



**New Zealand Centre
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Te Pokapū Akoranga Aorere o Aotearoa

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Global Governance and the UN Security Council:

Fit for Purpose?

Prof Ramesh Thakur

Australian National University

and

Member, International Advisory Panel,

NZ Centre for Global Studies

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37 Hekerua Road, Waiheke Island 1081, Aotearoa New Zealand

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The challenge of global governance may be simply stated. Many of the world's most intractable problems are global in scope and require concerted multilateral action that is also global in its reach. But the policy authority for tackling them remains vested in states, and the competence to mobilise the resources needed for tackling them is also vested in states. This strategic disconnect goes some way to explaining the recurrent difficulties facing the United Nations and the fitful nature of many of its responses.

A cynic jokes that the UN exists so that nations unable to do anything individually, can get together to decide nothing can be done collectively. Even for a congenial optimist, avoiding pessimism is no easy task in the midst of widespread scepticism-cum-cynicism about the UN, much of it justified. Still, as someone said of Richard Wagner, the interesting thing about his music is, it ain't as bad as it sounds

The same is true of the UN. It may not be a perfect organisation, yet there are many good people who are devoted to it, still. It seeks to replace the balance of power with a community of power, and represents the dream of a world ruled by reason. The world is a better place because the United Nations exists, because of what it does, and because of how it does them. It is the embodiment of the international community of states, the focus of international expectations and the locus of collective action as the symbol of an imagined and constructed community of strangers. The United Nations – and only the United Nations – houses the divided fragments of humanity. From its universal membership flows its unique legitimacy, on the one hand, and its uniquely challenged capacity to make timely collective decisions, on the other. Within the UN system, the Security Council is the peak body for deciding on the great issues of war and peace and the preeminent forum for addressing global crises.

Like It or Not, the UN Matters, a Lot

The United Nations is two things: an idea, and an actual organisation with structures, procedures and personnel. Efforts to align the latter to the former represent the unfinished journey of global governance about which Tom Weiss and I have written.¹ Transcending national borders and based on global solidarity, it symbolises a world in which those condemned to die in fear are given the chance to live with hope again, want gives way to dignity, and apprehensions are turned into aspirations. This symbolism finds expression in the three overarching normative mandates of security, sustainable development, and human rights.

As an organisation, the UN's performance shows both problems and achievements. It's an international bureaucracy with many failings and flaws and a forum often used for finger pointing, not problem solving. Too often it fails to tackle urgent problems due to timidity and political divisions. As a house divided against itself, not surprisingly, it struggles sometimes to stand -- for anything.

Yet it remains indispensable. The world is interdependent in areas as diverse as financial markets, infectious diseases, climate change, terrorism, nuclear peace and safety, product safety, food supply and water tables, fish stocks and ecosystem resources. Any of these can provoke military conflict. They are all also drivers of human insecurity. All require joint action to enhance national, international and human security, improve welfare, reduce costs and bring order and regularity to international affairs. A growing number of public policy decisions and practices have been transferred from the state to the international level, raising a number of pressing normative challenges to the Westphalian foundations of

¹ Thomas G. Weiss and Ramesh Thakur, *Global Governance and the UN: An Unfinished Journey* (Bloomington: Indiana University Press, 2010).



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multilateralism as citizens become rights holders and states are deemed to have responsibilities of sovereignty.

At the centre of this interdependent, globalised and networked multilateral order is the United Nations. As the core of the mandated multilateral system for eliminating threats, mitigating risks and promoting human wellbeing, the UN record shows a surprising capacity for policy innovation, conceptual advances, institutional adaptation and organisational learning. We have seen this with respect to peace operations, human security and human rights, atrocity crimes and international criminal justice, sanctions and the use of force, and what Kofi Annan described as particularly precious to him, the responsibility to protect innocent civilians caught in the cross-fire and victims of atrocity crimes.

