot be easily separated and at least to some degree they have always gone hand in hand, the argument can be made that the focus of expansion has shifted from 'international' to 'security'. In terms of the Copenhagen School, securitization is no longer predominantly based on a change in the target referent, i.e. humans rather than states, but on the nature of the threat.[578]

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[578] Barry Buzan, Ole Waever, and Jaap de Wilde, *Security: A New Framework for Analysis*, Boulder, CO; London: Lynne Rienner Publishers 1998, p. 32

The Council is not only expanding its authority with regard to the target referent and the nature of threats, but also concerning its means of action. While it was in the past primarily conceived as a diplomatic emergency room that had the unique right to respond to international crises by authorizing the use of force, today the SC is becoming increasingly involved in proactive regulatory activities. In legal terms, keeping in mind its "*primary responsibility for the maintenance of international peace and security*"[579], the Council is not only reinterpreting the concepts of 'international' and 'security', but also that of 'maintenance'. The best example for these changes is its involvement in fighting terrorism: The nature of the threat is not the traditional armed conflict between or within states but terrorism conducted by individuals, and the target referent is individual safety rather than state survival. This also means that the traditional range of tools was found to be inadequate, which led the SC to pass resolutions of an entirely new quality, requiring the Member States to adopt certain domestic regulations, as well as extending the authority of the Council into the global financial system.[580]

The expansion of the SC's authority has sparked much protest from NAM which admonishes its infringements on the prerogatives of the GA. While the complaints about a power-grab of the Council are justified to a certain degree and some permanent members certainly promote these developments, it also has to be acknowledged that they are strongly propelled by dynamics inherent to the present structures of global politics and that the mere denunciation of the Council's practices will, therefore, not suffice to stop them. The complex set of dynamics referred to as

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[579] *United Nations Charter*, Chapter V, Article 24,
http://www.un.org/en/documents/charter/chapter5.shtml
[580] Ian Johnstone, *The Power of Deliberation: International Law, Politics and Organizations*, Oxford, New York: Oxford University Press 2011, p. 95-111.

globalization entails both the growing awareness of problems that can be efficiently dealt with only on the global level, as well as the further creation of such problems. This increases the pressure on global institutions to address these issues with some level of effectiveness.

These problems are then often pushed upon the SC because, in comparison to the GA, it is an efficient decision-making body which can enforce certain measures without the need for universal consensus. The efforts of the Small Island States to securitize climate change in order to increase the global perception of urgency and to place the issue on the agenda of the SC are a case in point. Since their immediate survival is threatened by the rising sea levels, they have good reason to alarm the world. From the perspective of these states and their people, the question of who is to deal with the problem they face has become absolutely secondary to the pressing exigency of dealing with it as soon as possible. If neither the GA nor global conferences promise any progress, they, in their desperation, naturally turn to the Council.

The Polymorph Security Council

Considering the decades of formal stasis, it is widely held that the structures of the SC are outdated[581], but beneath the surface, the SC is a highly flexible institution that has proven its capability to adapt to changing environments. Because of the growing demand, the agenda of the SC will continue to expand and the problems it faces will further diversify. This, in turn, has a tremendous impact on the Council's decision-making procedures. Firstly, because more and more decisions need to be made, the traditional open meetings, which are the only format in which resolutions may be

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[581] For a compilation of these opinions, see Ian Hurd, "Myths of Membership: The Politics of Legitimation in UN Security Council Reform", *Global Governance*, 14 (2), 2008, p. 201.

adopted, are becoming increasingly mechanistic and devoid of meaningful debate. The actual deliberations are being outsourced into other formats. Secondly, since today the Council needs to address a range of diverse challenges, the formats for deliberations have to be adapted to these issues. In order to guarantee effective decision-making, the deliberations must accommodate the need for specialization, the specific sources of input required to make informed judgments, as well as the management of the case-specific range of tools that can be applied.

The result of these developments is twofold: On the one hand, the SC is becoming increasingly flexible concerning the format of its meetings. While once there was only the distinction between open and private meetings, today there are TCC meetings, Arria-formula meetings, interactive dialogues, the Kosovo model, horizon-scanning sessions, various briefings and more. This flexibility goes so far that today the Council members will even hold an impromptu meeting with civil society representatives beneath a mango tree in Sierra Leone.[582] As the evaluation of the feasibility of these formats indicates, they will, in all likelihood, play a more and more important role in the Council's conduct of business, and it is reasonable to expect that the range of formats at its disposal will further expand in order to address qualitatively new challenges.

