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Thoughts on the Necessity of Security Council Reform

Abstract. The declared objective of recent efforts to reform the Security Council is to increase effectiveness. A careful investigation applying certain theses of organization theory, however, reveals that neither the prevailing structure nor the working methods of the Council unavoidably hamper the achievement of organizational goals; therefore, arguments pertaining to the issue of effectiveness do not necessarily justify reform proposals. A similar conclusion can be reached by examining other possible causes of reform, namely the fundamental change of organizational environment, power struggles between various principal organs of the United Nations, and some harshly criticized features of the Council itself. It seems that the necessity of reform is rooted in various individual and highly subjective interests of member states rather than objective circumstances, and the organization has no other option, but to fulfill their demands in order to secure its own survival.

Keywords: United Nations, Security Council, reform union

The United Nations Security Council is unique in numerous aspects. First and foremost, it is unique with respect to its composition involving both permanent and non-permanent members, its decision-making procedure founded on a right of veto of permanent members as well as its exceptionally broad powers virtually lacking any institutional control and including a right to adopt legally binding decisions. It is also unique owing to its primary responsibility for the maintenance of international peace and security, extreme flexibility, influence on global politics, public recognition and the tremendous amount of attention drawn by its activities. Last, but not least it is unique regarding the quantity and harshness of criticism formulated against it. There has not existed another body in the history of international relations–including its predecessor and "companion in misfortune", the Council of the League of Nations–that has stood in the crossfire of criticism for such a long period of time, caused disappointment

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or been declared a scapegoat with such frequency, or given rise to the need of comprehensive reform so often. Even though claims of reorganization are coeval with the Council itself, critical voices and calls for reform have sensibly grown more abundant at the turn of the millennium. This study, therefore, seeks to throw new light on efforts aimed at the reconstruction of the Security Council by invoking certain theses of organization theory.

I.

Reform is a normal and inevitable part of life in every organization. The need for change may originate from a number of sources. It may arise as a consequence of external factors, such as fundamental change of organizational environment, external pressure of members striving for reallocation of power within the organization, or negative judgement by the public opinion.[1] Organizations, however, may be compelled to change by various internal factors, as well. These factors include, for instance, structural and operational defects in the organization, emerging power struggles between organizational units created in line with the division of labour, low internalization of organizational values or general discontent among members as well as limited membership involvement.[2] In case an organization fails to adapt to its new environment, or ignores the expectations of its members or the public opinion, it may easily become unable to fulfill its tasks and be marginalized or even dissolved. Thus reform,

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[1] It is frequently claimed that organizations do not operate in a vacuum. See Blau, P. M.–Scott, W. R.: *Formal Organizations: A Comparative Approach.* San Francisco, 1962. 9. Being an open system, the organization is in constant interaction with its environment: it is both an author and an object of environmental change. Its activities shape the environment, the characteristics of which in turn, whether or not produced by the organization, greatly determine organizational structure and procedure. The environment, therefore, generates specific requirements for the organization, and the better it meets these requirements the more successful it will be. See Guiot, J. M.: *Szervezetek és magatartásuk.* [Organisations sociales et comportements] (Ritter, M. transl.) Budapest, 1984. 81.

[2] Low membership involvement poses an extremely serious problem in voluntary organizations primarily established for the mutual benefit of members. International organizations come under this category, because states join them in a voluntary manner and in anticipation of certain benefits. "Voluntary" in this case means that only those states belong to international organizations that have expressed the desire to become members, and only those remain members that have not expressed the desire to withdraw. See Virally, M.: Definition and Classification of International Organizations: A Legal Approach. In: Abi-Saab, G. (ed.): *The Concept of International Organization.* Paris, 1981. 52.

as a general rule, is an essential precondition of long-term organizational survival rather than a purely aesthetic intervention.

This is excellently illustrated by the history of the Warsaw Pact[3] and the North Atlantic Treaty Organization.[4] The former was unavoidably doomed to failure at the end of the Cold War, as its members, having regained their freedom of choice with the fading of Soviet influence and lacking both the internalization of organizational values and the willingness to participate, had no intention whatsoever to preserve the organization by means of reform. The Warsaw Pact did not have a chance to adapt to the requirements of the new world order; therefore, it was terminated on the basis of fundamental change of circumstances.[5] The North Atlantic Treaty Organization, on the other hand, survived the alteration of organizational environment thanks to the unflagging loyalty of its members, and as a result of wide-ranging reforms–including the admission of new members, the rearrangement of capabilities and the under-taking of novel responsibilities in addition to original goals–it was at least temporarily able to sustain its *raison d'être*.[6]

Consequently the emergence and intensification of demands for a comprehensive reform of the United Nations, embracing the restructuring of the Security Council, is to be considered a normal and inevitable phase of organizational lifecycle.[7] Irrespective of increased media and public attention,

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[3] Promulgated in Hungary by Act No. III of 1955 on the promulgation of the Treaty of Friendship, Co-operation and Mutual Assistance between the People's Republic of Albania, the People's Republic of Bulgaria, the Hungarian People's Republic, the German Democratic Republic, the Polish People's Republic, the Rumanian People's Republic, the Union of Soviet Socialist Republics, and the Czechoslovak Republic, signed in Warsaw, on 14 May 1955.

[4] Promulgated in Hungary by Act No. I of 1999 on the accession of the Republic of Hungary to the North Atlantic Treaty, and on the promulgation of the text of the Treaty.

[5] Cf. Parliamentary Resolution 54/1990. (VII. 3.) on the relationship between the Republic of Hungary and the Warsaw Pact.

[6] For a detailed analysis, see Asmus, R. D.: *A NATO kapunyitása. Az új korszak és a szervezet átalakítása* [Opening NATO's Door: How the Alliance Remade Itself for a New Era] (Magyarics, T. transl.). Budapest, 2003; Valki, L. (ed.): *A NATO: történet, szervezet, stratégia, bővítés* [NATO: History, Structure, Strategy, Enlargement] (Gombás, I. transl.). Budapest, undated; Wijk, R., de: *A NATO az ezredforduló küszöbén. Küzdelem a konszen-zusért* [NATO on the Brink of the New Millennium] (Barta, R. transl.). Debrecen, 1998. The comprehensive reform of the alliance verifies the statement according to which "[every] organization seeks to survive in whatever way it deems appropriate". See Hall, R. H.: *Organizations: Structure and Process.* Englewood Cliffs, 1972. 36. (Insertion mine.)