In the theatre of world politics, the UN has had either star billing or supporting roles in preventing and managing conflicts, regulating armaments, championing human rights and international humanitarian law, liberating the colonised, providing economic and technical aid in newly liberated countries, organising elections, empowering women, educating children, feeding the hungry, sheltering the dispossessed and displaced, housing the refugees, tending to the sick and coordinating disaster relief and assistance. All on a 24/7 basis.

This is not always done well, efficiently, cost-effectively, or in time. As with the comment about the dog that walks on its hind legs, however, the wonder is not that it is done badly, but that it is done at all (from Boswell's *Life of [Samuel] Johnson* -- the original reference is 'A woman preaching is like a dog walking on his hind legs. It is not done well; but you are surprised to find it done at all'). No body can tackle the world's accumulating pathologies more effectively, with greater legitimacy, lower transaction and compliance costs, and higher comfort levels for most countries as their organisation, than the United Nations system.

Yet the responses to date to calls for UN action have been neither as prompt, effective nor uniform as they need to become. The gap between promise and performance remains unacceptably large, so that few can be confident that the next group turning to the UN for protection will not be cruelly betrayed because the world body lacks the ability to make critical decisions quickly, or the mandate and resources to act: Rwanda and Srebrenica in the last century and Darfur and Syria in this century are unhappy proof enough of this.

The use of force has to be considered within the broader context of changing systemic factors like the nature, location and victims of war and armed conflict, the distribution of power, the nature of the state, the nature of power, the nature of security and threats to international security, the actors who drive security and insecurity, and the global norms that regulate the international behaviour of state and nonstate actors alike. Until the First World War, going to war as and when the fancy took them was an accepted attribute of the sovereignty of states. The only deterrent was the military might of the opponent based on national strength and alliances with others, which increased both the risks of defeat and the costs of victory. Since 1945, the United Nations has spawned a robust norm against going to war except in self-defence against armed attack or when authorised by the United Nations itself. The Security Council is the core of the international law enforcement system, the world's sole duly sworn sheriff, with the legal competence to make the great decisions on war and peace that are binding on all countries, even non-members and those who voted against the decisions.

The United Nations remains our best and only hope for unity-in-diversity in which global problems require multilateral answers: solutions without passports for problems without passports. In public

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perception, the UN is a collective entity. In reality, the organisation is a collection of discrete entities, each with its own set of rules, members and interests. From a reform perspective, three distinctions are especially pertinent: between the intergovernmental organs, which are served by UN officials and whose

members are the political masters of the Secretariat; the Secretariat, of which the Secretary-General (SG) is the chief administrative officer; and the interaction between the two. The SG and UN officials cannot prescribe to their political masters how to reform the intergovernmental organs; that remains the prerogative of the member states themselves.

For better or worse, the key forum for addressing almost all the world's critical challenges in the foreseeable future will be the United Nations, and the core of the UN collective security system is the Security Council which has proven impossible to reform since the last restructuring in the mid-1960s.² The many efforts made to do so recall the fate of Sisyphus, condemned to watch his boulder roll down every time he pushed it to the top of the hill. It violates many fundamental precepts of contemporary good governance, including representivity, accountability and transparency.³ The irreducible minimum for any credible system of collective security is that the key actors making and enforcing the coercive decisions in the name and on behalf of the international community collectively are the major powers of the day. This is the logic justifying permanent membership with veto rights of the Security Council. This is the criterion on which, more than any other single factor, the Council fails the test comprehensively.

In consequence, the Security Council in particular and the UN in general are experiencing accumulating legitimacy deficits, with challenges both to the legality and the legitimacy of their edicts on a broad range of fronts.⁴ Thus in the press release accompanying the publication of annual report in May 2012 on the state of the world's human rights, Amnesty International drew attention to 'a failure of leadership that makes the UN Security Council seem tired, out of step and increasingly unfit for purpose' – from which I draw the title of today's talk.⁵ More recently, writing on behalf of the Elders (an independent group of global leaders working to promote peace and human rights), Kofi Annan and Gro Brundtland note that the Security Council, which 'is still dominated by the five powers that won World War II', 'no longer commands respect'. Growing numbers of people and countries 'question its authority, and the legitimacy of its decisions'.⁶ The call for reforming the Security Council is thus justified by the need for greater credibility, legitimacy, representation, effectiveness, and enhanced capacity and willingness to act in defence of the common peace.