On the other hand, the Council is outsourcing its deliberations to other fora, including its subsidiary bodies and various expert panels. The number of the former has been growing slowly but steadily over the last years, and, as SC diplomats will confirm,

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[582] *What's in Blue: Insights on the Work of the Security Council*, "Council Visiting Mission to Africa: Sierra Leone", 24 May 2012, http://whatsinblue.org/2012/05/council-visiting-mission-to-africa-sierra-leone.php

expert panels have become more important.[583] The creation of the Peace-Building Committee can in itself be seen as an attempt to outsource the deliberations on a specific range of issues to another forum. As the number of fora connected to the Council increases, it functions as the central nexus of an expanding network of deliberative moments. There is tremendous potential for further research on both the empirical and the normative aspects of the procedures and functions of this network.

Together, the diversification of its formats and the expansion of its network of fora create what could be termed the 'Polymorph Security Council'. Beneath the surface of formal stasis and driven by the dynamics of growing demand, the one Council is becoming an increasingly flexible and adaptive shape shifter. Already today, it is sometimes hard for even the Council members to identify the exact formal nature of the particular meeting they are attending and the lines between what counts as meetings of the Council, meetings of Council members and non-Council meetings are fading. As the evaluation of the related efforts for reform demonstrates, current developments do not indicate a slowing down of this dynamic.

Fluid Membership

A prominent characteristic of the Polymorph SC is the remarkable variation in the composition of its diverse deliberative moments. Depending on the particular format of the forum in question, it is neither guaranteed that all of the Council members – not even the P5 – will participate, nor that all but the Council members may participate. Instead, a range of diverse actors, be it TCCs, specially-affected Member States, regional organizations, the chairs of the PBC or civil society representatives, might

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[583] Security Council Report, *Security Council Working Methods – A Work in Progress?*, New York 2010, p. 9.

find themselves sitting at the table. The only constant is that when it comes to a vote, there are 15 members – not more, not less.

In addition to the variation in its composition, there are more and more efforts to smooth the transition between the elected members in order to lessen the disruptive effect on the work of the Council. As of now, the incoming members are already included in some of the Council's deliberations before the official beginning of their terms, and the calls for earlier and deeper integration are getting louder. Also, both the demand and the offers for the early preparation of the incoming members have grown. Some prospective members, such as Saudi-Arabia, begin preparing their diplomats as early as two years before they assume their mandates. The workshop for newly elected Council members organized by the Finish government has by now firmly established itself.

Apart from this, *Security Council Report* is broadening its individualized consulting of prospective Council members and cooperates with Columbia University in offering them preparatory courses. There is also a growing tendency for outgoing Council members to be included beyond the end of their terms in some of the deliberations on issues they had been particularly involved in. Unless the definition of Council membership is reduced to the possession of formal voting rights, it is, considering both the variation in the quantity and quality of the participants in the various deliberations as well as the stretching out of the beginning and the end of formal Council membership beyond its legal point of definition, possible to detect a tendency towards a phenomenon that could be termed 'Fluid Membership'.

Specialized Lobbying Clusters

On the one hand, the advantage of the Polymorph SC is that it creates opportunities for the direct participation of diverse actors in its decision-making procedures and provides multiple access points for input from the outside. On the other hand, the Polymorph SC generates problems of transparency and accountability. It is becoming more difficult to trace at which point in the institutional process the most crucial deliberations are held, when the decisions are taken and who exactly has been involved in this process. The procedural flexibility of the Polymorph SC is, of course, also more prone to misuse. Since they have the most experience and best knowledge of its complex procedures, the P5 especially are tempted to simply outmaneuver differing opinions.

One example for the misuse of this flexibility is that uncomfortable briefings to the wider membership are sometimes avoided by retrospectively coining consultations of the whole into informal negotiations. There is also the danger that the Council's procedures of decision-making themselves will become increasingly politicized and that disagreements over the appropriate format and forum for specific deliberations might occur more often. The wide range of procedural issues touched upon in the evaluation of reform proposals is a very telling indicator for the potential for disagreement on the Council's appropriate conduct of business.