[7] The restructuring of the Security Council is, therefore, neither independent nor absolute objective. Similarly to other efforts, including the strengthening of the General

it should not be deemed an extraordinary event or a hard evidence of organizational incapacity. What is more, the delegates participating at the United Nations Conference on International Organization in San Francisco had been absolutely aware of the need for future changes. This is made obvious by the fact that the final text of the Charter explicitly provides for a general review conference, originally not envisaged by the Dumbarton Oaks Proposals[8], over and above the clause on "regular" amendments.[9] There was widespread agreement on the necessity of such conference in San Francisco as it was admitted that since the Charter could not be perfect and all eventual developments in international affairs could not be anticipated, the organization would have to be scrutinized and modified in the light of its experience and the situation then prevailing in order to secure its continued existence. Delegates furthermore emphasized that the newly inserted provision did not mean that the organization would be temporary, but on the contrary, this solution would guarantee its effectiveness and durability.[10]

The *travaux préparatoires* suggest that the founders specifically expected a need for changes to arise in the future with regard to the Security Council. For example, delegates from Cuba, Ecuador, Egypt and Mexico initially called for an increase in the size of the Council, but in subsequently withdrawing their motions, they expressed their hope that their views would be realized as soon as the evolving circumstances permitted.[11] The Cuban representative, in explaining his refusal of permanent membership on the Council, also pointed out that the group of great powers could undergo significant changes in the future as it had done throughout history.[12]

For the time being the Charter has been expressly amended only once on account of the Security Council: a set of new provisions, effective since 31

Assembly, the Economic and Social Council and the Secretariat, it is a means to and an inferior goal of the comprehensive reform of the entire organization. For that reason, Secretary-General Kofi Annan has underlined in various reports that "no reform of the United Nations would be complete without reform of the Security Council". Strengthening of the United Nations: An Agenda for Further Change. Report of the Secretary-General, 9 September 2002, U.N. Doc. A/57/387, para. 20; In Larger Freedom: Towards Development, Security and Human Rights for All. Report of the Secretary-General, 21 March 2005, U.N. Doc. A/59/2005, para. 169.

[8] Dumbarton Oaks Proposals for a General International Organization, Chapter XI.

[9] Charter of the United Nations, Arts 108 and 109. Promulgated in Hungary by Act No. I of 1956 on the promulgation of the Charter of the United Nations.

[10] See U.N.C.I.O. Docs, Vol. VI, 251; Vol. VII, 438.

[11] *Ibid.* Vol. XI, 282.

[12] *Ibid.* 291.

August 1965, has increased the number of its members from eleven to fifteen.[13] However, this measure was followed by several *de facto* amendments and practical modifications affecting both composition and procedure, such as the settlement of the question of Chinese and Russian representation, the clarification of procedural issues concerning abstention and absence as well as various minor changes in the conduct of business performed of the Council's own accord.

II.

The declared objective of Security Council reform is the increase of effectiveness.[14] Each and every particular suggestion contained in official or unofficial proposals, from the improvement of representativeness to the democratization of decision-making to the enhancement of transparency, is merely a means to and an inferior goal of the realization of this objective. Hence in the course of scrutinizing the necessity of reform, one needs to examine effectiveness first. Effectiveness is a notion relating to the goals of an organization or an organizational unit–it reflects the degree to which these goals are achieved.[15] Since effectiveness can be measured, it appears to offer a readily applicable and objective scale by which not only the necessity, but also the success of reform can be judged. Still, this is only make-believe. The determination of effectiveness is, in fact, highly problematic as the object of measurement, that is to say, organizational goal is far from being such tangible a category as it

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[13] G.A. Res. 1991A, 1285th plen. mtg., 17 December 1963, U.N. Doc. A/RES/1991A (XVIII).

[14] G.A. Res. 60/1, 8th plen. mtg., 16 September 2005, U.N. Doc. A/RES/60/1, para. 153.

[15] See Barnard, Ch. I.: *The Functions of the Executive*. Cambridge, 1938. 56. Effectiveness should not be confused with efficiency. The criterion of efficiency dictates that, of two alternatives having the same cost in terms of application of resources, that one be chosen which will lead to the larger result and the greater attainment of the organizational objectives. See Simon, H. A.: *Administrative Behavior. A Study of Decision-Making Processes in Administrative Organization.* New York, 1949. 122, 179. Nonetheless, it is obvious that „an organization can be efficient without being effective, and vice versa". Hall: *op. cit.* 96. In Hungarian, both „effectiveness" and „efficiency" translate into the very same expression (*hatékonyság*). Thus it occurs that under the rubric of effectiveness, authors actually discuss the efficiency of the Security Council, that is, its „ability to adopt rational decisions on the basis of reliable information in a timely fashion". See e.g. Turbék Z.: A Biztonsági Tanács reformja [The Reform of the Security Council]. *Kül-Világ* 2 (2005), 37.

may seem.[16] Nonetheless, any examination of the justification of efforts seeking to increase the effectiveness of the Security Council requires a careful investigation of the goals of that principal organ.

An organizational goal is a state of affairs that the organization attempts to realize.[17] Being a consensual aggregate of individual interests and efforts of members,[18] this abstract and collective goal constitutes the purpose of co-operation within the organization, forms the source of its legitimacy, and provides directions for and limitations upon its functioning. The true meaning of the concept of organizational goal is, however, much deeper than that. It equally embraces official goals as pronounced by the founding instrument as well as miscellaneous other documents and statements of high-ranking officials of the organization, operative goals as exposed by the "everyday" practices, decisions and behaviours of the organization, and even unofficial operative goals generated by individual or group interests that can be supportive, subversive or irrelevant from the point of view of the organization.[19] Which should be taken as the basis of determination of effectiveness? Official goals are easily identifiable, but frequently vague and ambiguous, operative goals are more obvious, but extremely hard to disclose, whereas unofficial operative goals are by themselves inadequate for measuring effectiveness as they do not form part of the official policy of the organization. Moreover organizational goals change with time: the aforementioned case of the North Atlantic Treaty Organization superbly exemplifies that an organization may reconsider the relative importance of certain goals, undertake new objectives, or even abandon outdated ones. Further difficulties arise from the fact that organizations usually have more than one, hierarchically structured goals as a result of which the achievement of a given goal can be dependant on the successful realization of an additional goal.[20] (Not to mention those not entirely rare scenarios in which certain organizational goals are in conflict with each other.)

The official goals of the United Nations are laid down in the preamble as well as in Articles 1 and 2 of the Charter. Even though a sole section appears

[16] See Champion, D. J.: *The Sociology of Organizations.* New York, 1975. 41; Hall: *op. cit.* 99–100.

[17] See Etzioni, A.: *Soziologie der Organisationen.* [Modern Organizations] (Baetge, J. transl.) München, 1967. 16.

[18] Cf. Simon: *op. cit.* 114.

[19] See e.g. Perrow, Ch.: The Analysis of Goals in Complex Organizations. *American Sociological Review,* 26 (1961), 855–856.