Security Council Restructuring

The five permanent members of the Security Council (P5) have certain characteristics in common. They were victors in World War II and all of them possess nuclear weapons. They created the UN and gave themselves exalted positions at the time. Washington, anticipating a Nationalist triumph against the communists, ensured China's seat at the high table as a means of having an important ally in the Pacific.

² See Ramesh Thakur, *The United Nations, Peace and Security: From Collective Security to the Responsibility to Protect* (Cambridge: Cambridge University Press, 2006), chapter 13.

³ See Thomas G. Weiss, *What's Wrong with the United Nations and How to Fix It* (Oxford: Polity, 2008).

⁴ See Ramesh Thakur, 'Law, Legitimacy, and the United Nations', in Richard Falk, Mark Juergensmeyer and Vesselin Popovski, eds., *Legality and Legitimacy in Global Affairs* (Oxford: Oxford University Press, 2012), pp. 45–71.

⁵ 'Press Release', Amnesty International, <http://www.amnesty.org/en/annual-report/2012/press-release>, accessed 25 May 2012.

⁶ Kofi Annan and Gro Harlem Brundtland, 'Four ideas for a stronger U.N.', *New York Times*, 6 February 2015.

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This arrangement was ossified by the Cold War during which, however, the myopic US fiction that Taiwan was China and as such a veto-wielding member of the world's most exclusive and powerful club sank under the weight of hard reality. With the Cold War over and the UN now espousing democratic principles, it needs to be reformed to reflect the changes. A static permanent membership:

- Undermines the logic of the status;
- Erodes the legitimacy of the Council;
- Diminishes the authority of the organisation; and
- Breeds resentment in the claimants to the ranks of the great powers.

Legitimacy Deficits

The legitimacy of the Security Council as the authoritative validator of international security action has been subject to a steady erosion as it has been perceived as being unrepresentative in composition, undemocratic in operation, unaccountable to anyone 'below' (e.g. the GA) or 'above' (the World Court), and ineffective in results. The Security Council's record is relevant to an assessment of the claim that it has exclusive authority over military intervention.⁷ It suffers from a quadruple legitimacy deficit: performance, representational, procedural and accountability.

Its performance legitimacy suffers from two strikes: an uneven and a selective record. It is unrepresentative from almost any point of view.⁸ Its procedural legitimacy is suspect on grounds of lack of democratisation and transparency in decision-making. And it is not answerable to either the General Assembly, the World Court or the nations of the world.

Western countries often fret at the ineffectual performance legitimacy of the Council. Their desire to resist the Council's role as the sole validator of the international use of force is the product of this dissatisfaction at its perceived sorry record. But the moral authority of collective judgments does depend in part on the moral quality of the *process* of making those judgments.⁹ The collective nature of the decision-making process of the Security Council is suspect because of the skewed distribution of political power and resources among its members. If the Security Council were to become increasingly activist, interventionist and effective, the erosion of representational and procedural legitimacy and the absence of any accountability mechanisms would lead many countries to question the authority of the Council even more forcefully.

Security Council reform is held hostage to a curious oddity. While there is consensus on the need for reform, the agreement breaks down as soon as any one particular formula or package is proposed. Once people see the details of a concrete proposal, losers and opponents always seem to outnumber winners and supporters.

Multiple Meanings of Representation

One major explanation for this is that 'representation' can have many different meanings.

⁷ Aryeh Neier, 'The Quest for Justice', *New York Review*, 8 March 2001, p. 34.

⁸ See Ramesh Thakur, ed., *What is Equitable Geographic Representation in the Twenty-first Century?* (Tokyo: United Nations University, 1999).