For these reasons, many outside actors are now less concerned with the question of whether it will be possible for them to participate and more focused on the question of how to contribute to the Council's decision-making process in the most effective way. Since the SC as well as the outside actors face a scarcity of time and resources in this

process, it is essential for the input to be targeted precisely. This, in turn, requires considerable experience with the complex procedures of the Polymorph SC, political wisdom regarding the internal decision-making procedures of the most relevant Council members and familiarity with the character of their representatives as well as specialized knowledge of the issue area. All these factors have to be molded into individualized case-by-case approaches to effective participation in the decision-making process.

This emphasis on the quality rather than the quantity of input propels the importance of lobbying networks and might, in future, lead to an increasingly functional separation between and within these networks. As the NGO Working Group on the Security Council demonstrates, the formation of networks is especially important for NGOs. Concerning the UN membership, as the evaluation of reform proposals shows, the role of regional organizations in facilitating and coordinating input into the Council's deliberations is likely to increase in the immediate future.

The same applies to the Groups of Friends and similar informal networks whose comparative advantage is that their issue-oriented composition, as opposed to the membership-oriented composition of the regional organizations, is better geared to the requirements for specialization necessary for effective participation in the decision-making procedures of the Polymorph SC. A possible combination of both would be the formation of issue-oriented subgroups within the regions which could then, depending on the relative compatibility of interests concerning the case at hand, merge with each other across regional boundaries in order to form what could be termed 'Specialized Lobbying Clusters' that provide the specialization and clout

necessary for targeted and effective input as well as a higher degree of representativeness than, e.g., the Groups of Friends.

Recommendations

Procedural Recommendations

Avoid issue-linkage

The evaluation confirms the assumption that, in the context of a reform of the UN's decision-making procedures on issues of global peace and security, issue-linkage does not increase a proposal's prospects of being implemented. If, from the entire list of proposals for reform, only those are selected that are desirable, i.e. with a score above 0, and these selected proposals are then reduced to those for which a breakthrough in negotiations could possibly make a crucial difference with regard to their feasibility, i.e. with a score from -2 to +2, the result is a list of proposals each of which is opposed by the P5, or in a few cases, individual permanent members. Since, on the other hand, none of the proposals are strongly backed by any of the P5, there is no potential of quid pro quo arrangements. Accordingly, in this particular context, issue-linkage does not offer any positive effect that could justify taking the risks described above. A recent example of these risks is the S5's unsuccessful attempt to pass a resolution in the GA that would have recommended a package of reforms of the Council's working methods.[584] Given the complex debates and sets of interests every single reform proposals brings with it, it is wiser to refrain from aiming for grand reform and to take, instead, small incremental steps towards a greater goal.

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[584] See chapter 'The Politics of UN Reform.'

Cooperate with the P5

As mentioned above, the main obstacle to the realization of most of the reform proposals are the P5. This opposition to change is not at all surprising given the fact that in the status quo, they are the ones most privileged. The resulting sluggishness in the P5's attitude to efforts for improvement of the Council's working methods can evoke frustration in any aspiring reformer. It is this sluggishness that caused the S5 to pursue a resolution on working methods in the GA in the hope of increasing the pressure from outside the SC and thereby pushing the P5 towards reform. The latter, however, would have none of this and used their combined influence in the GA to prevent the resolution from being passed. China especially used its leverage on some of the African states with the result that none of them followed the S5's invitation to discuss the draft resolution.

The lesson to be learned here is that it is futile to confront the P5 on these matters and that there is, therefore, simply no way around attempting to convince them of the benefits of reform by patient and persistent argumentation. Of course, such an approach does not guarantee success either, but at least it does not risk building up a general repugnance of the P5 towards such efforts, which might make future attempts for change even harder. One factor that might aid in the task of persuading the P5 is that contrary to Edward Luck's concern that "[i]*t is questionable* [...] *whether all of the transparency and reporting measures called for would result in a more efficient or effective Security Council*"[585], the evaluation demonstrates that, with only two exceptions, none of the proposals for a reform of the Council's working methods would have any negative impact on the effectiveness of the SC, a concern that the P5

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[585] Edward Luck, *UN Security Council: Practice and Promise*, London; New York: Routledge 2006, p. 124.

routinely emphasize in their comments on reform. The UK PREP underlined in 2012 that when *"we consider the question of working methods, Council members must be careful not to give the impression that they are more interested in the process than in the product. The key test of the Security Council will always be its effectiveness at preventing and resolving conflict around the globe."*[586] The evaluation shows that, indeed, many proposals even promise to increase the Council's effectiveness.