[20] The structure of organizational goals is hierarchical in a sense that at a given level any goal is simultaneously an ultimate goal of a goal inferior to it, and a means of the attainment of a more global, superior goal. See Guiot: *op. cit.* 31–32.

to explicitly deal with the purposes of the organization, it is practically impossible to draw a sharp and clear-cut distinction between purposes, principles and what is included in the preamble, as emphasized by the *rapporteur* of a committee on general questions at the San Francisco conference. Hence these provisions do not bear substantial differences and should be understood and applied in function of the others in spite of their being located in three distinct structural units.[21]

Being an introduction of the Charter, the preamble reflects the common intentions of founding states, which brought them together at the conference in San Francisco, moved them to unite their will and efforts, and made them harmonize, regulate and organize their international actions.[22] The first four paragraphs of the preamble, therefore, enumerate the general purposes of the organization, that is, to save succeeding generations from the scourge of war, to protect fundamental human rights and equal rights of nations large and small, to maintain justice and ensure respect for international law, and to promote social progress and better standards of life.[23] (The following passages of the preamble contain means rather than goals as the two segments are connected by the phrase "and for these ends".)

The specific purposes of the organizations are embedded in Article 1. These goals are the aggregation of common ends of members, they constitute the *raison d'être* of the organization, and the cause and object of the Charter.[24] Article 1 states that the purposes of the United Nations are:

> "1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to

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[21] See U.N.C.I.O. Docs, Vol. VI, 387–388. As purposes and principles are indivisible, they together constitute the test for the effectiveness of the organization and the expected faithful compliance with the provisions of the Charter. See *ibid.* 388. The most important difference between purposes and principles is that the former directly entail obligations neither for the organization nor for the members, whereas the latter undeniably possess a normative character. See Randelzhofer, A.: Art. 2. In: Simma, B. (ed.): *The Charter of the United Nations: A Commentary.* Oxford, 1995. 72.

[22] See U.N.C.I.O. Docs, Vol. VI, 388.

[23] Charter of the United Nations, preamble. For details, see Cot, J. P.–Pellet, A.: Preambule. In: Cot, J. P.–Pellet, A. (ed.): *La Charte des Nations Unies. Commentaire Art. par Art..* Paris–Bruxelles, 1985. 1–22; Goodrich, L. M.–Hambro, E.: *Charter of the United Nations. Commentary and Documents.* Second, revised edition. London, 1949. 87–92; Kelsen, H.: *The Law of the United Nations. A Critical Analysis of Its Fundamental Problems.* London, 1951. 3–12; Wolfrum, R.: Preamble. In: Simma: *op. cit.* 45–48.

[24] See U.N.C.I.O. Docs, Vol. VI, 388.

the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;

2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;

3. To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and

4. To be a centre for harmonizing the actions of nations in the attainment of these common ends."[25]

The operating principles of the organization are contained in Article 2, wherein members recognize the sovereign equality of states, and pledge to fulfill in good faith the obligations assumed arising from the treaty, to settle their international disputes by peaceful means, to refrain from the threat or use of force, to give the organization every assistance in any action it takes, and to abstain from assisting states against which preventive or enforcement actions are taken. In addition, the organization vows to ensure that non-members also act in accordance with these principles so far as may be necessary, and undertakes not to intervene in matters, which are essentially within the domestic jurisdiction of any state.[26]

These purposes and principles all point toward an ultimate goal, an ideal hundreds of years old: collective security.[27] Collective security is one possible

[25] Charter of the United Nations, Art. 1. The „purpose of purposes" is, of course, to maintain peace. Bedjaoui, M.: Art. 1 (Commentaire général). In: Cot–Pellet: *op. cit.* 24. In a similar manner, see Jiménez de Aréchaga, E.: International Law in the Past Third of the Century. *Recueil des Cours* 159 (1978-I), 91. For details, see also Goodrich–Hambro: *op. cit.* 93–98; Kelsen: *op. cit.* 13–53; Wolfrum, R.: Art. 1. In: Simma: *op. cit.* 49–56.

[26] Charter of the United Nations, Art. 2. For details, see Cot–Pellet: *op. cit.* 71–160 (contributions by Dupuy, R.-J.–Mbaye, K.–Zoller, E.–Carpentier, J.–Virally, M.–Mahion, A.–Guillaume, G.); Goodrich–Hambro: *op. cit.* 98–121; Randelzhofer: *op. cit.* 72–76.

[27] A significant number of scholars of the late Middle Ages and Enlightenment– including Duc de Sully, Crucé, E. Abbé de Saint-Pierre, Rousseau, J.-J. Kant, I. and Penn, W.–envisaged the preservation of peace in a similar way, within the framework of an organization. However, the first collective security organization, the League of Nations, was established only after World War I. The Covenant of the League of Nations was

technique to maintain or restore international peace and security, and to prevent or suppress unlawful forceful actions. It is based on the assumption that the most expedient means of safeguarding peace is deterrence, that is to say, if any potential aggressor acting in a rational manner faces–preferably as early as in the preparatory stage of his attack–the overwhelming force of the entire centralized collective security system, and as such, inevitable defeat.[28] Collective security, however, demands a great deal of sacrifice from participating states in exchange of benefits offered. The effective functioning of such system entails the fulfilment of several subjective and objective requirements. From a subjective point of view it necessitates loyalty, confidence, responsible policy-making, positive commitment, impartiality and even-handedness from members with a view to deter or repel an aggressor, whoever that might be. It also calls for recognition of interrelatedness and interdependence, partial surrender of free-dom of action, subordination of national interest to public good, and renunciation of unilateral use of force. Collective security, furthermore, objectively requires the coexistence and active participation of several great powers of roughly equal strength, universal membership, economic vulnerability of members, general disarmament, along with an adequate legal environment, and a centralized institutional background capable of operating the system and realizing its goals.[29] Thus in the concept of collective security "security represents the end; collective defines the nature of the means; system denotes the institutional component".[30]

In the past six decades collective security has been embodied and insti-tutionalized by the United Nations. The Security Council contributes to the functioning of collective security by means of exercising its powers in line with

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promulgated in Hungary by Act No. XXXIII of 1921 on the promulgation of the Treaty of Peace with the United States of America, the British Empire, France, Italy and Japan, and Belgium, China, Cuba, Greece, Nicaragua, Panama, Poland, Portugal, Roumania, the Serb-Croat-Slovene State, Siam, and Czechoslovakia, signed at Trianon, on 4 June 1920.

[28] A system of collective security should not be mistaken for an alliance based on the principle of collective defence. The former has universal membership, and is directed against an abstract aggressor emerging within the system, while the latter is characterized by limited membership embracing like-minded states and a specific external enemy.

