

Security Council Reform in a Bicamerally Remodeled UN

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«Executive Summary»

*In spite of intensive and decade-long efforts by a working group of the UN General Assembly, there has been little progress in the structural reform of the Security Council. Apparently it is time to 'think beyond the Security Council box' in order to find a breakthrough. Taking a **holistic approach**, this essay makes a **dozen concrete proposals** for structural reform. A summary of the proposals and their basis are as follows:*

- 1. All of the major structural problems of the Security Council are intertwined, so any ostensible solution addressing only a specific problem will entail an additional problem, ending in a false prophecy. Key to finding solutions for all of the major problems is in **redesigning the current Security Council as a House** (that is, a **'Senate'** independent of the General Assembly) **comprising Regional Groups**, rather than individual states.*
- 2. For the purpose above, the world shall be **divided into 9 Regional Groups**, with each Group represented in the Senate by 2-4 states (filling a total of 32 seats). The number of seats for each Group is determined by applying the same ratio utilized at the Security Council level for regional distribution of seats, with some minimal adjustments:*

<u>Continents</u>	<u>Regional Groups</u>	<u>Seats (32)</u>
[America]	● N. America	2
	● Latin America & Caribbean	4
[Europe]	● Western Europe I	4
	● Western Europe II	4
	● Eastern Europe	4
[Africa and Middle East]	● N Africa & M East (Arab States and Iran)	2
	● Sub-Saharan Africa	4
[Asia and the Pacific]	● Asia I (Central, South & Southeast Asia)	4
	● Asia II/Pacific (Northeast Asia & the Pacific)	4

The countries of a Regional Group shall elect the states that will represent their own Group in the Senate, based on a weighted vote proportional to each state's financial obligation to the UN.

- 3. **Each Senate seat shall bring 5,000 troops** to be contributed by the Senator states or by the Regional Groups. Thus, the Senate would have a total of 160,000 standby troops at its disposal for peace operations.*

4. Each Regional Group shall have **differentiated portion of veto power** (full, 2/3 or 1/3), depending upon its aggregate financial burden and size. **Veto power shall be exercised only by unanimity among the Senator states from the same Group.**
5. The 'one-country, one-vote' (1C1V) system in the General Assembly is not a reflection of state equality but that of a double standard, in view of each state's 'differentiated' financial burden to the UN. The 1C1V system is closely connected with the privileges of the permanent members of the Security Council. Therefore, reform of the Security Council must be linked with that of the voting system in the General Assembly. **A 'dual' voting process of the current 1C1V that is combined with a weighted vote** (in proportion to each state's financial burden), will lead not only to an equity for each state but to a balance of votes between the global North and South.
6. A reform of the voting system will facilitate turning the organization into a major forum for economic cooperation. In order to expedite this process, and as a gesture of reciprocating improvements in voting procedures in the General Assembly, the donor countries shall allocate **10% of their Overseas Development Assistance (ODA) budgets to be expended by the collective decisions of the General Assembly** under a changed voting system.
7. The Senate (transformed from the Security Council) and the General Assembly shall **respectively** be supported **by 3 Councils**. These 3 Councils under each House – Senate and General Assembly – shall have a **division of labor, among themselves, along the lines of ① humanity, ② states and ③ the globe**. The Councils shall be named tentatively:

Senate:

- Human Security Council (for individuals): urgent relief activities for individual victims
- Peace-Building Council (for states): governance reinforcement in post-conflict countries
- Global Security Council (for global protection): punishments and sanctions

General Assembly:

- Human Dignity Council (for individuals): human rights, designated pandemic diseases
- Development Cooperation Council (for states): Millennium Development Goals, development assistance policy
- Global Protection Council (for global commons): global environment, high seas and deep seabed, the Antarctica, Outer Space.

Security Council Reform in a Bicamerally Remodeled UN

I. Introduction

1. A Remark on the Ongoing Reform Talks: Time for a Holistic Approach

During World War II when the core political leaders of the Allies gathered to discuss establishing a new international organization that would replace the defunct League of Nations, they agreed to introduce a bizarre concept of state equality to the new body: "Some countries shall be more equal than others". Thus, they agreed, 'the more equal' shall have the power to make important decisions in the Security Council, whereas 'the less equal' shall have equal rights to talk and equal votes in 'insignificant' matters in the General Assembly. As this latter equality was a 'cheap' equality to be doled out to underling states, the allied leaders didn't even care to link member states' rights with their burdens. This warped equality of treating 'equal countries unequally' and 'unequal countries equally', suspected to be primarily Josef Stalin's brain-child,¹ has been the nemesis of the UN for the past sixty years. And its corollary includes a shoestring budget, an inability to handle economic cooperation and a lack of action in security affairs. Thus, an observer finds the UN, two generations after its foundation, still existing under the long-drawn shadow of Stalin's dismal statue.

Nevertheless, in the talks for structural reform of the UN, the primary focus has been reform of the Security Council only. The fact that both the Security Council and the General Assembly embrace different sides of the same problem, a 'double-deck equality', has been eerily ignored. This is all the more apparent in the talks at the Working Group for Security Council reform, which was established at the initiative of the General Assembly and has been in operation since 1994.² With its 12-year-long efforts going nowhere, the Working Group may be better off taking a different approach.

¹ **Jeffrey Laurenti**, Senior Fellow at **The Century Foundation** (New York), says: "*If , the veto power could then be reconsidered, and decisive contribution of Josef Stalin to the Council's structure might be rationalized.*" See his article 'What 'reinforcement' for the Security Council?', at p.79. The article appears in 'The European Union and the United Nations – Partners in Effective Multilateralism' (Institute for Security Studies: 2005; pp. 69-81) and is also available at <http://www.tcf.org/Publications/InternationalAffairs/securitycouncil-laurenti.pdf>.

² The full name of this Working Group that was established by a decision of the General Assembly in 1993 is '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'. It has been in existence since January 1994.

In addition to the problem of linkage, or lack thereof, between the Security Council and the General Assembly, there is another anomaly in the reform talks. Structural problems of the Security Council are largely a host of symptoms coming from the same disease: permanent membership and veto power. Nevertheless, sidelining treatment of the disease itself or remedy of fundamental problems, reform advocates often address only the symptoms without efficacy.

For example, several reform proposals strongly insinuate, if not overtly state, that permanent membership in the Security Council should be given to Japan and Germany, but not to other G-7 countries, such as Italy and Canada. Why do they 'place the cart before the horse' in the name of 'reform'? It is obvious that according permanent membership to a few additional countries inevitably results in a gratuitous degradation of status for many others. It is hard to believe such a practice of 'robbing Peter to pay Paul' can be a proper 'reform' measure. Such an approach will entail new problems, without necessarily solving the existing ones. Additionally, the implication is that Japan and Germany, the 2nd and the 3rd biggest financial contributors to the UN, should be permanent members of the Security Council but, unlike the P-5, without veto power. Why should these big contributors continue to be treated as baby brothers by smaller contributors of the P-5? And how many 'more equal' classes of countries are we going to end up with after a few 'reforms'?

To further complicate matters, as part of a so-called 'reform' proposal, a few other countries like India and Brazil are added, if not always explicitly, as candidates "to represent the global South". It is seldom discussed, however, whether or not these countries, after having gained a privileged status, would forfeit it if their economic status were to be altered – whom would they be representing in such a scenario? More seriously, do the global South countries want to have their own 'big brothers' at all, in the form of 'permanent members' of the Security Council? ³ The most fundamental question, however, is "Would it be a reform at all to increase the number of permanent members of the Security Council, when we already have 'five too many'?" Regarding these problems, even the 'High-level Panel's report on Threats, Challenges and Change' ⁴ (prepared at the request of

³ This essay concludes that, when 'objective criteria' are applied, **India and Brazil as well as Japan and Germany are very likely to be 'perpetually elected' into the security body**. In this essay, however, the applicable criteria come first, and the 'perpetuity' comes through election. After all, democracy is more about the procedure than the result. And, incidentally, such countries as Italy, Canada and Mexico are also likely to get similar status, while the ASEAN countries, as a group, receive two seats.

⁴ See 'A more secure world: Our shared responsibility' (UN document A/59/565; 2 December 2004; hereinafter 'High-level Panel report'), at paras. 251-4. According to one of the two models proposed in the report ('Model A'), 6 new permanent seats shall be provided for the Security Council, to be distributed to four major regional areas: Africa 2; Asia and Pacific 2; Europe 1; and America 1. Seeing no lucid explanation by the Panel regarding what criteria were applied in arriving at such figures, however, we can only infer that the panel had the conclusion from the beginning.

the UN Secretary-General, and later echoed in the Secretary-General's own subsequent report ⁵⁾ does not appear to be free from blame, despite of its otherwise extremely high quality. The important thing is to seek objective and convincing criteria first, then to apply those criteria in drawing a conclusion.

Seeing how a long and strenuous effort for reform makes little progress, frustrated reformers are inclined to attach blame to the five permanent members of the Security Council (hereinafter the 'P-5') for standing as obstacles in the way. The jury is, however, still out. So far, non P-5 countries have never brought forth any united reform plan to challenge the P-5 to show their hands. Therefore, it would be indiscreet to accuse the P-5 of not 'playing the game', without giving them the benefit of the doubt. Additionally, a reform proposal that demands unilateral concessions on the part of a few countries cannot be called practical. A smarter reform plan would involve all participants in making more or less equivalent concessions, instead of dividing them into distinct winners and losers. And, certainly there is a lot of room for non P-5 countries to prove with their own concessions that they are serious about UN reform.

This essay focuses primarily on making proposals for resolving the structural problems ⁶ of the Security Council. To an extent deemed related to the structural reform of the Security Council, the reform of the General Assembly, especially in its voting procedure, will also be touched upon. Regarding the proposals that this essay makes, two points should to be noted: first, each proposal is intended to be part and parcel of one big reform plan. It is a corollary of the view that the structural problems are intricately intertwined so that a holistic approach is necessary for their solutions; and second, principles or objective criteria are unremittingly pursued first. Conclusions are drawn by applying these principles or criteria. Any double standard is consciously avoided, and due attention is paid to linking rights/privileges with commensurate burdens/responsibilities. Nothing is spared as a 'sacred cow'.

Six decades of experience eloquently tells us that biding time does not assist in sorting out the Security Council's structural problems: oligarchy, permanent membership, veto power, and lack of accountability, to name a few. If the world is prepared for a revision of the UN Charter – if only to expand the size of the Security Council – this is the time to put things into perspective and go way beyond an increase in the number of seats. Many more issues are waiting to be addressed.

⁵ See **'In larger freedom: towards development, security and human rights of all'** (UN document A/59/2005; 21 March 2005; hereinafter **'In larger freedom'**), at para.170

⁶ In this essay, 'structural problems' refers to problems that, for change, would require a revision of the UN Charter.

2. An Overview of the Security Council's Structural Problems

As the UN Secretary General Kofi Annan has repeatedly emphasized, "[n]o reform of the United Nations would be complete without reform of the Security Council".⁷ Indeed, in the eyes of most UN observers, anachronism of the Security Council sticks out like a sore thumb, so that reform of the Security Council is synonymous with reform of the United Nations.