Strategic Disengagement

As discussed above, the negotiations on the reform of formal membership are stuck in deadlock and it would, therefore, be wise for the G4 to disengage. They should not be tantalized by the broad support they command in the GA as long as they cannot be assured that this support has not only the quantity but also the quality needed in order to secure reform. It does not suffice to have the support of, e.g., many African states if China, Russia and the US continue to use their influence to bolster the internal opposition in the African Group and thereby neutralize the G4's efforts. The closer the latter appear to reaching their goal, the more fiercely the opposition to their efforts becomes. It is in these moments of truth that the UFC is joined by at least some of the permanent members, who will always find some case-specific excuse for opposing the reform proposal in question, as well as all of those undecided states who will in the end always choose the less risky option of upholding the status quo. The G4 need to come to terms with the fact that their situation is tantalizing in a very literal sense: they need to wait until the tide of support in the GA rises high enough and until the P5 reach out far enough for them to have a reasonable chance to simultaneously take a drink and pick the apple despite some degree of last-minute drawback from both.

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[586] United Nations Security Council, "Implementation of the Note by the President of the Security Council", *UN Doc No. S/PV.6870*, 2012.

Until that moment has arrived, further attempts will cause, at best, only temporary setbacks.

Hence it is advisable, from the perspective of the G4, to temporarily disengage from the debate on the reform of SC membership. This does not require them to give up their goals and give in to either the UFC or the status quo. A few years down the road they might discover that their opportunity has come. It does, however, require them to stop forcing the issue, which unnecessarily raises the stakes, and to reorder their short-term policy preferences accordingly. Such a strategy might set free energies that are currently tied up in the debate on expansion and dilute the respective cleavages in the membership. This, in turn, could inject the reform process with a new dynamic which eventually could very well develop favorably to the goals of the G4.

Some will argue that the relative influence of Germany and Japan will dwindle in the next years and that, consequentially, they do not have any time to spare in pursuing a reform that will institutionally lock in their leadership. It is, however, debatable whether such a decline in importance will indeed occur and if it does, whether it will be to such a stark degree that it would significantly affect their candidacy for permanent membership. After all, in economic terms, both states today still play such an outstanding role that they can afford some relative decline without losing this special status.

If, moreover, it could be argued with relative certainty that Germany and Japan will in five years' time play a significantly less important role in the maintenance of international peace and security than they do today, this argument would speak

against their permanent membership just as strongly now as it would then. In such a scenario, it would also be likely that some of the clout lost by these two would be gained by Brazil and India and, therefore, the influence of the G4 as a whole would not diminish. Even if such a shift within the G4 does indeed occur, there is no reason for Germany and Japan to fear that they might then be left behind by Brazil and India. Japan is the favorite candidate of the US, and since Germany's influence in Europe is momentarily growing rather than declining, it would in all likelihood still be needed in order to ensure a significant number of European votes. Instead, Brazil and India's prospective growth should encourage the G4 to start a fresh attempt several years down the road, when better chances at success might have developed.

Substantial Recommendations

Re-electable Membership

One promising option for infusing a new dynamic into the reform debate would be the abolition of the rule that outgoing members cannot be immediately re-elected. As the evaluation demonstrates, such a reform would be desirable for reasons of effectiveness, and the G4 could play a crucial role in making this possible. The UFC have proposed re-electable membership as part of their plans for the expansion of the SC, and the P5 have no reason to obstruct such a reform. It is the G4 who are opposed to re-electable membership because it is perceived as an integral part of the UFC efforts to derail their quest for permanent membership. This case is another example for the potentially negative effects of issue-linkage. If the proposal for re-electable membership were detached from the UFC's ideas in SC expansion, the G4 might find that such a reform is in their best interest.