⁹ Amy Gutmann and Dennis Thompson, *Democracy and Disagreement* (Cambridge, MA: Harvard University Press, 1996), p. 4.



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To start with, 51 member states were represented in the Security Council in 1945 by 5 permanent and 6 non-permanent members. Today a total of 193 member states are represented by 5 permanent and 10 non-permanent members.

One can represent the interests of one's **constituents**, as with members of elected parliaments.

Or the Council could be so composed as to reflect **population** distributions: many people are surprised to learn that India's population is bigger than all of Africa and almost double that of Latin America.

The heavy **financial burden** in the UN system borne by Germany and Japan without permanent membership amounts to taxation without representation.

Or representation could refer to the need for the Security Council to reflect the major cultures, religions and **civilisations** of the world. There is, for example, no Islamic permanent member at present.

A fifth possible meaning of representation would be to favour membership of representative **democracies** at the expense of others.

Representation could be decided along the **global North–South** axis. Many developing countries remain worried that the forces of globalisation impinge adversely on their economic sovereignty, cultural integrity and social stability. 'Interdependence' among unequals can mean the dependence of some on international markets that function under the dominance of others in norm setting and rule enforcement. To the extent that the UN is the central coordinating agency of the global commons, developing countries need to be drawn into its key management bodies so as better to protect their interests.

The most common meaning given to representation is in terms of the different **regions** of the world. Asia – the world's most populous and diverse (culturally, economically and politically) continent – is under-represented (when did China ever behave in the Security Council on behalf of all Asia and not as a country?) and, unconscionably, Africa and Latin America have no permanent members at all.

Or one could argue that the Council's permanent membership, in terms of its original logic, reflect the **military** power of states. The problem with this is the moral hazard of rewarding countries for being bad international citizens. It is unfortunate also that the permanent membership is coterminous with the NPT-licit five nuclear-weapons powers. Interestingly, until the mid-1990s, Britain sometimes fended off questions about its P5 status by pointing to its nuclear weapons. The crossing of the nuclear weapons threshold by India and Pakistan in 1998 put paid to this self-validating justification.

Alternatively, should permanent membership be a reward for **good international citizenship** to countries who make the UN system work, pay their dues on time and in full, contribute diligently to peacekeeping operations and in myriad other ways work hard to keep the UN system ticking?

There is need also to provide a platform for the views of NGOs and the private sector in the UN. They make up two important layers of international **civil society**. Yet there is no official formula for their representation on the Security Council. While there has been great effort in recent years to give NGOs a voice in UN debates without giving them a vote in UN decisions, **multinational corporations**, despite their considerable role in world affairs, are totally disenfranchised in the UN.

There is surprisingly broad agreement already on the leading candidates: Germany, Japan, India and Brazil, and two of Egypt, Nigeria or South Africa. Opposition comes from three groups: those with a

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vested interest in the status quo, especially the P5; the regional rivals of each of the leading candidate countries; and a large group who would see their status diminished still further with the growth of permanent members from five to ten. All three groups have found it expedient to adopt the tactic of divide-and-rule, convincing the leading contenders to compete with one another. Only very recently have Brazil, Germany, India and Japan (the Group of 4 or G4) awakened to the realisation that either they will all become permanent members in one major round of reforms, or none will. In 2004 they

finally presented a combined pitch for their joint cases.¹⁰ In the following year their opponents (Algeria, Argentina, Mexico, Pakistan, South Korea, Spain) lobbied under the 'Uniting for Consensus' banner.

The High-Level Panel on Threats, Challenges and Change noted that a decision on Security Council enlargement 'is now a necessity' (para. 250). But, unable to agree between them, the panellists outlined two models. Neither model was radical, revolutionary, new or free of flaws. More crucially, if 16 distinguished world citizens acting as individuals cannot choose between the two models, could 191 separate governments (the UN's then membership in 2004–05) do so?