Common sense tells us that the Security Council, as 'a Council' by definition, must serve as a body subsidiary to the General Assembly. Yet it wields such exorbitant power that it dwarfs the august body that is hierarchically superior. Moreover, the Security Council has structural features running diametrically counter to the order of the day: due legitimacy, representation by election (not by heredity), equality among the representatives, accountability, and transparency.

The truth is, reform of the Security Council has been on the agenda of the General Assembly since 1979. The issue has gained a strengthened momentum with the demise of the cold war and the Council's subsequent activism in peace operations. Thus, in 1993, the General Assembly decided to establish a working group on the issue. But, in operation since the beginning of 1994, the Working Group has failed to agree on any structural reform plan.⁸ Under the circumstances, it is not surprising that some pundits urge the General Assembly to settle the issue as a Gordian knot of our time and wrap up the discussion.⁹ Nevertheless, the General Assembly, at its 60th session in 2005, doggedly extended the mandate of the Working Group into its 13th year for 2006. Without doubt, the world expects to see that the General Assembly's tenacity will pay off. It is hoped that the fresh proposals in this essay will assist in turning the mode of the discussions at the Working Group from an endless imbroglio into denouement.

This essay identifies the following as the major structural problems of the Security Council, although some may not have been salient issues at the Working Group. The proposals for reforming each of these structural problems are found in the next Chapter.

⁷ See, for example, 'In larger freedom', at para.169.

⁸ A good summary of the discussions at the Working Group is found in the 'Conference Room Paper by the Bureau of the Working Group on the Security Council' (UN document A/AC.247/1997/CRP.8; 29 May 1997). The document is also available at <http://globalpolicy.igc.org/security/docs/crp8.htm>.

⁹ Professor **Thomas G. Weiss** (CUNY Graduate Center; New York) seems to speak for many UN experts when he says, in his article 'The Illusion of UN Security Council Reform' (**Washington Quarterly**; autumn 2003, at p.156), that: "... more than 10 years of discussion have led to no reforms to the UN Charter. This time will be no different."

- (i) Legitimacy:
- Is it justifiable that a Council of 'a few' exercise a disproportionate power without the control of the electing body of 'the whole' (the General Assembly)?
 - In what other form can the security body claim full legitimacy? (This essay attempts to show that this is a very fundamental issue that deserves primary consideration.)
- (ii) Permanent Membership and Criteria for New Entries:
- Is the idea of permanent membership defensible? If permanent membership has been justifiable as a tentative post-war arrangement, hasn't it run its course by now?
 - If the permanent membership still deserves retention, on what ground or in what form can it be vindicated? What should be the criteria for qualification or entitlement?
- (iii) Rationale for Veto Power and Accountability:
- Is it justifiable at all that a single state of permanent members is given the power to block the Council's decisions by all?
 - If there is any justification for this "one beats all" system, who should be given that veto power and on what ground?
 - How would it be possible to restrain or preempt abuse of veto power?
- (iv) Representation, Size and Efficiency:
- How can Council members be induced to take positions based on the broader interests of their electors – if not global interests – rather than supporting their own parochial (national) interests?
 - What would be the optimum size of the Council, considering, on one hand, the need for efficiency, and on the other hand, the need to represent the whole world and secure the active participation of most major stakeholders?
 - How could inefficiency be contained if there were to be a substantial expansion of the size of the Council?
- (v) Quid Pro Quo:
- Should the Security Council members, whether permanent or not, be accorded privileges with virtually no countervailing burdens? Would it not be more reasonable for the privileges to be balanced, or perhaps more desirably outweighed, by burdens?

- If such countervailing burdens were to be imposed on the Council members, what kind of burdens would best serve the purpose of peace and security of the world?

II. Proposals for Structural Reform of the Security Council

1. Legitimacy and Representation

a. Establishment of the 'Senate': A Key to All Solutions

The status of the Security Council vis-à-vis the General Assembly is an enigma no less perplexing than one thrown by the Sphinx to an innocent passer-by. The General Assembly is a House where all the UN member states are represented, whereas the Security Council is one of the 3 Councils whose members are elected (or 'considered elected') by the General Assembly.¹⁰ Therefore, it is obvious that the Security Council has to be subordinate to the General Assembly. The obligation of the Security Council to report to the General Assembly¹¹ is understood in this context. Several stipulations in the Charter, however, make the Security Council virtually independent of the General Assembly, rather than a subsidiary of it. And the 60 years' practice of the UN seems to confirm that the two bodies are rather independent from each other, with distinct fields of competence.

If it is agreed that the Security Council should function independent of the General Assembly, why don't we straighten out the ambiguities and make the two bodies structurally independent of each other? This can be achieved by transforming the Security Council into another House, or the 'Senate', of the UN. In contrast to the composition of the General Assembly, this Senate can comprise regional groups, as some visionary scholars have already advocated.¹² There is no doubt

¹⁰ Listing the permanent members of the Security Council in the UN Charter can be seen as a technique to have those countries 'considered elected by the General Assembly' without voting.

¹¹ The UN Charter stipulates at Article 24, paragraph 3, that: "*The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.*"

¹² For example, at a symposium on 'United Nations reform' held in May 1992 in Rome, **Dusan Sidjanski** argued: "... it is logical to wonder how [regions or regional organizations] should be represented at the Security Council ... especially if one agrees that the sharing of the responsibilities and tasks must be decided between the United Nations and the regional organizations ...". See 'The Proceedings of the International Symposium: Prospects for reform of the United Nations system' (**Italian Society for International Organization**, Padova, CEDAM, 1993, pp.443-453), at p.448.

More recently, **James Paul** and **Céline Nahory** of **Global Policy Forum**, a U.S. research organization based in New York, advocate 'informal regional arrangements' that will ultimately be replaced by 'regional seats', as the way to representation on the Council. See their article 'Theses toward a Democratic Reform of the Security Council' (13 July 2005), at p.6. This article is available at <http://globalpolicy.igc.org/security/reform/2005/0713theses.htm>.

Professors **Paul Kennedy** and **Bruce Russett** of Yale University also ask: "Why not consider ... permanent regional membership on the Security Council, whereby different countries take turns representing their part of the world?" See their article 'Reforming the United Nations' (**Foreign Affairs**, Sep. 1995, Vol.74-5), at p.61.

that most of the countries would find it much more comfortable if the permanent seats are accorded to regional groups rather than to specific self-representing countries.¹³

[PROPOSAL 1] *There shall be established the Senate that will replace the Security Council to be in charge of the maintenance of international peace and security. The Senate shall be composed of representatives of Regional Groups. States of each Regional Group shall elect among themselves those that will represent them in the Senate.*

When the UN was founded in the middle of the 20th century, the time was not ripe for the concept of 'regional groups', because member states were lopsidedly European at that time. Many new states have acquired independence since then, however, and the world has witnessed the emergence of diverse regional groups from within and beyond the UN. Especially notable is the formation of the five 'electoral groups' at the UN General Assembly in the 1970s. Incorporating the concept of regional grouping into the Charter will be no more than adapting the UN to the changed world. It goes without saying that a new security body comprising the whole world (based on regional grouping) will have an improved legitimacy. As will be argued in the forthcoming pages, most of the Security Council's other structural issues – including those of permanent membership and veto power – also may be resolved with ease, once this concept of a 'Senate comprising regional groups' takes roots.

b. Constituents of the Senate: 9 Regional Groups

The first challenge envisaged in regional grouping is how to band together the countries of the world in a way that is acceptable to each of them. The electoral grouping currently used at the UN General Assembly is not, *per se*, deemed appropriate for use of representation in the Senate.

Above all, the grouping in some cases is so loose that those elected do not necessarily believe that they represent the group of countries that elected them. Bearing this situation in mind,

¹³ **Italy** has been for years a vociferous proponent of 'group representation' by EU in the Security Council. In April 2005, it further expanded the notion of 'group representation' to all the regional groups, by proposing to "add 10 permanent regional seats [to the current 15 national seats] that each group would manage independently with its own principles and mechanisms to ensure regional representation rather than a national occupation of their seats" (Quotation from 'Security Council Reform: Membership including Expansion and Representation' by the **Global Policy Forum**, available at <http://globalpolicy.igc.org/security/reform/cluster1index.htm>).

The **African Union** also claims that the Union should have the "[responsibility] for the selection of Africa's representation in the Security Council." See item 4 of 'Common African Position on Reform of the United Nations' (7-8 March 2005; reproduced at <http://globalpolicy.igc.org/security/reform/cluster1/2005/0428auposition.htm>).

this essay suggests a slightly more refined grouping, based on each country's geographical location, economic development level and culture. The outcome is as follows:

<u>Continents</u>	<u>Regional Groups</u>
[America]	<ul style="list-style-type: none"> ● North America ● Latin America & Caribbean (GRULAC)
[Europe]	<ul style="list-style-type: none"> ● Western Europe I ● Western Europe II ● Central and Eastern Europe
[Africa and Middle East]	<ul style="list-style-type: none"> ● N Africa & Middle East (Arab States and Iran) ● Sub-Saharan Africa
[Asia and the Pacific]	<ul style="list-style-type: none"> ● Asia I (Central, South & Southeast Asia) ● Asia II/Pacific (Northeast Asia & the Pacific)

[PROPOSAL 2] For the purpose of representation in the Senate, all the Member States of the UN shall be grouped into nine Regionals as listed above.

The above recommendation for grouping is based heavily on the following three sources:

- "High-level Panel Report": In its suggestion for Security Council reform, the Panel conceived the whole world as being composed of four continents, i.e. America, Europe, Africa, and Asia/Pacific. This essay began with the concept of 'four continents', but goes one step further in order to illustrate an enhanced cohesiveness among the countries of each group. America and Africa are respectively subdivided into North and South, and Europe and Asia/Pacific are also each subdivided into East and West. Then, Western Europe is subdivided once more into 2 Groups, making the number of Regional Groups a total of 9, instead of 8.
- The five 'electoral groups' currently used at the UN¹⁴: Out of these 5 electoral groups, two – Eastern Europe, and Latin America and Caribbean – are retained intact as Regional Groups; two bigger electoral groups – the African and Asian groups – have been each subdivided into

¹⁴ See Annex I of this essay for regional grouping of countries currently applied at the UN for electoral purposes.

2 Regional Groups; and the geographically-loose group of Western Europe and Others have been sub-divided into 3 Groups.

- "Human Development Report 2002" by the UN Development Program (UNDP)¹⁵: This Report divides the whole world into 7 groups – Sub-Sahara, Arab, East Asia and the Pacific, South Asia, Latin America and Caribbean, Eastern Europe, and OECD. In fact, this UNDP grouping most resembles the position taken in this essay, with a couple of modifications deemed inevitable: first, the 'OECD group' of the UNDP Report has been subdivided into 3 Regional Groups (one is North America and two are Western Europe); and second, Southeast Asia has been detached from East Asia and yoked with South Asia. Under this realignment, Southeast Asia would be protected from being under-represented due to the economic giants in Northeast Asia, such as Japan and China.