[29] See Claude, I. L., Jr.: *Swords Into Plowshares: The Problems and Progress of Inter-national Organization.* Third, revised edition. New York, 1964. 229–238. See also Basdevant, M.: La sécurité collective. *L'Organisation de la Paix* 5–7 (1936), 9–36; Delbrück, J.: Collective Security. In: Bernhardt, R. (ed.): *Encyclopedia of Public International Law. Vol. 3. Use of Force, War and Neutrality, Peace Treaties.* Amsterdam–New York–Oxford, 1982. 104–114; Kelsen, H.: Collective Security and Collective Self-Defense Under the Charter of the United Nations. *American Journal of International Law* 42 (1948), 783–796.

[30] Claude: *op. cit.* 223. (Italics omitted.)

the division of organizational labour. Being part of the system, each and every activity it performs serves either directly or indirectly the achievement of the official organizational goals, although as a result of the division of labour, its own objectives are limited and inferior to the overall organizational goals– hence there is a part-whole relation between the two categories. What are the official goals of the Security Council? There is no provision in the Charter under such heading, but the determination of tasks as contained by Article 24 might as well be considered as goal-setting. This article reads:

"1. In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.
    2. In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII, and XII."[31]

To put it briefly, under the chapters listed in paragraph 2, the Security Council contributes to the peaceful settlement of international disputes, and may investigate any dispute or situation, which might lead to international friction or give rise to a dispute, and recommend appropriate procedures or methods of adjustment. In exercise of its nearly absolute power of discretion, it has an exclusive right to determine the existence of any threat to the peace, breach of the peace, or act of aggression, and to make recommendations, adopt provisional measures, or take enforcement measures not involving the use of armed force, or give authorization to the use of military force with a view to suppress such situations. The Council may even decide to utilize regional arrangements or agencies in the course of taking enforcement measures if it deems that appropriate.[32] (The Council, however, no longer exercises its Chapter XII powers owing to the termination of the trusteeship system. Furthermore it seems to carry out its duties under Article 26 concerning disarmament only in part, given that the overwhelming majority of successes on this field have not been achieved as a result of its work.[33])

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[31] Charter of the United Nations, Art. 24.
[32] See *ibid.* Arts 33–34, 36–38, 39–42 and 53.
[33] *Ibid.* Art. 26: "In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and

Bearing all that in mind, the official goals of the Security Council can be summarized as follows. First, by contributing to the peaceful settlement of disputes it seeks to prevent the emergence of crises involving a threat to or a breach of the peace. Second, the Council attempts to ensure the rapid suppression of actions amounting to a threat to or a breach of international peace and security by resorting to methods it considers suitable, regardless to whether these actions occur within or between states. Third, once the situation has been normalized, the Council strives to maintain peace by adequate procedures. It may be observed that the triad of "prevention–suppression–maintenance" perfectly matches the first and most important purpose of the organization as laid down in Article 1, paragraph 1. For that reason, the Council can rightly be qualified an institutional depositary of collective security, notwithstanding its responsibility for the maintenance of international peace and security being primary, but admittedly not exclusive.[34]

The operative goals of the Security Council are understandably in harmony with official goals, although in the past six decades the body has also pursued objectives that can hardly be derived from the text of the Charter. Without intention to be exhaustive, the following operative goals can be exposed by examining the practice of the Council: to avoid direct confrontation of great powers at any cost; to settle crises not involving a direct confrontation of great powers as rapidly as possible; to apply enforcement measures in a pragmatic fashion; to delay or omit the taking of enforcement measures against unpredictable regimes; to refrain from serving selfish interests of great powers; to impede organizational action in case of disagreement among permanent members; to provide a forum for discussion of the most pressing issues of international peace and security, and thereby to enable a partial release of tensions; to develop innovative solutions in order to overcome various legal and practical anomalies, obstacles and challenges; to limit publicity whenever it would be inconvenient; to fiercely protect its special powers *vis-à-vis* other

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economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Art. 47, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments." See Prandler, Á.: *Az ENSZ Biztonsági Tanácsa* [The U.N. Security Council]. Budapest, 1974. 156.

[34] "The responsibility conferred [upon the Security Council] is »primary«, not exclusive. This primary responsibility is conferred upon the Security Council, as stated in Art. 24, »in order to ensure prompt and effective action«." Certain Expenses of the United Nations (Art. 17, Paragraph 2, of the Charter), Advisory Opinion of 20 July 1962, I.C.J. Reports 1962, 163. (Insertion mine.)

principal organs; and to preserve its geopolitical influence and authority.[35] (It should not be forgotten that these are the operative goals of the Security Council as an organizational unit. Unofficial goals of Council members, as indicated by the fifth element of this enumeration, form a distinct category. The occasional and harshly criticized idleness of the Council is a consequence of individual goals and interests of members as reflected by their respective votes rather than the goals of the body itself. The relevant operative goal of the Council is merely to resist the organizational reception of certain individual goals in absence of a minimum agreement of its members.)

The effectiveness of the Security Council needs to be scrutinized in the context of the aforementioned goals. But as the vagueness of these goals leave room for divergent interpretations and their achievement requires continuous performance, the degree of goal attainment is extremely hard to establish.[36] The next phase of analysis, therefore, implies the elucidation of indicators of effectiveness, that is to say, signs unequivocally revealing the existence or absence of success of activities.

III.

A little simplification facilitates the formulation of the fundamental question pertaining to the examination of effectiveness: How can collective security be measured? Which indicators signify whether or not the Security Council as depositary of collective security has achieved its objectives?

Should the system of collective security be declared effective only if it eliminates the risk of violent crisis once and for all? Discord is an inevitable part of life in every group of people, thus the possibility of violence is an intrinsic feature of relations both within and between human communities. Naturally it does not necessarily mean that the actual eruption of hostilities is predestined. But an overly intensive clash of interests, or a failure or deliberate rejection of peaceful settlement mechanisms may easily render conflict resolution by civilized means, and as a result, the prevention of breaches of the peace impossible. Even if it occurs, it should not be seen as a fault of the collective

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[35] Innovative solutions mentioned in the enumeration above include, for instance, the practice of authorizations to use force, the creation and development of peacekeeping, the establishment of international criminal tribunals, and the introduction of sanctions against individuals, legislation and alternative forms of consultation.

[36] Measuring effectiveness is more difficult if the organization has a permanent goal. See Etzioni: *op. cit.* 21.

security system. Prevention by peaceful dispute settlement is but one of the elements of collective security, the failure of which is not only anticipated by the system–that envisages the implementation of other procedures in such cases–but also constitutes the primary reason for its existence. A perpetual elimination of international and non-international crises posing threat to peace is, consequently, an inapplicable standard for the measurement of effectiveness of a collective security system. Success in absolute terms might be imaginable in a utopia, but is inconceivable in a world of states.