The key is not to perceive it as part of a one-time reform of the Council's membership, but to regard it as a step in a process that might result, at a later point, in permanent membership. If the proposal were successful, it would set a precedent for the possibility of Charter amendment and break through some of the frontlines in the membership, thereby creating a new dynamic in the reform process. Since re-electable membership would lessen the chances of the small Member States to be elected onto the SC, it is possible that a new divide would develop between them on the one hand and the middle and great powers on the other hand. One problem with this approach is that the detachment of re-electable membership from the proposals for the expansion of the Council, which is the primary motivation for both the G4 and the UFC's efforts at reform, risks leaving it without the persistent driving force that is required for any amendment of the charter to succeed. It is essential, therefore, that it be perceived as a steppingstone towards the expansion of the Council.

Increasing Accountability

The example of resolution 1325 demonstrates that the traditional perception of the SC and the GA as functionally separable mechanisms of global governance is losing its empirical foundation. The responsibilities of the GA and the SC are no longer easily separable by the division of fields of policy – if they ever where – and neither does the domestic analogy of the Council as the executive, and the Assembly as the legislative, components of governance seem appropriate anymore. Resolution 1325 is not an executive measure in response to a crisis of global peace and security, it is the result of a topical deliberation containing generally applicable imperatives and

intentions. It is not the application of law, but rather the codification of law.[587] Many governments and commentators are critical of what often has been perceived as an encroachment of the SC on the prerogatives of the GA and demand a return to the categorical separation of issues of security on the one hand and social and economic issues on the other. Its assumption of legislative functions has also sparked criticism: Detlev Vagts, e.g., speaks of an 'imperial' institution imposing 'hegemonic international law'[588].

As most of these complaints are raised by Southern voices, it is appropriate to ask if the separation of security and economy is really in their interests or if it would not make more sense to seek a revitalization of the GA in the framework of a deliberative system that would strengthen the synergy between it and the SC. Resolution 1325 suggests that this type of deliberative synergy is more desirable than the functional separation of the SC and the GA. As discussed above, the growing importance of the SC is strongly propelled by dynamics inherent to the present structures of global politics, and the mere denunciation of the Council's practices will, therefore, not suffice to stop them. In this regard, NAM should rather focus its energies on the strengthening of deliberative synergy between the two decision-making bodies.

The promotion of accountability is one of the crucial elements in this endeavor. There are some incremental steps the UN membership could take in the immediate future in order to increase the Council's accountability to the GA. Regarding the primary

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[587] Further examples for the SC as legislature are, amongst others, the resolutions on the protection of civilians in armed conflict as well as the compulsory anti-terrorism measures introduced by the SC. See, e.g., Ian Johnstone, "The Security Council as Legislature", in Bruce Cronin and Ian Hurd (eds.), *The UN Security Council and the Politics of International Authority*, London: Routledge 2008, pp. 80-104.
[588] Detlev Vagts, "Hegemonic International Law", *American Journal of International Law*, 95 (4), 2001, pp. 843-848.

symbol of this accountability, the annual report of the SC, it has to be understood that the best and easiest way of improving its quality is to enhance the monthly assessments of the Council's presidencies. Since these assessments are incorporated into the annual report, they could function as the basis for its improvement. It is in these assessments in which the respective presidencies have some degree of freedom to create an analytical narrative of events that is more revealing to the reader than the mere compilation of facts which characterizes the annual report. Especially for the elected members, the main challenge here is that at the end of their strenuous presidencies, they keep in mind these benefits for the bigger picture brought about by the assessments and mobilize their remaining energy to draft a high-quality report. NAM should increase its efforts at coordinating such efforts and apply peer-pressure on its members to deliver.

Another relatively feasible step in the direction of greater accountability is a requirement for the P5 to justify to the GA each veto they cast. This reform, which could be put into practice in various ways, would definitely increase the transparency of the SC. Although it is likely that the P5 will meet such efforts with strong reluctance, this proposal would not limit their privileges. In fact it would only obligate them to a practice of justification they already now often adhere to voluntarily. It might be possible, therefore, for a determined coalition of reformers to wear down their opposition with persistence and targeted argumentation.

A somewhat more complicated, but not unrealistic, reform would be the codification of the responsibilities of the elected members. Such a codification would strengthen the ties between the elected members and the GA and increase the transparency and

accountability of the SC. Since this reform does not necessarily require the consent of the P5, it could be initiated by a resolution of the GA which could establish a practical understanding on the responsibilities of the elected members. At a later point, this practical convention could then, if deemed necessary, be legally upgraded by a resolution of the SC or even an amendment of the Charter. Both the feasibility and the desirability of such a reform would also depend, of course, on the concrete substance of the responsibilities agreed upon.