The division of countries into Regional Groups, or affiliating each country with a Group, conveniently poses little problem, if the electoral grouping employed at the UN is used as a reference point. Virtually the only hard case is Israel. In this essay, Israel is tentatively placed with Western Europe II. Much less seriously, a few countries in Western Europe reside in grey areas, as the region has been again subdivided into North and South. The subdivision is based primarily on the nearest coastal Seas (North Sea and Baltic Sea for 'North' and Mediterranean for 'South'), so that Belgium and Luxemburg are grouped with the 'North' (together with the Netherlands), whereas Switzerland and Austria are with the 'South'. If culture (such as languages or religion) were to be used as criteria, the result may differ. A rearrangement, if needed, could easily be made by the respective countries concerned or by the European Union. The last problem is with Iran and Afghanistan which are lying between the Arab states and Asia. Here Iran is combined with the Arab states to constitute the 'Arab States and Iran' Group, while Afghanistan is considered part of Central Asia.¹⁶

c. Size of the Senate and Allocation of Seats

Another challenge in the new Regional Grouping is how to strike a balance between, on one hand, the need to be 'a body of the whole', and, on the other hand, the need for 'efficient functioning' in

¹⁵ The text of this UNDP report (hereinafter '**Human Development Report 2002**') is available at <http://hdr.undp.org/reports/global/2002/en/>.

¹⁶ *See* Annex I for details.

terms of the size of the Senate. In this connection, a more daunting issue is how to reach objective criteria for the distribution of seats. A good start would be simply to 'double' the current 15 seats of the Security Council for the Senate, thereby maintaining the ratio of the seat distribution among the 5 electoral groups. If the same weight is given to permanent and non-permanent seats, the following result is acquired.

- Western Europe and Others: $5 (3 \text{ permanent} + 2 \text{ non-permanent}) \times 2 = 10 \text{ seats}$;
- Latin America and Caribbean: $2 (0 \text{ permanent} + 2 \text{ non-permanent}) \times 2 = 4 \text{ seats}$;
- Eastern Europe: $2 (1 \text{ permanent} + 1 \text{ non-permanent}) \times 2 = 4 \text{ seats}$;
- Africa: $2.5 (0 \text{ permanent} + 2.5 \text{ non-permanent}) \times 2 = 5 \text{ seats}$; and
- Asia and the Pacific: $3.5 (1 \text{ permanent} + 2.5 \text{ non-permanent}) \times 2 = 7 \text{ seats}$.

Under the 'new' Regional Grouping, the 10 seats for 'Western Europe and Others' are redistributed among 'Western Europe I', 'Western Europe II' (4 seats each) and 'North America' (2 seats). Likewise, the 7 seats for Asia and the Pacific are redistributed among 'Asia I', 'Asia II/Pacific' (3 seats each) and 'Arab States and Iran' (1 seat). [This last Group will acquire another seat from Africa's share.]

A couple of modifications are deemed necessary from the result above, because of a conspicuous under-representation of the Asian peoples. When compared with each of the two Western Europe Groups, the Asia II/Pacific Group (Northeast Asia and the Pacific) outweighs by any standard, whether by budgetary contribution to UN peace-keeping operations (25% vs. $20 \pm 2\%$)¹⁷ or by population (1.5 billion vs. $0.2 \sim 0.3$ billion)¹⁸ or by the number of countries (19 vs. 13 ± 2). 'Asia II/Pacific' also includes 4 of the World's 12 biggest budgetary contributors to the UN (Japan: 2nd; China: 9th; South Korea: 11th; and Australia: 12th). The Group definitely deserves no less treatment than either of the two Western Europe Groups. Therefore, for this Asia II/Pacific Group, 4 seats are deemed more reasonable than 3. This increase also enables 'the Pacific' sub-group (Australia, New Zealand, Papua New Guinea and 11 small island countries combined) to secure their own separate representation in the Senate.¹⁹ In this regard, 'Asia I' (Southeast Asia and South/Central Asia) also

¹⁷ See Annex II for the cumulative budgetary contribution by each Regional Group.

¹⁸ These figures (for the year 2004) are based on the 'Key indicators of development' to be found in **World Development Report 2006: Equity and Development** (World Bank), at pp.292-3.

¹⁹ Otherwise, this sub-group will have to share the third seat with South Korea, North Korea and Mongolia, because China and Japan are expected to occupy, in perpetuity, 2 of the 3 seats of the Group.

deserves an increase of seats from 3 to 4. This Group represents 2.1 billion people,²⁰ that is fully 1/3 of the global population (6.4 billion) and 3/4 of the aggregate population of 7 other Regional Groups combined (2.8 billion), except for 'Asia II/Pacific'. In that sense, 'Asia I' deserves no less weight than 'Sub-Sahara' or 'Latin America and Caribbean' (GRULAC). The number of seats to be allotted to each Regional Group is as follows:

<u>Continents</u>	<u>Regional Groups</u>	<u>Seats</u> (Total: 32)
[America]	• N America	2
	• Latin America & Caribbean (GRULAC)	4
[Europe]	• Western Europe I	4
	• Western Europe II	4
	• Eastern Europe	4
[Africa and Middle East]	• N Africa & M East (Arab States and Iran)	2
	• Sub-Saharan Africa	4
[Asia and the Pacific]	• Asia I (Central, South & Southeast Asia)	4
	• Asia II/Pacific (Northeast Asia & the Pacific)	4

With 32 seats, the Senate will be able to claim itself as a body genuinely representing the whole world, because it will likely encompass, on a perpetual basis, the representation of most of the clusters of countries within Regional Groups, such as 'the Nordic', 'the Caribbean' and 'the Pacific'. This increased size will enhance the legitimacy and moral authority of the UN in combating international terrorism and other peace operations.²¹ In practical terms, the increased size carries with it a strengthened 'global police force', because each seat will bring additional 5,000 standby troops, as will be explained later in Section 5 of this Chapter ("Quid Pro Quo: Special Status matched with a Special Burden").

²⁰ Two sub-regional blocs of this Regional Group, ASEAN (Southeast Asia with a population of 553 million) and SAARG (South Asia with a population of 1,467 million), have an aggregate population exceeding 2.0 billion (Source: 'European Union' available at http://en.wikipedia.org/wiki/European_Union, at the part of 'Comparison with other regional blocs). The Group also includes 6 Central Asian states, i.e. Afghanistan and 5 former Republics of the former Soviet Union, which among them have an aggregate population of 91 million (based on 'The World Factbook' by CIA, available at <http://www.odci.gov/cia/publications/factbook/fields/2119.html>).

²¹ **The Economist** magazine seems to strike a chord in all those who advocate reform of the Security Council, when it says: "[I]f the UN is to do more to assert its moral authority and to lead the way in combating international terrorism, its authoritative body, the Security Council, needs to have much greater, and more recognized, legitimacy." See 'United Nations: Fighting for survival' on 18 November 2004 (e-version).

As for the term of office, the two-year term, presently applied to the elected members of the Security Council, can be a reference point for the Senate. It would be more convenient, however, to let each Regional Group exercise discretion on this and provide notification to the Senate the list of countries that would represent the Group for each year. Each Group may discern its own reasons for having terms of office for stints lengthier or shorter than the two-year standard, or they may even wish to have differentiated terms of office for respective seats.

[PROPOSAL 3] Each Regional Group shall elect the above-given number of states to represent the Group in the Senate, and annually notify to the Senate which states represent the Group for the year.

A 'Senate of 32 seats' is likely be a cause of concern pertaining to inefficiency, seeing that this number substantially exceeds the current 15 seats of the Security Council or any other number previously suggested for Security Council reform (for example, the High-level Panel suggested 24 seats). Indeed, if transforming 'the Security Council of 15' into 'a Senate of 32' – replacing a body of oligarchy by one representing the whole – actually results in some inefficiency, that would be a price to pay in the quest for achieving democracy. However, even in terms of efficiency, 'a Senate of 32' has arguably a strong case against 'the Security Council of 15', let alone against 'a Security Council of about 24', as will be explained in Section 4 of this Chapter ("Efficiency").

2. Permanent Membership

In the Senate, it is the Regional Groups that will be permanent members, or, more precisely, 'constituencies'. Nevertheless, some countries are likely to be 'perpetually' returned to the Senate to represent their own Regional Groups, if a weighted vote is applied on the basis of the UN scale of assessments. It should be underscored at this stage that the reform proposals in this essay are based on the assumption that countries will agree to apply the weighted voting in the election of states to represent their Regional Group in the Senate.

[PROPOSAL 4] In the election of the states in each Regional Group for its representation in the Senate, a weighted vote shall be applied based on the UN scales of assessments.

Under this weighted voting system, a country whose financial contribution to the UN is bigger than a quarter (in a Group of 4 seats) of the aggregate of contributions by all the countries of the Group, will be able to self-elect to the Senate. By rule of thumb, all the P-5 will be perpetually

returned to the Senate. In fact, all the G-7 countries (including Japan, Germany, Italy and Canada) are likely to have perpetual seats in the Senate, as will some other regional economic giants of the global South, such as Mexico, Brazil, India and South Africa.

The following shows which countries are likely to be perpetually elected (highlighted in bold types; P-5 countries are additionally underlined); other strong candidates for the remaining seats are noted within brackets:

- N. America (2 seats): **USA, Canada**
- GRULAC (4 seats): **Mexico, Brazil**, [Argentina, Chile], [*1 Caribbean*]
- W. Europe I (4 seats): **UK, Germany**, [Netherlands, Belgium], [*1 Nordic*]
- W. Europe II (4 seats): **France, Italy**, [2 seats: Spain, Switzerland, Austria]
- E. Europe (4 seats): **Russia, Poland**, [2 seats: Hungary, Czech Republic]
- N Africa & ME (2 seats): [*1 N Africa*: Libya, Egypt], [*1 Middle East*: S Arabia]
- Sub-Sahara (4 seats): **S Africa**, [3 seats: Nigeria, Cote d'Ivoire]
- C, S & SE Asia (4 seats): **India**, [Pakistan], [2 seats: *ASEAN*]
- NE Asia, Pac. (4 seats): **China, Japan**, [S Korea], [*1 Pacific*: Australia]

In this regard, an introduction of 20 years' periodic review is advisable concerning each Regional Group's number of seats and also the Groups to be accorded 'full veto', as will be explained in the forthcoming pages. It is also advisable that, pending the first review 20 years from now, the P-5 would be 'considered elected' as a courtesy by their respective Groups, although those countries are sure to be elected in the voting anyway.

[PROPOSAL 5] There shall be periodic reviews, every twenty years, for the number of seats to be allocated to each Regional Group and for the Groups to be granted 'full' veto power.

3. Veto Power and Accountability

In the minds of most of the people around the world, probably the most anachronistic and undemocratic feature of the Security Council is the veto power that has been held by the P-5. Indeed, for many of them, this veto power will be the most egregiously contorted feature of the whole UN system.