If the absolute absence of violent crisis cannot be utilized as indicator of effectiveness of collective security, could relative success serve as such? As commonly known, the frequency of international armed conflicts drastically decreased after World War II as compared to the previous era.[37] Somewhat shadowed by an alarmingly high number of non-international armed conflicts, which may likewise seriously threaten international peace, this delightful tendency begs the question as to what extent this decrease can be attributed to the functioning of the collective security system. It is difficult to give a definitive answer, because the behaviours and decisions of states are shaped by numerous considerations. The deterrent effect of enforcement actions of the Security Council to some extent undeniably contributes to the significant decrease of the number of international armed conflicts. From this point of view, the system does work effectively. Equally undisputable is the fact, however, that it is not the only reason why states tend to avoid direct military confrontation since the end of World War II. The deep internalization of the comprehensive prohibition of the use of force, the strength of the enemy, or the expected reaction by domestic or international public opinion sometimes can have as much, if not more, restraining force as an enforcement action taken by the Council, and hopefully implemented by member states. The low frequency of international armed conflicts, therefore, only partially indicates the effectiveness of collective security. (This "indicator" certainly fails to reveal the effectiveness of management of non-international conflicts, although they also come under the scope of the system.)

Having that in mind, in appears more expedient to focus our investigation on activities of the Security Council aimed at the maintenance or restoration of international peace and security rather than the sheer number of conflicts. Between 17 January 1946 and 30 June 2006 the Council has held 5,481 meetings, and passed 1,693 resolutions. The quantity of official meetings and numbered resolutions, however, does not provide a clear picture of the actual volume of

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[37] See A More Secure World: Our Shared Responsibility. Report of the High-level Panel on Threats, Challenges and Change, 2 December 2004, U.N. Doc. A/59/565, para. 11.

work. As have been mentioned in passing with regard to operative goals,[38] the Security Council has developed certain "alternative" forms of consultation besides official meetings. The most important among these are perhaps informal consultations held in private with the exclusion of both the public and other members of the organization. Even though these consultations officially do not even qualify as meetings, and have neither statutory basis nor numbers, members are inclined to use them to revise previous decisions or enforcement measures, to discuss issues related to peacekeeping, to hear reports, or for any other purposes. No records are made at informal consultations, but with a view to secure a minimum amount of transparency, the president habitually holds informal briefings to other member states "on behalf of members of the Security Council" as opposed to official meetings after which he makes statements "on behalf of the Security Council". Evidently informal consultations also provide an opportunity for making decisions, yet these cannot be classified as resolutions and their legal nature is subject to debates.[39] The significance and practical weight of informal consultations is well illustrated by the fact that their number markedly surpassed that of official meetings in every year in the period between 1990 and 2000.[40]

It is also worth noting that a variety of other consultations exist involving one or more members of the Security Council. These consultations include, for example, meetings of caucus groups (permanent members, western permanent members, European Union member states, or non-aligned countries), contact groups or groups of friends as well as meetings with troop contributors, "Arria formula" meetings with other member states or third parties, and "Somavía formula" meetings with the participation of non-governmental organizations.[41]

The number of resolutions cannot measure the true performance of the Security Council either for two main reasons. First, several decisions assume a form other than a resolution and appear, for instance, in presidential statements or communiqués. Second, under special circumstances even the rejection of a draft resolution can promote the effective functioning of the system of collective security. In this case there is no perceptible output, nevertheless the

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[38] Cf. *supra* note 35.

[39] See Bailey, S. D.–Daws, S.: *The Procedure of the Security Council.* Third edition. Oxford, 1998. 61–68.

[40] See Table on Number of Security Council Meetings and Consultations: 1988–2002. (B. Holt, K. Muller *et al.* prep.) at http://www.globalpolicy.org/security/data/secmgtab.htm.

[41] See Bailey–Daws: *op. cit.* 68–75. The number of official meetings neither reflects the volume of work within sanctions committees functioning as "committees of the whole". See *ibid.* 365.

idleness of the Council–once again, exceptionally, not as a general rule–may advance international peace and security. (*Horribile dictu*, it is partly due to the idleness of the Security Council brought about by lack of unanimity of its permanent members that the already tense relations of opposing blocs had not deteriorated further during the Cold War.)

Consequently, one needs to take into consideration indicators better suited to measure effectiveness in addition to figures relating to official meetings and resolutions, such as the number of resolutions adopted under Chapter VII of the Charter, the rate of occurrence of non-armed and armed enforcement actions as well as relevant statistical data concerning peacekeeping missions.

From among Security Council resolutions passed between 17 January 1946 and 30 June 2006 as many as 367 were adopted with respect to threats to the peace, breaches of the peace, and acts of aggression: 324 resolutions contain an explicit reference to Chapter VII, whereas the remaining 43 resolutions merely determine the existence of a treat to the peace, a breach of the peace, or an act of aggression without expressly referring to the chapter itself.[42] In these resolutions the Council has taken enforcement actions not involving the use of force against states, entities or individuals in the wake of several grave crises often affecting more than one country.[43]

The Security Council had authorized the use of force only on two occasions during the Cold War; however, the frequency of such actions has remarkably increased subsequent to the downfall of the bipolar world. Hence by mid-2006 the Council has deemed the use of military coercion necessary with regard to more than a dozen conflicts.[44] (It should be noted that the number of crises is definitely not equal to the number of resolutions containing enforcement

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[42] See Johansson, P.: *UN Security Council Chapter VII Resolutions, 1946–2002: An Inventory.* Uppsala, 2003. The number of Chapter VII resolutions adopted between 1 January 2003 and 30 June 2006 was established by the author. Figures indicated do not contain resolutions that merely refer to a Chapter VII resolution, but contain neither an express nor an implied reference to that chapter.

[43] During the period under consideration, enforcement actions not involving the use of force has been taken in Afghanistan, Angola, Côte d'Ivoire, the Democratic Republic of the Congo, Ethiopia and Eritrea, Haiti, Iraq, Liberia, Libya, Rwanda, Sierra Leone, Somalia, South Africa, Southern Rhodesia, Sudan, and the former Yugoslavia. Cf. http://www.un.org/News/ossg/sanction.htm.