The answer from the September 2005 summit was a resounding 'No'. The world leaders expressed their support for 'early reform of the Security Council as an essential element of our overall effort to reform the United Nations, in order to make it more broadly representative, efficient and transparent, and thus to further enhance its effectiveness and the legitimacy and implementation of its decisions'. They committed themselves to continue the efforts to achieve a decision.¹¹ That is, after a decade of talks, they agreed to talk some more. And they wonder why the UN is falling into disrepute.

One could interpret the 2005 outcome generously and, gathering rosebuds of consolation, note that it could have been worse. Thus some of the achievements were genuine enough. But Gareth Evans, one of the HLP members, expressed his disappointment at the outcome in characteristically colourful language: the UN is 'still the piranha pool of diplomats enjoying tearing flesh off each other, to the total exclusion of any enthusiasm for high principle or effectiveness of the organisation'.¹²

There is also the matter of the elected members of the Security Council. As well as geographical balance, membership criteria should include contributions to the regular budget, voluntary contributions to UN activities and agencies, and troop and other personnel contributions to UN peace operations. Those who contribute the most to the regular budget, specialised agencies and peace operations should have a commensurate say in making decisions; those who make the decisions should contribute commensurately.

Reforming Security Council Procedures

The push for democratisation in the world has been led by the three Western members of the P5 (Britain, France and the US, the P3). Yet the P3 have been the most fiercely resistant to bringing democracy and transparency to the workings of the Council itself. Kishore Mahbubani, who spent two stints as Singapore's ambassador to the UN, including two years on the Security Council, believes that the great

¹⁰ Ramesh Thakur, 'A refitted Security Council', *Japan Times*, 29 August 2004; Mark Turner, 'Four frontrunners combine to push campaign for UN role', *Financial Times*, 20 September 2004; 'Japan seeks to join P-5 club', *Daily Yomiuri*, 23 September 2004; 'Heavyweights battle for seats in expanded U.N. Security Council', *Japan Times*, 23 September 2004.

¹¹ Outcome Document, para. 153.

¹² Quoted in Emma Kate-Symons, "UN reform a disaster: Evans," *The Australian*, 19 October 2005.

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powers collude to keep the UN intentionally weak and ineffectual. They cannot tolerate any international organisation that is both independent and powerful.¹³

Only recently have some of these operational shortcomings been remedied, for example through such steps as briefings by the Council president; meetings between the members, troop-contributing countries and the Secretariat on peacekeeping operations; daily publication of the Council's agenda, including informal consultations; monthly circulation of the forecast of work of the Council; and holding open

sessions at the request of any country, even a non-Security Council member. These advances need to be consolidated. The Security Council has also been more daring and imaginative in tackling threats to peace and security on a broader front, for example with respect to the trade in conflict diamonds and a special session on HIV/AIDS.

The UN is usually attacked for doing too little, too late. Has the Security Council been doing too much and too soon? In recent times the Security Council has been co-opting functions that belong properly to legislative and judicial spheres. Iraq was put under international receivership by means of time-unlimited sanctions. The Security Council determined the borders of a supposedly sovereign state; told it how much of its export earnings it could keep; how many observers it had to admit, as well as where and when; and what weapons it could keep and develop. Similarly, the Security Council imposed sanctions on Libya for its failure to extradite two citizens accused of being the brains behind the Lockerbie bombing. That is, without a trial and conviction, the Council was bent on compelling one sovereign state to hand over its citizens to another sovereign state on the basis of allegations from the latter – which had itself, just a few years earlier, defied the World Court's verdict in a case brought against it by Nicaragua. In August 2004, the Council approved a US-backed resolution demanding the immediate withdrawal of all foreign forces from Lebanon – at a time when more than 100,000 US troops were occupying Iraq.