Nonetheless, most reform advocates despair that they cannot come up with a plausible plan on this point, assuming that no reform plan will ever succeed in persuading all the privileged P-5

into relinquishing their prerogatives. Thus these reformers, at most, console themselves with appeals for exercising self-restraint on the part of the P-5. Only if the world is prepared to 'think beyond the box of the Security Council', however, there must be an answer. And the 'Senate' system surely provides one. To put the conclusion upfront, each of the P-5 shall share the veto power with neighboring countries that co-represent the same Regional Group. This is also a way in which the P-5 can be fully cooperative in reform without completely relinquishing their prerogatives.

One important question is, "if the veto power held by the P-5 cannot be justified, can the same prerogative held by Regional Groups ever be vindicated?" The answer to the question is a resounding 'yes!'. All the UN peace operations depend almost exclusively on the financial contributions of the Regional Groups with which the P-5 states are to be affiliated. The two Western Europe Groups combined shoulder 40.2% of the UN peace-keeping expenditure, while North America and Northeast Asia/Pacific assume 29.5% and 25.2% respectively. In sharp contrast, the combined burden of the five remaining Regional Groups (E Europe, Latin America and Caribbean, North Africa and the Middle East, South and Southeast Asia, and Sub-Sahara) amount to less than 5%.²² In such a situation, it would be disruptive for the UN to decide on an action that is strongly opposed to by any of the big contributor Groups that are associated with the P-5.

Thus, it is reasonable that these major contributor Groups be afforded veto power. This means that the 'North America' Group, rather than just the United States, would possess veto power, as would 'Western Europe I' rather than the U.K., and accordingly 'W Europe II' rather than France, and 'Northeast Asia and the Pacific' rather than China.

As it turns out, the 'Eastern Europe' Group, namely, the Group of Russia and others, poses a problem, because this Group's financial contribution would not warrant veto power by this standard. For a smooth transition toward the new system, however, it is advisable that this Regional Group is also accorded the same treatment as the above-mentioned 4 major contributor Groups, for an initial period of 20 years pending the first review.

Entitlement of veto power should be made subject to review not only for the Eastern Europe Group but to all the Regional Groups. Therefore, each Group may ultimately have its status changed regarding veto power, depending upon its share of contribution to peace-keeping activities and the threshold for establishing new entry. Perhaps, 'the arithmetic mean' of 1/9 (11.1%) could be applied as a threshold for the entitlement of the 'full veto' at each periodic review.

²² See Annexes II and III of this essay for details.

One important proposal to make regarding veto power is that it has to be 'full or partial', instead of 'all or nothing'. In other words, Regional Groups 'without full veto' should also be given some room to exercise it within limits, that is, when two (or more) of them join hands. If the veto system deserves to be retained for whatever reason, it should be a 'comparative right' to be exercised by every Group, albeit under a differentiated weight, instead of being a 'privilege' pertaining to specific Groups. Considering the difference in size among the Groups without 'full veto', this essay suggests 2/3 of veto power for 'full-sized' Groups (i.e., the Groups with 4 seats) and 1/3 of veto power for 'half-sized' Groups (the Groups with 2-3 seats).²³ This means that the Regional Groups without full veto can also exercise veto, if any two of them join hands.

[PROPOSAL 6] A Regional Group whose aggregate assessments of scale for the UN budget amount to 11.1 percent shall have 'full' veto power. Among other Groups, the Groups with four seats shall be considered to have two-thirds of veto power, whereas those with two-to-three seats shall be considered to have one-third of it. In the transitional period pending the first periodic review, the 'Eastern Europe' Group shall be considered to have 'full' veto power regardless of its aggregate assessments of scale.

As the veto power is a factor that seriously restrains the principle of rule of majority, it is advisable to have a restraining mechanism. In that sense, this essay proposes to make unanimity of all the representing states from the same Regional Group a requisite in exercising veto power, whether full or partial. This is a way of building self-restraint in the veto system and also of enhancing accountability and transparency. This will substantially reduce the chances of a country's hidden agenda sneaking in, in the form of exercising veto power.

[PROPOSAL 7] Veto power shall be exercised only by unanimity among the representatives from the same Regional Group.

4. Efficiency

The real beauty of the Senate system, I am inclined to argue, lies in its flexibility toward efficiency. Under the Security Council system, each of the member states nominally represents the whole world,

²³ This differentiation between 2/3 and 1/3 will become meaningful if more than one 'half-sized' group were to emerge. For example, Southeast Asia and South/Central Asia could become two separate 'half-sized' Groups, if they so wished and if it were acceptable to other Regional Groups. For half-sized Groups (with 1/3 veto power) to exercise veto only among themselves, three of them would have to reach an agreement.

but practically represents only itself. Therefore, any increase of seats of the Security Council is likely to create greater inefficiency.

In a sense, the consultation of the P-5 has played the role of an informal 'Executive Committee', in spite of all the criticisms leveled against it, regarding lack of legitimacy or cabalistic character. But the P-5 consultation will no longer be able to retain its role, once the size of the Security Council is significantly expanded. Currently, decisions of the Security Council are made by an affirmative vote of 9 members.²⁴ Therefore, once the P-5 countries come to an agreement on any issue, they have only to obtain the support of 4 of the 10 non-permanent members in order to carry a motion that they are pushing. The opinions of the non-permanent members are virtually irrelevant, unless the majority of 7 or more (out of the 10) are against the agreed position of the P-5.

The situation would change substantially under an expanded Security Council, however. Supposing that the seats are increased to 24, and that the demand of 60% of an affirmative vote (9 out of 15) is maintained for a decision, a total of 15 affirmative votes would be necessary for a decision. As the P-5 would need additional 10 votes, the P-5 agreements would no longer carry as much weight. This will inevitably alter the character of the informal P-5 consultations from a 'caucus' into no more than 'a prior consultation among a few with veto power'. It is hard to fathom how much inefficiency would be caused if the seats are increased from 15 to around 24. Nor can we be sure of a viable breakthrough, when the Security Council is faced with constant impasse owing to increased size.

In contrast, under the Senate system, much flexibility can be exercised toward efficiency, because the Senate would be composed of formal representatives of Regional Groups. The Senate could decide to establish a neat-sized 'Steering Committee' comprising one representative state from each Group, as dispatched by regional co-representatives, and perhaps with additional few countries which the Senate recognizes as 'indispensable' to the work of the Committee. While retaining for itself the power to decide on all substantive issues and other important matters, the Senate could mandate the Steering Committee with handling procedural and/or routine matters and with paving the way for the efficient operation of the Senate meetings.

Regarding the composition of the Steering Committee, if the 'indispensable' countries are limited to the 3 biggest budgetary contributors (United States, Japan and Germany), the members ('9+3') of the Steering Committee would most likely be (G-7 countries are underlined):

- 'indispensables' (3): USA; Japan; Germany

²⁴ UN Charter, Art. 27

- representatives (9): UK; France; Canada;
Russia; China; South Africa;
India (or Singapore); Mexico (or Brazil); Saudi Arabia (or Egypt)

[PROPOSAL 8] For the purpose of enhancing its efficiency, the Senate shall establish a Steering Committee comprising one representative country from each Regional Group, with additional few countries recognized by the Senate as indispensable for the work of the Committee. The mandate of this Committee shall be given by the Senate.

Even when compared with the current 'Security Council of 15' with no increase of seats, a 'Senate of 32' may prove no less efficient. Above all, it must be underscored that a simple comparison between 32 and 15 is deceptive. There is a room to claim that the number is actually being reduced from 15 (states) to 9 (Regional Groups), because Senator states are distinctly representatives of Regional Groups, whereas Security Council members are virtually representing themselves. The possibility of operating of a Steering Committee above mentioned is a corollary.

Moreover, there is a serious suspicion that the primary culprit that causes inefficiency in the Security Council is the unrestrained veto power of the P-5, rather than the size of the Council. In this respect, a self-restraint mechanism can easily be built in 'the Senate of 32' in the form of a 'unanimity requirement' for the exercise of veto power, whereas the Security Council is not equipped with any built-in restraint system.

For the purpose of enhancing efficiency in the Senate's work, I also propose the establishment of 3 Councils as Charter Bodies that will support the work of the Senate. This will be explained at Chapter III, Section 2.b ("Councils of the Senate").

5. 'Quid Pro Quo': Special Status matched with a Special Burden

Notwithstanding all the structural deformities above mentioned – such as permanent membership, veto power, and lack of legitimacy, representation and accountability – the current Security Council system may have been more generously perceived, if the Council members had been obligated to shoulder some burden that balances their prerogatives. Seeing no such burden imposed by the UN Charter on the Council members, it is easily inferred that the Security Council was, from its inception, primarily meant to serve the parochial interests of the P-5 (and incidentally, and to a lesser extent, those of the non-permanent members), rather than address global interests.

It is true that, based on a couple of recent decisions by the General Assembly, the P-5 states shoulder somewhat higher proportions of expenses for peacekeeping operations than the regular budget of the Organization.²⁵ Nevertheless, it would be fair to say that these additional financial burdens are more 'symbolic' than 'actual', and can by no means be considered a countervailing weight to the prerogatives that the P-5 countries relish.

If we accept that, in international relations, the confrontational atmosphere of past generations is being gradually replaced by an ambience of cooperation, we will have to think about how to effect change on the culture – of privileges, bullying, free-rides, lip service and frustrations – prevalent in and around the Security Council, to create a culture of positive duty and responsibility. For that purpose, the new security body must be populated by the countries that are sincerely 'willing and able' to shoulder the burden of peace operations.²⁶ And the most effective way of achieving this is directly linking 'power to decide' with 'responsibility to implement', that is to say, establishing "*a much tighter link between Council membership and a firm obligation to commit troops on the ground when Council members adopt a decision.*"²⁷

In that sense, I propose making "the entry into a special agreement with the UN (Senate) under Article 43 of the Charter" a precondition for any country's candidacy as a representative in the Senate, unless the Regional Group concerned already has such an agreement with the UN. The Article stipulates "*1. All member states undertake to make available ... armed forces ... necessary for the purpose of maintaining international peace and security. 2. Such agreement ... shall govern the numbers and types of forces ...*"²⁸ It is about time that this clause was given a full life, at least for the 'willing and able' countries. For the number of forces, 'a minimum of 5,000 per seat' may be a reasonable springboard for further discussion. This also means that the overhead costs for troop

²⁵ See the UN General Assembly resolutions 55/235, 55/236 (23 December 2000) and 58/256 (11 February 2004).

²⁶ The **High-level Panel report** argues that greater involvement in Security Council decision-making of those who contribute most, among others, is required to increase both the effectiveness and the credibility and to enhance its capacity and willingness to act in the face of threats (para.248). Submitting the same report to the General Assembly, Kofi Annan emphasizes in his Note (at para.6): "*The report argues that **capable and responsible States must be on the front line in combating today's threats. I share the Panel's view... [and] welcome their recommendations in this field.***" (Emphasis is found in the original text.)