[44] During the period under consideration, the Security Council has authorized the use of force in Afghanistan, Burundi, Côte d'Ivoire, the Democratic Republic of the Congo (and formerly in Eastern Zaire), Haiti, Iraq, Korea, Lebanon, Rwanda, Sierra Leone, Somalia, Southern Rhodesia, Timor-Leste, and the former Yugoslavia. (Depending on interpretation, Liberia and Sudan may be added, as well.)

measures. The Security Council has passed countless resolutions pertaining to each crisis, and sometimes decided to take armed or non-armed enforcement actions more than once. It has to be emphasized also that certain resolutions leave room for divergent interpretations or classifications, so the aforementioned statistics may slightly deviate from data originating from other sources.[45])

The United Nations has established sixty peacekeeping missions in more than forty countries of five continents between 29 May 1948 and 30 June 2006.[46] The overwhelming majority of these operations were dispatched by the Security Council, while only two missions were set up by the General Assembly.[47] As of the last day of the period under consideration, fifteen peacekeeping missions has been in operation in addition to twelve special political and peacebuilding missions directed and supported either by the Department of Peacekeeping Operations or the Department of Political Affairs. The total number of personnel serving in the ongoing fifteen peacekeeping missions has been 87,707, whereas the number of personnel serving in special political and peacebuilding missions has amounted to 2,256. Altogether 109 member states of the organization have so far contributed with uniformed personnel to the success of peace operations, and the estimated total cost of these operations has exceeded 41 billion dollars.[48]

These figures indeed speak for themselves; still they do not reflect the actual effectiveness of measures of the Security Council. A handful of commonly known and clear-cut cases apart, such as the success in Cambodia or the tragedy in Rwanda, the practical effectiveness of enforcement measures and peacekeeping operations are subject to divergent assessments. It has occurred time and again that the Council, the affected state, the members of the inter-

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[45] For example, some authors maintain that the Security Council has authorized the use of force also in Albania, the Central African Republic, and Guinea-Bissau. Cf. Blokker, N.: Is the Authorization Authorized? Powers and Practice of the UN Security Council to Authorize the Use of Force by "Coalitions of the Able and Willing". *European Journal of International Law* 11 (2000), 544.

[46] See http://www.un.org/Depts/dpko/dpko. This figure does not contain missions authorized by the Security Council, but functioning outside the auspices of the United Nations, such as Kosovo Force (KFOR), International Security Assistance Force (ISAF) or Operation Artemis.

[47] These two missions were the United Nations Emergency Force I. (UNEF I.) and the United Nations Security Force/United Nations Temporary Executive Authority (UNSF/UNTEA). Cf. Bothe, M.: Peace-keeping. In: Simma: *op. cit.* 587–588.

[48] See United Nations Peacekeeping Operations. Peace and Security Section, United Nations Department of Public Information, July 2006, DPI/1634/Rev. 61; United Nations Political and Peacebuilding Missions. Peace and Security Section, United Nations Department of Public Information, July 2006, DPI/2166/Rev. 36.

national community and the public opinion have evaluated the achievements of a given action in a contradictory manner.[49] With the success of suppression of crises being in most instances relative, and the results of conflict prevention and maintenance of peace being intangible, one may hardly answer the question pertaining to the effectiveness of the Security Council with a definitive "yes" or "no".[50]

Nonetheless, in the light of achievements it can be plausibly stated that the prevailing structure and working methods of the Security Council are equally adequate for the attainment of organizational goals, that is to say, the body is *perfectly capable of effective functioning* even as it is–with existing objective limitations, of course, such as the absence of agreements under Article 43 of the Charter.[51] A continuous and systematic utilization of this capability depends exclusively on the willingness of Council members as well as states and international organizations obliged or requested to implement its decisions. Neither the current structure nor the working methods of the Security Council hamper effective functioning: the real obstacle emanates from subversive unofficial operative goals and political interests of states. Restructuring and reorganization of work are, therefore, not inescapable preconditions of increasing effectiveness– this objective could be achieved simply by enhancing the willingness of states participating in the making or the implementation of decisions in some other

[49] In absence of universally applicable indicators of effectiveness, differences in the determination of the degree of goal attainment are fairly common in the world of organizations. In addition, the more complex an organizational goal is the more difficult the measuring of effectiveness becomes. See Hall: *op. cit.* 98-103. As regards public opinion, it can be stated that "people's attitudes toward the United Nations and other international organizations tend to be associated with their beliefs (1) as to the extent to which such organizations affect their own and other nations, and (2) whether the observed or imagined effects are »good« or »bad«." Sprout, H.–Sprout, M.: *Foundations of International Politics.* Princeton, 1962. 569.

[50] For a similar opinion concerning the entire organization, see Seidel, G.: Ist die UN-Charta noch zeitgemäß? *Archiv des Völkerrechts* 33 (1995), 22. Nevertheless, the High-level Panel admitted that the effectiveness of the Council has increased since the end of the Cold War. See A More Secure World: Our Shared Responsibility. Report of the High-level Panel on Threats, Challenges and Change, 2 December 2004, U.N. Doc. A/59/565, para. 246. See also Higgins, R.: Peace and Security: Achievements and Failures. *European Journal of International Law* 6 (1995), 445–460.

[51] Charter of United Nations, Art. 43, paragraph 1: "All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security."

way. (It might be added that new states are apparently keen on joining the United Nations, which arguably indicates a somewhat firm belief in the effectiveness of the collective security system.)

IV.

Since arguments pertaining to the increase of effectiveness of the Security Council do not necessarily justify calls for reform, one may raise the question as to what other circumstances could render a comprehensive restructuring so imperative. Could a fundamental change of organizational environment provide sufficient basis for reform proposals?

The Security Council was designed during World War II on the basis of international relations and potential threats of that period. Accordingly, the founders were chiefly guided by a desire to prevent the recurrence of a world war, to establish an effective mechanism for the suppression of interstate conflicts and to preserve the contemporaneous *status quo* when they drafted the structure, powers and procedure of the Council. The principal organ created under the sign of the "One World" paradigm, however, had never had the opportunity to operate under circumstances originally imagined – instead, it had to face the realities of Cold War as early as at its second meeting.[52]

The environment once again changed with the downfall of the bipolar world, when a network of previously unknown or underestimated threats and challenges has emerged. The collapse of the Soviet bloc brought about the end of a delicate balance of power, but the sole remaining superpower has soon proved to be incapable and unwilling to guarantee world peace even with the support of its allies. The disappearance of great power domination over small states in former zones of influence has led to the surfacing of hitherto contained tensions of ethnic, economic, territorial or other nature, and paved the way to the eruption of violent conflicts involving fatalities and flows of refugees on a scale of millions. Partly in relation to these conflicts grave violations of human rights and transnational organized crime, particularly arms trade, drugs trafficking and money laundering, have become alarmingly frequent. By the turn of the millennium international terrorism as well as proliferation of weapons of

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[52] Cf. *Repertoire of the Practice of the Security Council, 1946–1951.* New York, 1954. 300–301. On changes of paradigm in international relations in the second half of the 20th century, see McWhinney, E.: *The United Nations and a New World Order for a New Millennium. Self-determination, State Succession, and Humanitarian Intervention.* The Hague–London–Boston, 2000. 3 *et seq.*

mass destruction backed both by authoritarian regimes and terrorist organizations has also grown to be a burning issue. Serious challenges have likewise arisen from problems of the Third World, unequal distribution of global wealth, exploitation of natural resources, extreme poverty, famine, water shortage, and various diseases, all of which continuously reproduce the sources of conflicts unless taken care of by adequate measures. Finally, even positive phenomena, such as the rapid development of technology, globalization or increasing economic interdependence, may clearly entail security hazards.[53]