Effective Input

As elaborated above, while the Polymorph SC offers various opportunities for direct participation and many access points for outside input, at the same time it requires much flexibility and expertise on behalf of the respective outside actors to ensure the effectiveness of their input. One way of meeting these requirements while also guaranteeing relatively high representativeness and combined clout would be the formation of Specialized Lobbying Clusters. The informal nature of these clusters would allow them to be composed of varying sub-groups, while at the same time providing transparency as to the regional mandates of these groups. Such an arrangement would be in line with the growing importance of regional organizations at the UN, and much would depend on their internal mechanism regarding the composition of the sub-groups. While most regions today already have specialized committees for various subjects, these sub-groups would have to place a special focus on targeted access to the Polymorph SC and the ability to effectively interlock with their inter-regional equivalents.

In general, both the legitimacy and the effectiveness of the Council would benefit significantly from the improvement of the regional organizations' roles of functioning as conveyor belts for the perspectives of its members into the SC and of serving as the Council's main points of contact on issues concerning regional conflicts. Although there are some differences of opinion on how this could be implemented in practice, regional organizations today enjoy an unprecedented level of perceived legitimacy at the UN, and there is much potential for a progressive enhancement of their role. It is even imaginable that sometime in the more distant future the proposal for regional membership in the SC will be implemented.

With regard to the Council itself, it is essential, for reasons of both effectiveness and deliberative synergy, that the quality of the TCC meetings be improved. The importance of the TCCs has been widely acknowledged in principle, yet these good intentions have failed to take root in practice. The P5, especially, need to make these meetings worth the time of the TCCs by making more information available and allowing these sessions to have a palpable impact on the Council's decision-making. The TCCs, on the other hand, must carefully ensure that they validate such efforts, when and if they occur, with proactive engagement. Both sides should always attempt to be represented by staff members who, rather than being overly dependent on prepared statements and questions, are capable of interactive discussions on the specific subject in question. Everyone, be it the P5, the TCCs or the UN as a whole, stands to profit from an improvement of the TCC meetings, and it would definitely be worth the additional effort.

A more controversial proposal for reform is the modification of the SC's conventions on penholdership. Allowing the elected members to take the lead in the drafting of country-specific resolutions would improve the Council's decision-making procedures in various ways: it would diminish the structural inequality in its deliberations, it would lessen the P5's exclusive decision-making, and by promoting the participation of the elected members, it would indirectly increase transparency and create more opportunities for outside input. The main challenge is that most of the permanent members are strongly opposed to giving up their control over the drafting process and, in the end, the fate of this proposal is largely in their hands. Portugal's efforts at promoting this proposal in the Council must, however, be commended and, indeed, they have begun to bear fruit: the idea of co-penholdership, which would allow for the combined leadership of an elected member and a permanent member is a step in the right direction that at the same time factors in the concerns of the P5. Together with the UK, which has been proactively in support of co-penholdership, Portugal might thus be able to loosen up the Council's convention on penholdership.

This analysis has demonstrated that, regarding the SC's working methods, improvement is possible in a wide range of areas, be it the format of the meetings, the opportunities for outside input, the availability of information, the agenda, or the subsidiary bodies.[589] Concerning a formalization of the Council's procedures and responsibilities, however, it seems that, at the moment, little can be done. This is regrettable since, contrary to Luck's argument that the SC's rules of procedure must remain provisional in order to guarantee flexibility, there is no reason to believe that a

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[589] See "Overview of Evaluation Results: Synthesis of proposals that are both highly recommendable and feasible."

formalization of the PRP would indeed diminish the Council's ability to adapt.[590] Instead, this would increase both the transparency as well as the accountability of the SC.