²⁷ See 'A Security Council Numbers Game: All Bets Off' by **Jeffrey Laurenti** (19 July 2005; available at <http://www.tcf.org/list.asp?type=NC&pubid=1061>). See also his other article 'What reinforcement for the Security Council?' (supra note 1) at p.80, where he elaborates: "*[E]very member state assuming a seat on the Security Council ... could (and should) be required during that state's tenure as a member to commit appropriately determined military units to a rapid deployment force capability under the authority of the Council.*"

²⁸ Throughout the 60 years of the UN history, no country has ever entered into the 'Article 43 agreement' with the UN Security Council. It is an irony that what must have been one of the most important articles of the UN Charter, in the minds of the Charter drafters, has been practically consigned to oblivion.

maintenance would be shouldered by the member countries concerned. The UN would assume only the incremental cost of dispatching the troops for UN peace operations – the cost of transportation and logistics needed for specific UN purposes.

It is also conceivable that such an agreement be entered with a Regional Group or a sub-regional group. For instance, Nordic countries could have an internal arrangement to enter into an agreement with the UN with a combined force of 5,000 troops that would serve the purpose of any of them, if they aim at only 1 seat among themselves at a given time. In the same vein, ASEAN countries will be able to team up for 2 seats with an aggregate force of 10,000 troops.

Since this scheme is intended to impose primary responsibility for world peace and security on the incumbent Senator states, any special agreement with a country not currently in the Senate should be considered dormant for 'new' peace operations, unless that country agrees to the use of its troops in a specific operation.

[PROPOSAL 9] In case a Regional Group has not entered into special agreements with 'the Senate' by Article 43 of the UN Charter, the occupation of seats in the Senate for that Regional Group shall be restricted to the countries that have entered into such a special agreement. The agreement shall include a commitment by the state party to make available, by itself or en bloc with other countries, a minimum of five thousand standby troops for the use of the Senate. However, the agreement shall not be operational for any new peace operations by the Senate against the will of the country (or the block of the countries) concerned, while that country (or the block of the countries) is not occupying a seat in the Senate.

III. Matters related to Security Council Reform

1. Voting in the General Assembly

a. The '1-country, 1-vote' (1C1V) System Revisited

Hidden behind the conspicuous anachronism of the Security Council such as the permanent membership and the veto power, there lurks a related problem of the General Assembly that is no less inimical to the sound functions of the UN: the '1C1V' in its pure form. In fact, if the structural anachronism of the Security Council is an 'ulcer', this despotic 1C1V is tantamount to a 'malign tumor'. Whereas the disease of the Security Council is generally recognized and safely contained to a specific body, the 1C1V has been crippling the proper function of the General Assembly²⁹ and of the entire UN system, including specialized agencies, especially in their work to help the global South. Yet it goes there scot-free, taking hardly any blame for the havoc it wreaks on the UN.

The 1C1V has been debilitating the UN in three important ways: as each state's contribution to the UN does not carry weight in decision-making, rich states feel bound to limit their financial burden to the UN, resulting in a perennially shoestring budget of the Organization³⁰; for a similar reason, donor countries are reluctant to discuss economic cooperation in the General Assembly – indeed, with the 1C1V system, the UN has deprived itself of a legitimate role as a major global forum for economic cooperation; and finally, the 1C1V has inevitably conceived an illegitimate child known as 'consensus'. Under the 1C1V, the global South states constitute an overwhelming majority, but they usually do not have the resources required for pushing their pet decisions. Adoption of decisions by consensus is a compromise formula developed between the global North and South in

²⁹ In this regard, **Human Development Report 2002** (supra note 15, at p.8) says: "*It is perhaps no coincidence that the more representative international institutions, such as the UN Economic and Social Council and the UN General Assembly, are considered the least powerful.*"

³⁰ In 2005, UN regular budget was about US\$ 1.4 billion (peace-keeping budget aside), that was about 1% of the annual budget of the European Union (Euro 105 billion = US\$ 133 bil.) or that of South Korea (US\$ 189 bil.), and about 0.1% of that of the US (US\$ 2,466 bil.) or that of Japan (US\$ 1,775 bil.). See <http://globalpolicy.igc.org/finance/tables/tabsyst.htm> for the UN, http://en.wikipedia.org/wiki/European_Union_statistics#EU_Budget for the EU, and 'The World Factbook' by CIA (available at <http://www.cia.gov/cia/publications/factbook/fields/2056.html>) for the governments.

It is also to be noted that, since 1978, there has been no budget increase in real terms (price-index adjusted). According to **Klaus Hüfner**, Senior Research Fellow of the **Global Policy Forum**, the UN expenditure in 2002 was the same as in 1978, with minor fluctuations in the intervening years. It then dropped by 2.4% ((from 334 to 326 in 'constant 1971 dollars') in 2003, the last year for which the index is available. See <http://globalpolicy.igc.org/finance/tables/reg-budget/currentreal.htm>.

such a situation. The flip side of this consensus system, however, is that any rogue country can block adoption of a decision, even when there is a general agreement between the global North and South. Thus, as Kofi Annan points out, "*[Consensus] prompts the Assembly to retreat into generalities, abandoning any serious effort to take action, [rendering] real debates ... to focus on process rather than substance and many so-called decisions simply reflect the lowest common denominator of widely different opinions.*"³¹

Truth be told, if the IC1V is based on the concept of 'sovereign equality', it is standing on a shaky ground. As pointed out at the beginning of this essay, the IC1V is no more than a cheap 'secondary equality' doled out to 'the less equal', after a few states have secured for themselves a 'privileged equal' status. As the legitimacy of this privileged equality is doubted, so the legitimacy of the secondary equality cannot avoid scrutiny.

As long as there is consistency, the principle of 'absolute equality' among states may be justified in its own way. However, the problem with the UN is that there is no consistency between the IC1V and the differentiated financial burdens. A society that takes a serious view of equity will link a member's rights with responsibilities; when they are disconnected, issues of privilege and inequity cannot be avoided, as we see in the Security Council. The same applies to the UN member states vis-à-vis the General Assembly and specialized agencies. Whether it is an absolute equality or a proportional equality, the same principle should be applied to the member states for both rights and responsibilities. What is applied in the UN is a deplorable double standard.³²

³¹ 'In larger freedom' (supra note 5), at para.159.

³² It seems that the IC1V system is based on an analogy that, "A state is to the UN, as a human being is to a country", that is to say, "As differentiated tax pay by individuals does not justify differentiated human rights, so does differentiated financial contribution by states not justify their differentiated rights at the UN." However, this analogy is fundamentally flawed on at least two points.

First, the UN is not the 'world government'. In the case of a state government, it provides its constituents safety, orderliness, services and infrastructure for economic and social activities, and in exchange taxes its people. Therefore, it is warranted that more taxes are levied on bigger economic beneficiaries. Moreover, a state usually has the power and authority to impose its will on individuals. In contrast, the UN is only a forum among states. Neither does it provide notable services to the states, nor does it have the authority or means to impose its will on states: it count on the voluntary cooperation of individual states for the implementation of its decisions. To the UN, the states are as much its clients as its constituents. If the UN is found unattractive, it is less cared for by important clients, and thus doomed to languish.

Second, the dignity and value of human beings are considered so sacred as to eclipse the differences in individual's economic contributions to the state. Therefore, discrimination in individual's rights can hardly be justified. In contrast, a state does not carry such an aura of sacredness as a human being does, as the destiny of the former Soviet Union or Yugoslavia eloquently showed. The demise of a country usually means no other than the birth of a plural number of countries, a process so often considered a boon by people inside. Or conversely, people living in several states may decide, with the blessing and sometimes envy of the outsiders, to end the lives of their existing states to create a new state. In sum, there is nothing sacred about the life of a state. In fact, a state is arguably no more than an institution for the welfare of its constituents, the people. The same cannot be said of human beings.

When the Soviet Union, and Yugoslavia a few years later, broke up into several Republics, the world observed that their successor countries inherited more than their predecessors had had, in terms of votes at the UN General Assembly.

The 1C1V system obviously reflects an 'absolute equality' among states in terms of rights. In stark contrast, in member states' responsibilities or financial burdens, a more refined 'dual' concept of sovereign equality is found. On one hand, each state shoulders a differentiated financial burden to the UN in proportion to its economic size; this is an application of a proportional equality that recognizes a state as an 'economic' unit, rather than a 'political' one. On the other hand, a minimum scale (0.001%) is applied to all member states regardless of their economic size; this is apparently a reflection of absolute equality, emphasizing the political character of states.³³

If it is considered legitimate to apply a combination of absolute equality and proportional equality, as is seen in the distribution of responsibilities, the same standard should be applied to the distribution of rights. This can be achieved by introducing a 'weighted voting' system and applying it in parallel with the current 1C1V. This is also a way of reflecting the dual character of states – both political and economic – in the distribution of rights. Under such a dual voting system, a concurrence of majority votes both by head-counting and by weighted-vote count will be required as a valid majority.³⁴ And such a measure that recognizes and reflects states' 'economic' character will facilitate the UN's legitimate role in 'economic' affairs.

A dual vote of '1C1V plus weighted-voting' is by no means an 'unknown quantity' in global diplomacy. In fact, such a procedure was incorporated into the decision-making efforts at the

That provides an uncanny lesson on the double standard applied at the UN: if the same multitude of people gathered around one flag decide to gather around several flags, they can increase the sum-total of their rights by that many times, whereas the weight of their responsibilities remains virtually unchanged.

In the case of independence of former colonies, the voting rights of newly independent countries could be seen as awakening from dormancy. However, the breakup of an existing country poses several new questions to the world: What should be the limit to the number of new Republics to be born out of an old 'Empire'? Why should the voting weights of other countries or peoples be affected at all by another group's internal decision? And, in an extreme case, what if the world sees a country breaking up into, let's say, two hundred republics which consequently claim an absolute majority of vote in the General Assembly?" Setting aside the possibility of such an extreme scenario coming true, at least the question betrays the fragile basis of the exclusive '1C1V' system, thus leads one to revisit the interpretation of 'sovereign equality'.

³³ A more sophisticated method of apportionment would be to charge each state a differentiated amount proportional to its economic size (proportional equality) **in addition to** a certain amount common to all the member states (absolute equality). Such a nicety, however, has seldom been a forte of the UN General Assembly.