According to Secretary-General Kofi Annan's High-level Panel on Threats, Challenges and Change one of the principal tasks for any reform of the Security Council is to enhance its capacity and willingness to act in the face of new threats.[54] Before one would unreservedly accept this statement, it is worth briefly examining as to what extent this task is necessary. Although the Security Council was primarily constructed to deal with interstate conflicts, the founders were completely aware of that it would function in a dynamically changing environment. In order to ensure prompt and effective settlement of situations endangering international peace and security, the Council was endowed with an exceptionally broad, nearly absolute power of discretion. Its authority is restrained by the following three sets of rules only: the peremptory norms of international law, the Charter of the United Nations, and its own Provisional Rules of Procedure.[55] This virtually absolute power enables the Council to take action straight away against any new threat or challenge in a manner it deems fit.[56]

The opinion of the High-level Panel calls for supplementary remarks concerning willingness, as well. Namely, occasional reluctance from resolute action stems from subversive unofficial operative goals of members rather than any structural defect of the Security Council itself. As commonly known, the collective will of that organ is established as an aggregate of individual wills of

[53] See We, the Peoples: The Role of the United Nations in the 21st Century. Millennium Report of the Secretary-General, 3 April 2000, U.N. Doc. A/54/2000, para. 5, 31–40, 66–75, 189–197; A More Secure World: Our Shared Responsibility. Report of the High-level Panel on Threats, Challenges and Change, 2 December 2004, U.N. Doc. A/59/565, para. 11–23; In Larger Freedom: Towards Development, Security and Human Rights for All. Report of the Secretary-General, 21 March 2005, U.N. Doc. A/59/2005, para. 6–11, 76–86.

[54] A More Secure World: Our Shared Responsibility. Report of the High-level Panel on Threats, Challenges and Change, 2 December 2004, U.N. Doc. A/59/565, para. 248.

[55] See Provisional Rules of Procedure of the Security Council, U.N. Doc. S/96/Rev. 7.

[56] In a similar manner, see G.A. Res. 60/1, 8th plen. mtg., 16 September 2005, U.N. Doc. A/RES/60/1, para. 79.

members in line with Article 27 of the Charter.[57] The Council is "willing" to act only if at least nine of its members, acting on behalf of every member state of the organization, are willing to act and neither permanent member dissents. Otherwise the Council will be paralyzed.[58] Hence the containment of threats and challenges emerging at the turn of the millennium could be secured without the restructuring of the Security Council–only the motivational deficiencies of members need to be remedied, as already mentioned. (The reform might nevertheless serve as sufficient motivation for states, but it has nothing to do with organizational environment.) In sum, owing to its exceptionally broad powers, the Council is capable of taking effective action against any traditional or new threat or challenge provided that its members are willing to cooperate. The fundamental change of organizational environment, therefore, does not provide an acceptable explanation for the necessity of reform.

Since the Security Council is theoretically capable of effective functioning even in the prevailing environment, one has to address the question whether power struggles within the United Nations could possibly substantiate reform. As already mentioned, the responsibility of the Security Council for the maintenance of international peace and security is primary, but not exclusive. Owing to its general competence as well as "early warning" and preventive functions, respectively, the General Assembly and the Secretary-General are likewise involved with this particular subject.[59] Similarly to other organizations, specific responsibilities of principal organs of the United Nations have given rise to different sub-unit interests, the conflict of which has at times brought about fierce power struggles. (Suffice it to recall debates surrounding the "Uniting for Peace" resolution.[60]) Given that the relevant powers of the Council are exclusive, these conflicts actually do not affect its effectiveness. In

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[57] Charter of the United Nations, Art. 27: "1. Each member of the Security Council shall have one vote.

2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members.

3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Art. 52, a party to a dispute shall abstain from voting."

[58] The failure of certain draft resolutions is a normal phenomenon in the conduct of business that can barely be labeled as a shortcoming. The veto cannot be qualified a deficiency either, as it is essential for the achievement of the dominant operative goal: the avoidance of direct confrontation of great powers.

[59] See Charter of the United Nations, Arts 10–12 and 99.

[60] G.A. Res. 377A, 302nd plen. mtg., 3 November 1950, U.N. Doc. A/RES/377A (V).

other words, power struggles within the organization at most justify minor adjustments in the relationship of organs concerned, but fall short of substantiating a comprehensive reform of the Security Council.

Last, but not least one should examine whether some regularly criticized features of the Council–namely lack of representativeness, undemocratic decision-making and absence of transparency–may plausibly necessitate reforms. It is easy to comprehend that in order to be able to fulfill its responsibilities in a timely and effective manner, the Council *must* be reasonably small, and due to the political sensitiveness of its decisions, it *must* work in private to some extent. In consequence, the lack of representativeness, undemocratic decision-making and absence of transparency all stem from the special responsibility of the Council, that is, the maintenance and restoration of international peace and security. These features by themselves do not undermine effectiveness–on the contrary, from a certain point of view they are the very basis thereof. They constitute the price of participation in the strictly centralized collective security system. Sovereign members of the system, however, are willing to "pay" that price only in so far as they are satisfied with benefits received. If the Security Council carried out its duties with absolute effectiveness and to the contentment of every member state, the features in question would hardly be an issue of such gravity. But as the effectiveness of the Council significantly oscillates in practice (despite that it is capable of maximum effectiveness), quite a few member states–particularly disappointed subjects of failed crisis management activities, principal financial and troop contributors as well as states that merely perceive an opportunity for a reallocation of power within the organization–consider the "price" intolerable, and prove reluctant to recognize the authority of such oligarchic body of doubtful effectiveness. Even though failures of the Council are chiefly caused by their own indolence (negative votes, denial of cooperation), unsatisfied states urge reforms: invoking the Council's lack of representativeness and transparency and its undemocratic decision-making, they demand deeper involvement in the making of decisions and insight into the confidential details of work. Their frustration may weaken the authority of the Security Council, decrease the willingness of member states to implement its decisions, and ultimately, it may further reduce the chance of successful goal-attainment.[61] Features that were originally meant to guarantee effectiveness are thereby transformed into obstacles in the way of effectiveness requiring

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[61] On authority and execution of authoritative communications in formal organizations, see Barnard: *op. cit.* 163, 166. It is noteworthy that members of voluntary organizations with poorly defined objectives tend to have the narrowest range of acceptance of authority. Simon: *op. cit.* 134. The United Nations is such an organization.

comprehensive reforms. (Negative public opinion works in a more or less similar fashion, although it exerts destructive effects on the organization through the medium of member state governments tracking the general attitude of voters rather than directly.)