The Security Council has taken on a legislative role in recent resolutions on terrorism and nonproliferation. This is intruding into the realm of state prerogatives as negotiated in international conferences and conventions. Security Council decisions are binding, so 193 legislatures are denied their right of review over international treaties. If and when the UN Charter is reformed, one item on the agenda should be curbs on untrammelled authority in the Security Council that is presently subject to no countervailing political check or judicial review.¹⁴

The veto clause symbolises a compromise between national and global interests. It ensures that the organisation will not construct a global interest in conflict with the national interest of any one of the P5. Thus the veto is a reconciling instrument designed to ensure that any global interest forged by the UN is in harmony with the common national interests of the five most important members. In the final analysis, the veto registers the power realities of the international political world. In most cases where UN efforts to deal with outbreaks of international violence are frustrated by a veto, it is the fact of great-power opposition, not its expression in the form of a Security Council veto, which is the obstacle to peace.

¹³ Kishore Mahbubani, *The Great Convergence: Asia, the West, and the Logic of One World* (New York: Public Affairs, 2013), chapter 5.

¹⁴ In the *Namibia* and *Lockerbie* cases, the International Court of Justice cast doubts on the blanket immunity of the Security Council from judicial scrutiny but did not go so far as to enunciate a doctrine of judicial review. See Jose E. Alvarez, 'Judging the Security Council', *American Journal of International Law* 90:1 (January 1996), pp. 1-39; and Thomas M. Franck, 'The "Powers of Appreciation": Who Is the Ultimate Guardian of UN Legality?', *American Journal of International Law* 86:3 (July 1992), pp. 519-23.

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The countries using and perhaps over-using the veto in the last two decades have been Britain and the US. The High-Level Panel acknowledged the veto as being ‘anachronistic’ but saw ‘no practical way of changing the existing members’ veto powers’. Accordingly it recommended neither the expansion of the veto to new permanent members nor its elimination for the existing P5, although it did recommend a curtailment of the veto’s use (para. 256). If the veto is a genuine contribution to correlating power to responsibility and facilitating the search for great power consensus necessary to international action, it should be held by all permanent members. If it is an obstacle to the effective functioning of the Security Council, it should be abandoned.

France has picked up the idea of a code of conduct proposed in our original commission report¹⁵ and has been leading the campaign for the P5 to voluntarily limit their veto when dealing with mass atrocity crimes.¹⁶

If power were to be correlated precisely to authority, the veto would be restricted to just one, the US. But the remaining P4 will veto such a Charter change. If there was equal justice for all, there would be no further discrimination between existing and any new permanent members. But in fact there is very little stomach for extending the veto power to any more countries. Nevertheless, as a matter of principle, the African Union remained insistent in the 2005 reform push that all new permanent members must have exactly the same veto rights as the P5. The June 2005 draft resolution by the G4 contained a promise that none of the newer permanent members would exercise the veto at least until after the promised review in 2020.

With an expanded permanent membership and Security Council, we could witness yet another twist in the legality vs. legitimacy debate. The equation and politics of legality vs. legitimacy is bound to be profoundly affected if there are six more permanent but veto-less members. For the very fact of permanence will enhance their stature and give them continuity, experience, expertise and institutional memory. Part of the identity of the P5 as an exclusive club includes ‘a shared history and set of experiences. They have learned about each other from working together and have developed shared understandings’.¹⁷ If the vote on a resolution is 24-1 or 23-2 in a 25-member Council with 11 permanent members, but the resolution is defeated because one of the veto-wielding P5 (V5?) votes negatively, then the gap between legality and legitimacy could become a chasm. If China and Russia were the only two negative votes on a Kosovo or Darfur type crisis and a coalition of the willing launched military action after such an abortive resolution, it is hard to believe that the coalition would not claim and be conceded international legitimacy.

Choosing the next SG

The final substantive area of Security Council reform I’d like to discuss is its role in selecting the SG. This is particularly relevant because of course New Zealand is on the Security Council for two years and the next SG will be chosen next year while NZ is still on the Council. The vote on Ban Ki-moon’s successor will take place next year and this year will be taken up with discreet reading of the tea leaves and gauging of the global temperature by announced, expected and behind-the-scenes candidates. A

¹⁵ International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa: IDRC, 2001), p. xiii, 51, para. 6.21.