³⁴ If developing countries take the view that their dominance in the General Assembly based on '1C1V' is a boon for them, it is time they rethink this concept. In fact, their majority vote can be no more than a 'mixed blessing'. For most of the people and countries of the global South, poverty eradication or 'freedom from want' is unquestionably the most urgent and important national goal. Where poverty is prevalent, even a secured 'peace' is no more than a hollow blessing. Therefore, they should find a way to turn the UN General Assembly, the most universal global forum, into a major forum for discussions on 'economic development'. They should ask themselves: "*if 'freedom from fear' is the primary subject of the Security Council, why is 'freedom from want' not the primary subject of the UN General Assembly?*"

The reality is that, with the majority vote in the hands of the global South, rich countries (i.e., donor states) are little inclined to bring the issues of economic cooperation into the General Assembly where they have to run a high risk of ending up with increasing burden, but without commensurate power. When the wise old saying of "He who pays the piper calls the tune" is ignored, it is inevitable to see that the music just stops. One might even say that "The global South has been given enough rope to hang itself".

conferences regarding the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer³⁵ and for the 1994 restructured Global Environmental Facility.³⁶ It should be noted, too, that, for the entry into force of the 1997 Kyoto Protocol to the UN Framework Convention on Climate Change, each country was counted dually by head and by weight, namely, by its carbon dioxide emission (Art.25, para.1).³⁷

The challenge lies in deciding the weight of each state's vote. The most plausible method would be simply to grant each state a weight of vote that is proportional to its financial contribution to the UN.³⁸ A dual vote based on this would give the global South a majority vote in head-counting and the global North a majority vote by weighted vote-counting.³⁹ Thus, neither side would be in a position to force the other's hand. Moreover, the consensus will lose its tyrannical edge and will become a tamed rule to be applied for a reasonably limited time only.

[PROPOSAL 10] Member States of the UN shall have dual votes in the General Assembly. On one hand, each and every member shall have one vote, and on the other hand, each country shall have a

³⁵ At the Meetings of the Parties to the **Montreal Protocol**, decisions are made by “a two-thirds majority of the parties present and voting who represent at least 50 per cent of the total consumption of controlled substances”. See ‘**Bowett’s Law of International Institutions**’ (5th ed; by **Philippe Sands** and **Pierre Klein**; 2001), at p.123 para.4-021, or Article 2(9)(c) of the Montreal Protocol. The text of the Protocol is available at <http://www.unep.ch/ozone/pdfs/Montreal-Protocol2000.pdf>.

³⁶ The ‘Instrument for the Establishment of the **Restructured Global Environmental Facility**’ (available at http://thegef.org/GEF_Instrument3.pdf) stipulates at para. 25(c)(i): “[D]ecisions ... shall be taken by a double weighted majority; that is, an affirmative vote representing both a 60 % majority of the number of participants and a 60 % majority of the total contributions.”

³⁷ The text of the Kyoto Protocol is available at http://unfccc.int/essential_background/kyoto_protocol/items/1678.php.

³⁸ As another method of weighted voting, Professor **Joseph E. Schwartzberg** (Institute for Global Policy, **World Federalist Movement**) suggests that each state be assigned a weighted vote that is the average of three factors: population, contribution to the UN budget and unit share of the UN membership. According to him, this method would give the USA a weighted vote of roughly 9.1%, China 7.7%, India 6.0%, Germany 3.8%, France 2.6%, the UK 2.3%, etc. (See his article ‘Revitalizing the United Nations: Reform through weighted voting’, especially at Executive Summary, pp.11-16 and Appendix 1, that is available at http://www.globalsolutions.org/programs/intl_instit/UN_ref/Schwartzberg_Weighted_Voting.pdf.)

A grave drawback of this formula is that the population is doubly weighted, because the contribution to the UN budget also reflects the population. Contribution is roughly based on the scale of national economy (GNP) that is decided by ‘per capita income’ multiplied by ‘population’. It is unimaginable that small-population countries or big stakeholders, namely, major budgetary contributors, accept such a formula that lopsidedly favors big-population countries.

³⁹ Proposing creation of a ‘UN Economic Security Council’, **Human Development Report 1994** suggested the introduction of a voting system “to have all decisions ratified not just by a majority of all members but also by majorities of the industrial and developing countries” See pp.83-4. [Reproduced in summary form in the **Human Development Report 2002** (supra note 15) at p.118, Box 5.5.] If this voting method is applied in the General Assembly, it will bring about a result somewhat similar to that of the ‘dual vote’ system proposed in this essay. However, there will be a basic difference in the two approaches. The UNDP Report divides countries into industrial states and developing ones, and then accords each state ‘equal’ weight within its own group. In contrast, this essay accords each country its own weight based on the same standard for all. The UNDP approach is likely to cause an ever increasing problem, as an increasing number of developing countries graduate from ‘developing’ status.

weighted vote commensurate with its scale of assessment for the apportionment of the expenses of the United Nations. Decisions of the General Assembly shall be made by a designated majority both in head-counting and in weighted-vote counting.

b. Enhancing the UN's Role in Economic Cooperation: Toward 'a Global Trade-off'

If the proposals set forth in this essay for reform of the UN Security Council are accepted, the P-5 would make a concession by sharing their veto power with some neighbor countries, whereas the global South states would make a concession in the voting system at the General Assembly, instead of acquiring their own veto power, albeit in a limited way.

There are two substantial pieces missing in this game of the 'global trade-off' jigsaw puzzle thus far expounded: first, most of the non P-5 states of the global North have only a minimal role to play with no concessions to make, in spite of double benefits they would acquire: enhanced status both in the security body (a much improved chance of representation) and in the General Assembly (a strengthened voice by weighted-voting). So they must be delegated an important role; and second, no tangible plan is in place for galvanizing the General Assembly into an active economic forum, especially in the area of development cooperation.

Thus, the concluding part of this essay's reform plan is fixing these two missing pieces: the global North states commit to contributing a certain portion, perhaps 10% for a starter, of their Overseas Development Assistance (ODA) budgets to the UN coffers,⁴⁰ for the expenditures based on policy directives that have been adopted at the General Assembly (by majority in both head-counting and weighted voting). This will provide the General Assembly with the teeth it needs for implementing important global economic agenda items, such as the Millennium Development Goals (MDG), and will help serve the purpose of resolving the UN's problems of *"inadequate resources, lack of political will, and the absence of mandatory implementation of decisions"*.⁴¹

⁴⁰ The global ODA stands at \$56 billion, according to the **Human Development Report 2002** (p.30, supra note 15). This amount constitutes roughly 0.25% of GNP of the donor countries, as compared with the long-standing target of 0.70% that was agreed on at the UN General Assembly in 1970 and was reaffirmed in the Monterrey Consensus in 2002. *See 'In larger freedom'* (supra note 5), at para.48.

⁴¹ *See 'A Radical Vision for the Future of the UN'* by **Tasos Papadimitriou** who says: "... [UN] critics point out that many of its stated objectives regarding peoples' well-being in the developing world (e.g. the Millennium Development Goals) represent little more than wishful thinking, due to inadequate resources, lack of political will, powerful (national) vested interests and the absence of mandatory implementation of decisions." (ZNet, 24 October 2004; Reproduced at <http://globalpolicy.igc.org/security/reform/cluster1/2004/1024radical.htm>)

Such a commitment on the part of the global North will also be a vital step toward having their development assistance be "*oriented to support [multilaterally agreed development goals such as] the MDG-based poverty reduction strategy, rather than to support donor-driven projects*".⁴² In the course of time, the donor states will be able to decide whether or not to increase this initial portion of 10%, after witnessing the credibility of the General Assembly under a dual-voting system.

The allocated budget shall serve partly as the primary resource for development cooperation, such as implementation of Millennium Development Goals, and partly for newly emerging UN activities such as 'disaster relief' (human security) and 'post-conflict governance reinforcement' (peace-building), as the General Assembly decides. Thus, the UN will be equipped with significant sums of predictable resources, and will no longer depend 'exclusively' upon the unpredictable and discretionary amount of voluntary contributions by donor countries.

A swap between the global North and South involving 'a balance of voting power' in exchange of 'a substantial sum of ODA budgets into the UN coffer', if implemented, would not only change the face of the UN, but would pave the way for a much strengthened North-South cooperation. Together with the demise of the cold war that brought about the East-West rapprochement, such an epoch-making 'global trade-off' between the global North and South might bring in a new global age of genuinely hearty collaboration. In that sense, it could go down in history as a landmark event that divides 'the new century of partnership' from 'the old century of confrontation'.

[PROPOSAL 11] Donor states shall put ten percent (10%), or a higher proportion as agreed among themselves, of their ODA budgets in the UN coffer to be expended, as decided by the General Assembly, for the UN purposes, such as development assistance, disaster relief and peace-building.

2. Councils

a. Councils of the General Assembly

With the advantage of hindsight, we are tempted to accuse the organizational architects of the UN of their poor job on the '1 House and 3 Councils' structure. Among the 3 Councils which must have been conceived to support of the work of the House, i.e. the General Assembly, one (the Security

⁴² See 'Recommendation 7' (at p. xvi) of the '**Investing in Development: A Practical Plan to Achieve the Millennium Development Goals, Overview**' (Millennium Project report to the UN Secretary-general; hereinafter '**UN Millennium Project 2005**') by **Jeffrey D. Sachs** and others. The Project report is available at <http://www.unmillenniumproject.org/documents/overviewEngLowRes.pdf>.

Council) has been a 'prodigal son' with no filial piety, and a second one (the Trusteeship Council) was destined to end its life sooner or later. Consequently, it did not take long for the Economic and Social Council (ECOSOC) to be left alone to play a 'jack of all trades and expert of none' in serving the General Assembly.

Against such a backdrop, the High-level Panel suggested upgrading the Commission on Human Rights – a body subsidiary to the ECOSOC – as the Human Rights Council, "*a Charter body that will stand alongside the ECOSOC*".⁴³ This suggestion, echoed in Kofi Annan's report of "In larger freedom", was very favorably received by most UN member states at the 60th session of the General Assembly in 2005. The UN Secretary-General additionally urged the consideration of a more integrated structure for environmental affairs by "*grouping the various agencies, funds and programmes into tightly managed entities, dealing respectively with development, the environment and humanitarian action*".⁴⁴ Here he seems to express his grand vision of '3 Councils' under the General Assembly, setting aside the Security Council and the now defunct Trusteeship Council.

Assuming that the world will ultimately find it desirable to entertain Kofi Annan's vision, I would like to suggest one minor alteration to that proposal, in order to make the UN 'proactive' rather than 'reactive'. How about having the division of labor among the 3 Councils along a more inclusive line of 'humanity, states and the globe', instead of rather exclusive spheres of 'development, environment and humanitarian action'? The 3 Councils here suggested to be established under the General Assembly, I will tentatively call the 'Human Dignity Council', the 'Development Cooperation Council', and the 'Global Protection Council' respectively.

This way of structuring will help prevent any newly emerging workload being channeled into one Council, as has been the case with the ECOSOC. For example, if the UN and its specialized agencies decide to take the primary responsibility of dealing with specific pandemic diseases like AIDS, the matter should be handled by the 'Human Dignity Council', rather than by the 'Development Cooperation Council' that is ECOSOC's main successor.

The second Council, or the 'Development Cooperation Council', shall be the body charged with exhorting the UN General Assembly to play a more active role in economic cooperation. It would have the power of initiating development assistance policies, including coordination of achievements of the 'Millennium Development Goals', and, of handling the use of the ODA funds that donor countries contributed, under the strict surveillance of the General Assembly. Therefore,

⁴³ **High-level Panel report** (supra note 4), at para.291.

⁴⁴ **In larger freedom** (supra note 5), at paras.198 & 212.

for most developing countries, this Council is likely to be regarded as the jewel of the General Assembly system (that would be, the General Assembly and its 3 Councils).