NGO Input

For the NGOs, the Polymorph SC has the advantage that it opens up channels for their input to an unprecedented degree. 20 years ago, it was unthinkable to suggest that NGOs were participating in the Council's deliberations, and even at the UN today many do not grasp the full extent of the relationship between the SC and the NGO community at the UN. The first and most important procedural innovation regarding this relationship was the introduction of the Arria-formula meetings. Although civil society representatives have reason to complain about the quality of some of these meetings, the Arria-formula remains the primary gateway for NGOs to become directly involved in the SC's discussions and, in those cases in which the Council members show genuine interest in considering additional perspectives, these sessions are unique opportunities for influencing the Council's decisions. The Arria-formula meetings will continue to play an important role in the SC's conducting of business, maybe even more so in future than they do now, but the NGOs have to ensure, by making good use of those meetings they secure, that they will not be detached from this process. Since it is essential for the NGOs continued access that the Council members value their influence, it is not recommendable to lobby for as many Arria-formula meetings as possible, but instead to focus on achieving high-quality deliberations. Although the attitude of the Council members is crucial in this regard, there is much the NGOs themselves can do to raise the quality of the meetings.

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[590] Edward Luck, "A Council for All Seasons: The Creation of the Security Council and Its Relevance Today" in: Vaughan Lowe et al. (eds.), *The Security Council and War: The Evolution of Thought and Practice since 1945*, Oxford: Oxford University Press 2008, p. 83.

Firstly, the choice of topics is essential: the NGOs need to enter Arria-formula meetings with a pre-established consensus amongst themselves on what issue to focus on in order to have some impact on the Council members. Even if the exact topic of the meeting is predetermined by the invitation, there needs to be a precise and achievable target for which the NGOs can agree on a common strategy. One of the challenges here is that the NGO representatives are torn between their discursive accountability and the need to make compromises with both the representatives of other NGOs as well as the Council members. Secondly, the NGOs need to make these meetings interesting to the Council members by delivering additional high quality information and truly insightful perspectives that are not only based on predictable moral argumentation. If the Council members feel like they already know what they will be told before the discussion has started, they will lose interest. The NGOs' input must be precise and detailed, vivid and startling, and, if possible, combine moral argumentation with information that gives the Council members reasons to reconsider their more instrumentally motivated calculations as well. As with SC reform in general, it is easier to change things once people are engaged in change.

The same applies to the SC seminars with NGO representatives. In fact, since these seminars have yet to establish themselves in Council practice and because their convention requires the initiators to invest much time and work, the NGOs' efforts at achieving deliberations of high quality are even more essential. Since they allow the NGOs to participate in the shaping of the very foundations of the subsequent deliberations in the Council, these seminars are a great opportunity for giving meaningful and effective input.

The SC's missions as well are a great opportunity for giving input into its deliberations. Directly experiencing the situation on the ground rather than just talking about it in the Council chambers in New York often leaves a deep impact on the Council members, and for the NGOs to be part of this experience holds great potential. The NGO community at the UN should ensure that they are not left out of this process. One way of becoming involved would be to reach out to the local NGOs that are consulted on these missions and to offer them information and assistance on targeted lobbying of the Council members. However, since the borders between assistance and prescription are fluid, there is a danger that this would dilute the unmediated input of the local NGOs and thereby defeat the entire purpose of the Council missions, which is to achieve direct and unmediated insight into the situation on the ground. The NGO community at the UN would, therefore, be well advised to tread lightly when becoming involved in these missions.

Proposals to establish a civil society assembly, on the other hand, need to be decidedly rejected. In the current context of international politics, such an assembly would not yield the benefits promised by its proposers, but would instead pose risks to the legitimacy and effectiveness of the UN's decision-making procedures on issues of global peace and security, not to mention the potential waste of resources. Until the fundamental conditions for a more direct democracy have been established on the global level[591], proponents of global democracy need to be wary of the temptation to overregulate the channels for civil society input into the decision-making procedures of the UN. Instead, it would be more appropriate to multiply and diversify the

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[591] For a discussion of these conditions in the context of IOs, see, e.g., Mathias Koenig-Archibugi, "Is Global Democracy Possible?", *European Journal of International Relations,* 17 (3), 2011, 519-542; Daniele Archibugi, "Cosmopolitan Democracy and its Critics: A Review", *European Journal of International Relations*, 10 (3), 2004, pp. 437-473;

opportunities for interaction, and rather than creating additional empowered spheres, it is necessary to better connect those that already exist to the public sphere.