¹⁶ See Gareth Evans, ‘Limiting the Security Council’s veto power’, *Japan Times*, 6 February 2015.

¹⁷ Ian Johnstone, ‘Security Council Deliberations: The Power of the Better Argument’, *European Journal of International Law* 14:3 (June 2003), p. 460.

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more critical agenda item should be to reform the method of choosing the SG and the term of office, as this is almost impossible to do in the actual year of election.

The office of SG combines the role of politician, diplomat and public sector CEO. The SG must have integrity and independence to be able to set the collective interest of the UN above the partisan interests of member states. The voice of world conscience and the personification of the international interest, with the capacity to influence events but not control them, the SG must have the support of all governments but owe allegiance to none, embraced by the US but not to the point of suffocation.

The present process of selecting the SG puts a premium on the most amiable and least offensive, not the most forceful and effective. Process shapes performance: choosing a weak leader allows the P5 to

scapegoat the SG (Kofi Annan used to joke that ‘SG’ meant ‘scapegoat’) for the organization’s lacklustre performance.

Solidarity, empathy, integrity, decency, moral compass, intellect: words to define a good and effective SG who speaks as the conscience of common humanity amidst the hurly burly of great power diplomacy. Most UN observers rate Dag Hammarskjöld (1953–61) and Annan (1997–2006) as the two best SGs. Until we see the likes again of Hammarskjöld and Annan, the UN is unlikely to recapture the heights of influence it attained during their years of stewardship.

If the P5 had known in advance how the two were going to act once in office, however, it is doubtful either would have been chosen. This leads to a sobering conclusion: the very skills and character traits needed for the world’s top diplomatic office will ensure the best candidates are vetoed.

The UN Charter contains just one brief sentence on the SG’s selection: ‘The Secretary-General shall be appointed by the General Assembly upon the recommendation of Security Council’. One would never guess from the actual practice so far that the appointing authority is the GA, not the Security Council.

In a resolution adopted on 24 January 1946, the GA stipulated that the SG would be appointed for five year terms, renewable once. The Security Council forwards only one nomination to the GA based on the affirmative votes of 9 of the 15 members, including the concurring votes of the P5. That is, the choice of SG is subject to a P5 veto. A simple majority of those present and voting, by secret ballot and without debate on the nomination, is required in the GA.

The Assembly has never rejected the Council-recommended candidate. In requiring only one candidate instead of a slate, the GA gave up an appointing power whose importance grew considerably in the following decades. The GA can and should reclaim a co-equal role by rescinding the 1946 resolution and ask for a minimum of three and a maximum of five candidates. Else the SG will remain deferential to the UNSC, and in particular to the P5, over the collective interests and preferences of the broader membership.

Conclusion

Hidden in the details of reform proposals and in the vitriol of UN-haters is the reality that the struggle for UN reform is a battle over policy, not just process nor even a simple management upgrade. In particular, should the UN be the forum of choice or last resort for collective-action solutions to global problems: less or more environmental regulation, nonproliferation and disarmament or just nonproliferation, counter-terrorism or human rights, a strong state that provides social protection and regulation or an unobtrusive state that lets capital and markets rule the roost, etc.? That is, it is a struggle between international Keynesianism and neoliberalism.

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Opponents of Security Council reform are in denial about the critical importance and urgency of the subject. It is central to, not peripheral to let alone a distraction from, other much needed reforms, including management and personnel. For the Council has vastly expanded its powers and reach in recent years, including with respect to the use of military force, coercive economic sanctions, and directing member states on the terms of domestic legislation. The growth of the Council's reach has been accompanied by a curtailment of the Assembly's power, prestige and authority. The brutal reality is that resistance to Security Council reform has held up progress on much of the rest of the UN reform agenda.

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