And lastly, the 'Global Protection Council' shall be in charge of protection and use of the global environment and other global commons, such as high seas, the Antarctica and outer space.

- Human Dignity Council (for individuals): human rights, designated pandemic diseases
- Development Cooperation Council (for states): Millennium Development Goals, ODA fund, and development assistance policy
- Global Protection Council (for global commons): global environment, high seas and deep seabed, the Antarctica, and Outer Space

b. Councils of the Senate

Talking about the need for peace-building activities in post-conflict states, Kofi Annan pleads, in his address 'In larger freedom', about a sorry state that *"there is a gaping hole in the United Nations institutional machinery: no part of the United Nations system effectively addresses the challenge of helping countries with the transition from war to lasting peace."*⁴⁵ Actually the same applies to other areas, such as relief activities for the victims in an outbreak of natural disasters or armed conflicts.

In this regard, I propose to establish 3 Councils that are subsidiary to the Senate, as distinct from the 3 Councils under the General Assembly, but with the division of labor along the same lines: humanity, states and the globe. These 3 Councils under the Senate, I will tentatively call the 'Human Security Council', the 'Peace-Building Council', and the 'Global Security Council' respectively.

The 'Human Security Council' shall be primarily in charge of urgent relief activities for individual victims, such as refugees, displaced persons and victims of natural disaster (including sudden outbreak of pandemic diseases),⁴⁶ whereas the 'Peace-Building Council' is meant to handle

⁴⁵ 'In larger freedom' (supra note 5), at para.114.

⁴⁶ The concept of 'human security' employed in this essay is much more limited than that used by UNDP in its **Human Development Report 1994** or that used by the independent **Commission on Human Security (CHS)**, a foundation launched at the 2000 UN Millennium Summit at the initiative of the Government of Japan. The UNDP employs the term 'human security' as comprehending problems involving "population growth, economic disparities, migration, environment, drug and terrorism." [See p.34 of the **Human Development Report 1994** that is available at <http://hdr.undp.org/reports/global/1994/en/>] And the CHS also defines 'human security' comprehensively as the protection of "the vital core of all human lives in ways that enhance human freedoms and fulfillment" including health and education. [For the concept of human security and discussions on it by the CHS, see 'Human Security' at <http://ochaonline.un.org/webpage.asp?MenuID=10473&Page=1494> and the Commission's report '**Human Security Now**' (2003), available at <http://www.humansecurity-chs.org/finalreport/index.html>] In contrast, this essay confines the concept

post-conflict management and to help buildup governance. The 'Peacebuilding Commission' that the Secretary-General's High-level Panel has suggested to establish,⁴⁷ shall turn into this Council. However, a certain time-limit (e.g., 10 years) will be necessary in its function for a specific country, in order to avoid conflicts with the Economic Cooperation Council under the General Assembly.⁴⁸ The third Council, or the 'Global Security Council', shall handle grave threats to and breach of international peace and security, including punishments or sanction of the violators. Acts of terrorism might be best handled by this Council, although its role will be more fully-fledged as the concept of international crime becomes further developed. An act of serious damage to the global environment will be a case in point.

- Human Security Council (for individuals): urgent relief activities for individual victims
- Peace-Building Council (for states): governance reinforcement in post-conflict countries
- Global Security Council (for global protection): punishments and sanctions

[PROPOSAL 12] There shall be established the Human Dignity Council, the Development Cooperation Council and the Global Protection Council, as Charter bodies⁴⁹ subsidiary to the General Assembly, and the Human Security Council, the Peace-Building Council and the Global Security Council, as Charter bodies subsidiary to the Senate.

of human security to “*urgent relief activities for victims of unanticipated natural disasters or breakout of armed conflicts*” that will fit with the mandate of the Senate as the successor to the Security Council. This narrower definition is necessitated for a clearer division of labor with two other Councils proposed in this essay to be established under the General Assembly: ‘Human Dignity Council’ and ‘Development Cooperation Council’.

⁴⁷ See ‘**High-level Panel report**’ (supra note 4), at paras.261-265. The report, at para.264, identifies the core function of the Peacebuilding Commission to be

- *to identify countries which are under stress and risk sliding towards State collapse;*
- *to organize, in partnership with the national Government, proactive assistance in preventing that process from developing further;*
- *to assist in the planning for transition between conflict and post-conflict peacebuilding; and in particular*
- *to marshal and sustain the efforts of the international community in post-conflict peacebuilding over whatever period may be necessary.*

⁴⁸ If the ‘**Peace-Building Council**’ finds it necessary to extend its work for a specific country beyond the limit of the given timeframe, it could either transfer the work to the Economic Cooperation Council (under the General Assembly) or get a prior consent of this Council for an extension.

⁴⁹ Article 7 of the UN Charter calls the Councils (together with General Assembly, International Court of Justice and Secretariat) ‘**principal organs**’ of the UN, as compared with ‘subsidiary organs’ to be established as may be necessary. However, barring the Security Council that is obviously *sui generis*, the Councils in fact have no authority to make decisions of their own on any important matters, and are apparently subsidiary to the General Assembly. In that sense, ‘**Charter organs**’ or ‘**Charter bodies**’ seems more appropriate than ‘principal organs’ for the term characterizing the Councils.

IV. Conclusion: What is Most Idealistic could be Most Realistic

In recent years, the UN has been under siege from many sides for alleged dysfunction and misadministration. The critics often lead people to believe that the Organization is a decrepit ship or even a noisome dinosaur. When the UN's achievements are weighed against its faults, however, it is evident that most of these critics fail to see the forest for the trees. In several ways the UN has surpassed the goals it was meant to achieve.

First of all, it has successfully established the principle that 'conquest' or 'territorial expansion' cannot, and should not, be a state policy. Virtually no country is seen today to be avowing the territorial expansion as its national policy. It was in this context that Saddam Hussein's invasion of Kuwait struck us as somewhat atavistic. It may be worth recalling that, until the inauguration of the UN, most wars, including the last world war, had been motivated primarily by the desire of territorial expansion. If the UN seems at times to fail to react to conflicts of armed forces, it is worth noting that the objects of these complaints are mostly conflicts which take place within borders, matters which many political leaders, until recently, had guarded against the UN's involvement.

'Decolonization' and 'promotion of human rights' are other enormous achievements that would have been inconceivable without the existence of the UN. Unquestionably, they exceeded the expectations of the UN's founders. The most important achievement of the Organization, however, is its contribution to the establishment of the rule of law in international relations. Until the foundation of the UN, the world, for centuries, had been no more than an 'anarchical society' where 'balance of power' was considered the only dependable way of keeping peace. In contrast, the end of the cold war, a typical form of 'balance of power', was widely received with relief and acclamation, rather than with a lament for the loss of a peace mechanism. For almost two decades since the end of the cold war, the question of "what will be the world system that replaces the cold war?" has been an academic question asked in a laid-back posture, rather than an earthly issue handled with a sense of urgency. This change of mentality or situation can best be explained by the strengthened confidence of the countries and peoples in the rule of law. We will have to attribute this improvement to a UN that has initiated, among other things, standard-settings for cross-border cooperation in diverse areas, especially by way of adopting multilateral conventions.⁵⁰

⁵⁰ Those who blame the UN General Assembly to be 'a talk shop with no action/decision' should be advised that the same cynicism is typically leveled at the Parliaments in developing countries where people are more accustomed to the

The UN, including its Secretariat whose service enabled all these achievements to come about, has definitely proved itself as an asset to the world. It is worth noting that the annual expenditure of the Organization is a negligible modicum of the defense expenses of the world.⁵¹ Would it be an exaggeration to say “No human institution has ever produced so much benefit for mankind, and that, with so little cost, as the UN has done”?

Having noted these accomplishments, there is no denying the dire need for the UN to free itself from the shackles it was born into, and to self-adapt to meet the expectations of the present and future. Above all, there is much to be desired in the role the UN plays in the field of economic cooperation.

The main purpose of this essay is to outline proposals for restructuring the Security Council in such a way that its decisions could be owned by most countries as ‘ours’, rather than as ‘theirs’. Thus, along with enlarged representation, a new method of structure has been proposed, bearing in mind ‘promoting peace and cooperation among neighboring countries’ as well. The formation and formalization of the Regional Grouping in this essay is designed to encourage stronger cooperation for peace among regional states by ‘upping the ante’. A Regional Group divided from within, will have a muffled say in the global arena, not least because it will forfeit its veto power. Once a gathering of dark clouds is seen heading toward an armed conflict, the countries in the region would be expected to have a stronger motivation to play an active role for peace.

There has been another, and in a sense more ulterior, purpose of this essay: to transform the UN General Assembly (along with its subsidiary body ‘Development Cooperation Council’, a successor to the ECOSOC with a more streamlined mandate) from a ‘fringe’ institution to a major forum on economic cooperation. In order to achieve this, it is requisite that the hypocritical ‘double-deck equality’ – applied both in the Security Council and in the General Assembly – be replaced by a ‘fair equality’ that is directly linked with burden. Thus, I have proposed a combination of an absolute equality (‘head-counting’) and a proportional equality (weighted voting) in decision-making at the

‘straightforward’ process of authoritarianism than the ‘inefficient and time-consuming’ process of democracy. It should be noted, too, that when discussions on a specific topic drag on for years, it is not because delegations like to continue talking, but because the Capitals are not politically prepared to reach agreement. It can hardly be considered wise to rush to decision when many countries are politically hesitant. Anyway, a major culprit causing inefficiency is the ‘consensus’ system in which a few rogue countries can easily block what is agreeable to most countries. This can be cured by the introduction of a dual-voting system, as explained in the previous Chapter.

⁵¹ Annual global defense expenditure is assumed to exceed US\$ 1 trillion, or US\$ 1,000 billion, whereas the annual budget of the whole UN system is way under US\$ 10 billion (in 2004, a total of US\$ 6.7 billion - UN regular budget: 1.4 billion; UN peacekeeping operations budget: 3.3 billion; and UN Specialized Agencies: 2.0 billion), 1% of global defense expenditure. See <http://globalpolicy.igc.org/finance/tables/tabsyst.htm> for the UN statistics.

General Assembly. This proportional equality shall be also applied in the election of the representative countries for the Senate.

The proposals in this essay break out of the traditional concept about states in two ways. First, states are squarely recognized as 'economic' units as well as 'political' ones. Consequently, a state's rights with regard to the UN are, within certain limits, made commensurate to its financial burdens, and vice versa. And second, 'geographical regions' are brought more formally to the fore and are recognized as constituents lying between the states and the whole world. These new concepts have led to the conclusion that it is futile and irrelevant to strain at reaching a balance of the number of states in their grouping.⁵²

Some writers argue that it's unwise to continue discussing Security Council reform, and that this is a case where the logic of "if it ain't broke, don't fix it" applies.⁵³ A feeling persists, however, that the necessary concept in this case is "make it, or break it". If the UN is found to be so rigidly deformed as being incapable of adapting to the changing world, the logical next step is not the 'abandonment of democracy in resignation' but the 'establishment of a strengthened organization to replace the UN'.⁵⁴ This belief leads me to conclude that, in the case of Security Council reform, or for that matter reform of the UN as a whole, what is most idealistic could be a most realistic solution, too, since there is always an open option of following another course.