Transparency Providers

One of the most problematic characteristics of the Polymorph SC is its lack of transparency. This is the area in which the involvement of NGOs can make a palpable difference, and by shedding some light on its complex decision-making procedures, they can contribute significantly to the strengthening of the UN as a deliberative system. Knowledge of the decision-making processes of the Polymorph SC is the indispensable basis for effective input from the outside. By acting as 'Transparency Providers', NGOs can indirectly but strongly affect the decision-making of the Council.

In this respect, the work of *Security Council Report* is highly commendable and strongly benefits the wider UN membership, NGOs, academia, and civil society in general. Due to SCR the public now enjoys access to an unprecedented wealth of information on the decision-making processes of the Council. The NGO Working Group on the Security Council fulfills a slightly different function: while SCR provides transparency to the public, the NWG provides transparency only to its own members. The benefit of this more limited approach is that the Council members are more likely to pass on sensitive information in the confidential meetings of the NWG. This information, as well as the more general insights the NGOs gain in these meetings, aid them in targeting effectively their input into the Polymorph SC.

One of the main reasons why the NGO community was successful in its efforts to bring about resolution 1325, was the concerted nature of its approach. A range of different NGOs came together to create and coordinate a comprehensive international campaign, lobbying both the SC and national capitals. Regarding the diverse and often competitive nature of the NGO community at the UN, as well as the difficulties discursive representation entails for the attainment of a pragmatic consensus among them, this cooperation is not self-evident. Yet, it is clear that from the perspective of the NGOs this is the only viable path to success.

While the NWG is definitely a good example of the benefits of lobbying networks, there is still much it could do to improve the cooperation between its members. Outside of its meetings with the Council members, there is insufficient coordination between the respective NGOs. The group as a whole would benefit from more information sharing, mutual advice on lobbying and, in general, more detailed coordination of their efforts. Similar to the considerations regarding the Arria-formula meetings, it would be advisable to better prepare the meetings. The problem is, of course, that there is disagreement among the members of the group as to the purpose of the meetings and some even reject the very idea of using them for lobbying, which severely complicates a coordinated approach. As discursive representatives, it is challenging for the NGOs to engage in negotiation with each other on where to set the preferences and which issues and perspectives to sacrifice.

In conclusion, this thesis has demonstrated that not only is there much to do with regard to the improvement of the UN's decision-making procedures on issues of global peace and security, but that much can indeed be accomplished. Although

comparably modest and realistic in its expectations, this thesis, by giving some direction to the respective efforts of the UN membership, of civil society, and of academia, provides a pragmatic approach to reform which gives reason for careful optimism about the prospects for substantial progress towards more inclusive and more decisive UN decision-making on issues of global peace and security.

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Interviews
In the course of October and November of 2010 and in June of 2012, a number of interviews with UN staff, representatives of the Member States and NGO

representatives were held. They were conducted in person in the UN Secretariat as well as in various permanent representations and NGO offices in New York. While some of the interviews with NGO representatives have been attributed openly, all of the interviews with UN staff and representatives of the Member States are off the record.

James Paul, Executive Director, *Global Policy Forum*, New York, 13 October 2010.

Michelle Brown, Senior Advocate, *Refugees International*, New York, 14 October 2010.

Fabien Dubuet, UN Representative, *Médicines Sans Frontièrs*, New York, 15 October 2010.

Scott Paul, Fellow, *Campaign For Innocent Victims in Conflict*, email correspondence of 2 November 2010.

Joseph Donnelly, International Delegate to the UN, *Caritas Internationalis*, New York, 5 November 2010.

Cora Weiss, President, *Hague Appeal For Peace*, New York, 9 November 2010.

Paul Mikov, UN Representative, *World Vision*, New York, 9 November 2010.

Andrew Tomlinson, Head, *Quaker UN Office*, New York, 10 November 2010.

Interview at the Office of a NGO involved with the Security Council, New York, 10 November 2010.

Interview at the Office of a NGO involved with the Security Council, New York, 12 November 2010.

Interview at the United Nations Secretariat, Department of Political Affairs, New York, 3 November 2010.

Interview at a Permanent Representation of a UN Member State, New York, 6 June 2012.

Interview at the United Nations Secretariat, Department of Political Affairs, New York, 7 June 2012.

Interview at a Permanent Representation of a UN Member State, New York, 8 June 2012.

Interview at the Office of a NGO involved with the Security Council, New York, 12 June 2012.

Interview at a Permanent Representation of a UN Member State, New York, 15 June 2012.