It should be emphasized, as well, that no plausible reform plan will please every country, including the P-5. In a sense, 'a reform that is palatable to all the privileged' is a mere contradiction by definition. The world cannot and should not remain a pawn under the resistance of a few countries. Rather, if no other choice is available, the world should muster up the courage to develop a third-generation international organization, an improved UN with a different name. Once a large majority of the world's nations arrive at the same opinion, a small minority of them simply have to

⁵² The '**High-level Panel report**' (supra note 4) divided the world into 4 regional groups based on the concept of 'continents', although Latin American Panel members had preferred to have GRULAC as separate from North America (See para.251 of the Report). The Panel must have concluded that it was important to have an ostensible 'balance in the number of countries' among the groups. This 'balance in the number' notion is further pushed by **Professor Walter Hoffman** (Ramapo College, New Jersey) who detach the 14 Pacific states from 'Asia' to combine with 'America' in order to arrive at some parity in number between the two continents. [See 'A Competing Model: A Security Council with 20 members' ('U.N. Reform Watch' no. 8), published by **Center for U.N. Reform Education**, and available at http://www.centerforunreform.org/textpages/unreformwatches/unreformwatch8_2.htm.] However, if the Pacific states are to be given their due weight by whatever criteria, they should be capable of carrying that weight, regardless of whether they are with Asia or with America. Therefore, it makes little sense to realign them, away from Asia, with America.

⁵³ **Thomas G. Weiss** (supra note 9), at p.149

⁵⁴ **Donald Blinken** and **Pera Wells** of the **World Federation of the United Nations Associations (WFUNA)** state "... there is already talk of the need for another 'San-Francisco'-style UN Charter conference to negotiate a new compact, or new 'rules of the game'", although they are of the opinion that the idea is "tempting but unrealistic". See 'Reforming the United Nations: Back to First Principles' in **American Foreign Policy Interests** vol.26 (2004; pp.235-240), at p.237.

respect the majority's opinion, unless a serious violation of states' basic rights is involved. That is democracy. And if the majority does not have the courage to champion this non-negotiable tenet of democracy, that majority is nothing more than a subservient mass yet unprepared to be the masters of democracy. (July 30, 2006)

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ANNEX I**Geographical (or Regional) Grouping of Countries**

<u>Current UN Grouping</u>	<u>Suggested Grouping</u>	<u>Seats: SC (15)</u>	<u>'Senate' (30+2)</u>
WEOG (29 states)		5 (3+2)	→ 10
<North America (2 states)> USA, Canada	N America (2 states)		=2
<W Europe–North (11 states)> UK, Germany, Ireland, Iceland Netherlands, Belgium, Luxemburg, Sweden, Denmark, Norway, Finland	W Europe I (11 states)		=4
<W Europe–South (14 states)> France, Italy, Spain, Portugal, Switzerland, Austria, (Israel) Greece, Turkey, Malta, Andorra, Liechtenstein, Monaco, San Marino	W Europe II (14 states)		=4
GRULAC (33 states*)	GRULAC (33 states)	2 (0+2)	→ 4 =4
Eastern Europe (22 states**)	E Europe (22 states)	2 (1+1)	→ 4 =4
Africa (53 states)		2.5 (0+2.5)	→ 5
<Sub-Sahara (48 states***)>	Sub-Sahara (48 states)		=4
<North Africa (5 states)> Algeria, Egypt, Libya, Morocco, Tunisia	N Africa and Middle East (5 states)		=1
Asia (54)		3.5 (1+2.5)	→ 7+2
<Middle East (13 states)> Bahrain, Cyprus, Iraq, Jordan, Kuwait, Lebanon, Oman, Qatar, Saudi, Syria, UAE, Yemen, Iran	N Africa and Middle East (13 states)		=1
<Central Asia (6 states)> Afghanistan, Kazakhstan, Kyrgystan, Tajikistan, Turkmenistan, Uzbekistan	SE, S & Cen. Asia (24 states)		=3+1
<South Asia (7 states)> Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, Sri Lanka			
<Southeast Asia (11 states)> Brunei, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand, Timor-Leste, Vietnam			
<Northeast Asia (5 states)> China, DPR Korea, Japan, Mongolia, Rep. Korea	NE Asia and the Pac. (19 states)		=3+1
<The Pacific (14 states)> Australia (from WEOG), NZ (from WEOG), Fiji, Kiribati, Marshall Is., Micronesia, Nauru, Palau, PNG, Samoa, Solomon Is., Tonga, Tuvalu, Vanuatu			

*** GRULAC (33 states)**

Antigua & Barbuda, Argentina, Bahamas, Barbados, Belize,
Bolivia, Brazil, Chile, Colombia, Costa Rica,

Cuba, Dominica, Dominican Republic, Ecuador, El Salvador,
Grenada, Guatemala, Guyana, Haiti, Honduras,

Jamaica, Mexico, Nicaragua, Panama, Paraguay,
Peru, Saint Kitts & Nevis, Saint Lucia, Saint Vincent & the Grenadines, Suriname,
Trinidad & Tobago, Uruguay, Venezuela

**** Eastern Europe (22 states)**

<former Republics within Soviet Union (10 states)>

Russian Federation, Armenia, Azerbaijan, Belarus, Estonia,
Georgia, Latvia, Lithuania, Moldova (Republic of), Ukraine

<Central Europe (7 states)>

Albania, Bulgaria, Czech Republic, Hungary, Poland, Rumania, Slovakia

<former Yugoslavia (5 states)>

Bosnia & Herzegovina, Croatia, Macedonia (The Former Yugoslav Republic of), Serbia & Montenegro, Slovenia

***** Sub-Sahara (48 states)**

Angola, Benin, Botswana, Burkina Faso, Burundi,
Cameroon, Cape Verde, Central African Republic, Chad, Comoros,

Congo, Congo (Republic of), Cote d'Ivoire, Djibuti, Equatorial Guinea,
Eritrea, Etiopía, Gabon, Gambia, Ghana,

Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia,
Madagascar, Malawi, Mali, Mauritania, Mauritius,

Mozambique, Namibia, Niger, Nigeria, Rwanda,
Sao Tome & Principe, Senegal, Seychelles, Sierra Leone, Somalia,

South Africa, Sudan, Swaziland, Togo, Uganda,
Tanzania (United Republic of), Zambia, Zimbabwe

ANNEX II**Each Regional Group's Cumulative Rates of Assessment****(i) for UN Regular Budget 2004-2006; and****(ii) for Peacekeeping 2006 (based on A/58/157/Add.1, 17 December 2003)**

* For the sake of convenience, the countries considered in this essay are limited to those whose rates of assessment for the UN regular budget are 0.1% or above.

	(i)	(ii)
1. North America (2 countries)		
• USA:	22.000	26.6932
• Canada:	2.813	2.8130
	24.813%	29.5062%
2. Latin America & Caribbean (6 countries)		
• Mexico:	1.883	0.3766
• Brazil:	1.523	0.3046
• Argentina:	0.956	0.2868
• Chile:	0.223	0.0446
• Venezuela:	0.171	0.0342
• Columbia:	0.155	0.0310
	4.911%	1.0778%
3-4. Western Europe (17 countries; 2 groups combined)		
• Germany:	8.662	8.6620
• UK:	6.127	7.4341
• France:	6.030	7.3164
• Italy:	4.885	4.8850
• Spain:	2.520	2.2520
• Netherlands (The):	1.690	1.6900
• Switzerland:	1.197	1.1970
• Belgium:	1.069	1.0690
• Sweden:	0.998	0.9980
• Austria:	0.859	0.8590
• Denmark:	0.718	0.7180
• Norway:	0.679	0.6790
• Finland:	0.533	0.5330
• Greece:	0.530	0.5300
• Portugal:	0.470	0.4700
• Turkey:	0.372	0.0744
• Ireland:	0.350	0.3500
	37.689%	39.7169%
• Israel	0.467	0.4670
	38.156%	40.1839%

5. Eastern Europe (4 countries)

• Russia:	1.100	1.3347
• Poland:	0.461	0.1383
• Czech:	0.183	0.0549
• Hungary:	0.126	0.1260
	<u>1.870%</u>	<u>1.6539%</u>

6. North Africa and Middle East (Arab and Iran; 6 countries)

• Saudi Arabia:	0.713	0.2852
• UAE:	0.235	0.2174
• Kuwait:	0.162	0.1499
• Iran:	0.157	0.0314
• Libya	0.132	0.0396
• Egypt:	0.120	0.0240
	<u>1.519%</u>	<u>0.7475%</u>

7. Sub-Sahara Africa (1 country)

• South Africa:	0.292	0.0584
	<u>0.292%</u>	<u>0.0584%</u>

(cf) Nigeria 0.042 0.0084

8. South Asia & South-east Asia (5 countries)

• India:	0.421	0.0842
• Singapore:	0.388	0.3589
• Thailand:	0.209	0.0416
• Malaysia:	0.203	0.0406
• Indonesia:	0.142	0.0284
	<u>1.363%</u>	<u>0.5537%</u>

(cf) Philippines 0.095 0.0285
Pakistan 0.055 0.0110

9. North-east Asia & the Pacific (5 countries)

• Japan:	19.468	19.4680
• China:	2.053	2.4910
• Korea (S):	1.796	1.4368
• Australia:	1.592	1.5920
• New Zealand:	0.221	0.2100
	<u>25.130%</u>	<u>25.1978%</u>

ANNEX III**Comparison of each regional Group's Contributions****(i) for UN Regular Budget 2004-2006, and****(ii) for Peacekeeping Operations 2006**

	(i)	(ii)
I. Groups of Major Contributor		
W Europe:	38.156%	40.1838%
NE Asia & Pacific:	25.130%	25.1978%
N America:	24.813%	29.5062%
	<u>88.099%</u>	<u>94.8878%</u>
II. Group of Transitional Economies		
E Europe:	1.870%	1.6539%
	<u>1.870%</u>	<u>1.6539%</u>
III. Groups of the Global South		
GRULAC:	4.911%	1.0778%
N Afr. & M East:	1.519%	0.7475%
S & S/E Asia:	1.363%	0.5537%
Sub-Sahara:	0.292%	0.0584%
	<u>8.085%</u>	<u>2.4374%</u>

❖ Out of 191 UN member states, the 145 states whose respective contribution to the UN regular budget is less than 0.1%, and consequently not reflected in the above statistics, make a cumulative contribution of 1.946% for UN regular budget 2004-06, and 1.0209% for peacekeeping operations 2006.

- $88.099\% + 01.870\% + 08.085\% = 98.054\%$ ($98.054\% + 01.946\% = 100\%$)
- $94.8878\% + 01.6539\% + 02.4374\% = 98.9791\%$ ($98.9791\% + 1.0209\% = 100\%$)