We have thus reached the genuine reason of Security Council reform, which is to sustain membership involvement. It appears that the necessity of reorganization arises not as a result of the Council's alleged incapacity of effective functioning or facing new challenges of the post-Cold War era. It is neither indispensable on account of lack of representativeness, undemocratic decision-making or absence of transparency. *The reform of the Security Council is necessary because the majority of member states, acting upon divergent considerations, demands modifications.* These claims are expressed both within and outside the organization. Accordingly, even though power struggles between the General Assembly and the Security Council cannot objectively substantiate reform proposals, the immense political pressure of members within the framework of the plenary organ might prove sufficient for coercing changes. This struggle has been going on for decades, although its intensity has varied with the alteration of political environment.[62] The pressure remarkably increased by the end of the Cold War: the General Assembly has been continuously keeping the issue on its agenda since 14 December 1979,[63] and adopted a number of resolutions since 11 December 1992,[64] what is more, on 3 December 1993, it has established an Open-ended Working Group to consider all aspects of the question of Security Council reform.[65] Hitherto the Council has been able to withstand the pressure of the General Assembly. It has created its own Informal Working Group to identify desirable changes in the practice of documentation and other procedural questions, and conspicuously strives to introduce any adjustments not requiring an amendment of the Charter of its own accord.[66] Interestingly enough, these measures not only illustrate the ability of the Council to resist changes, but also reveal the limited nature of

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[62] The General Assembly had urged the restructuring of the Security Council as early as late 1959. G.A. Res. 1404, 843rd plen. mtg., 25 November 1959, U.N. Doc. A/RES/1404 (XIV).

[63] G.A. Dec. 34/431, 104th plen. mtg., 14 December 1979. See also Bailey–Daws: *op. cit.* 383; Fassbender, B.: *UN Security Council Reform and the Right of Veto: A Constitutional Perspective.* The Hague–London–Boston, 1998. 221.

[64] G.A. Res. 47/62, 84th plen. mtg., 11 December 1992, U.N. Doc. A/RES/47/62.

[65] G.A. Res. 48/26, 69th plen. mtg., 3 December 1993, U.N. Doc. A/RES/48/26.

[66] See e.g. Note by the President of the Security Council, 19 July 2006, U.N. Doc. S/2006/507.

that ability. Therefore, it remains to be seen how long the Council can and will endure under the mounting pressure.

Certain states demanding reform of the Security Council are undeniably guided by an earnest desire to increase effectiveness. Others rather wish to gain broader control over their resources placed at the disposal of the organization, while still others merely seek to acquire a position within the organization that corresponds to their perceived political or economic weight. Reform proposals, consequently, originate from various individual and highly subjective interests rather than objective factors. (It also excellently portrays how reform as an unofficial operative goal of selected members is converted into an operative goal of the entire organization. The reception of this goal by the organization has been admittedly facilitated by the fact that adequately communicated measures taken in the general direction of reform may contribute to the temporary preservation of organizational legitimacy even without significant achievements.) Since the United Nations is a voluntary organization,[67] it cannot ignore the demands of its members, irrespective of the degree to which these are justifiable. If member states require reforms, the organization–in order to secure its survival[68]–must attempt to fulfill this requirement even if the problems with which members try to substantiate their aspirations primarily emerge as a result of low membership involvement rather than any critical structural defect of the principal organ under consideration. It has to be emphasized once again that the Security Council would be an appropriate means to reach its specific organizational goals as it is, if members of the United Nations did not condemn it to idleness by frequently obstructing its work or declining sufficient assistance for its actions out of sheer self-interest.[69]

The founders of the organization not only anticipated the need of changes to arise in the future, but also the likely behaviour of member states. For that

[67] See *supra* note 2.

[68] The theory of organizational equilibrium holds that members of an organization are both positively and negatively motivated to participate in the organization. The former represents the benefits provided by the organization to its members, while the latter symbolizes the contribution of members to the co-operation within the organization. Members participate in the organization until their benefits originating from membership outweigh their contributions. Thus the organization can endure only as long as it is able to transform incoming contributions into benefits, and redistribute them to members in a satisfactory manner, thereby ensuring their continuous participation and further contributions. Cf. Barnard: *op. cit.* 56–59.

[69] "An international or regional organization's impotence is always the result of its members' policies." Hoffmann, S.: Thoughts on the UN at Fifty. *European Journal of International Law*, 6 (1995), 322.

reason, President Harry S. Truman had addressed the following solemn instructions to delegates on the occasion of signing the Charter of the United Nations:

> "You have created a great instrument for peace and security and human progress in the world. The world must now use it! If we fail to use it, we shall betray all those who have died in order that we might meet here in freedom and safety to create it. If we seek to use it selfishly–for the advantage of any one nation or any small group of nations–we shall be equally guilty of that betrayal. The successful use of this instrument will require the united will and firm determination of the free peoples who have created it. The job will tax the moral strength and fibre of us all."[70]

Conclusions

The reform of the Security Council had been anticipated by the founders of the United Nations as a normal and inevitable event in the life of the organization. Even though efforts aimed at comprehensive restructuring are coeval with this unique body, the turn of the millennium has witnessed a significant increase of critical voices and a strengthening of calls for reform.

The declared objective of reform proposals is to enhance the effectiveness, in other words, the degree of goal-attainment of the Security Council. A careful investigation of organizational goals and relevant practice, however, reveals that a definitive statement concerning the effectiveness or ineffectiveness of the Council can hardly be formulated as its record comprises both tragic failures and outstanding achievements. At any rate, these achievements indicate that the Council is capable of effective functioning even in its current form, thus neither its prevailing structure nor its working methods unavoidably hamper the attainment of organizational goals. The real obstacle in the way of maximum effectiveness emanates from subversive unofficial operative goals and interests of members, not from the current establishment. Hence a radical reorganization of the Security Council both in terms of structure and working methods is not an inescapable precondition of enhancing effectiveness, and in consequence, such arguments do not plausibly justify reform proposals.

The fundamental change of organizational environment that occurred after the end of the Cold War likewise fails to substantiate the need for reform because

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[70] Address by the President of the United States of America at the Closing Plenary Session of the United Nations Conference on International Organization, San Francisco, 26 June 1945. U.N.C.I.O. Docs, Vol. I, 716.

the Council has remained perfectly capable of taking prompt and effective action against any traditional or new threat or challenge by relying on its exceptionally broad powers and vast inventory in the field of maintenance or restoration of international peace and security–provided, of course, that its members are sufficiently motivated. Similarly, power struggles between the General Assembly and the Security Council as well as certain intrinsic features of the Council–namely lack of representativeness, undemocratic decision-making, and absence of transparency–cannot convincingly explain the necessity of comprehensive reform either.

It appears that reform proposals are rooted in various individual and highly subjective interests rather than objective circumstances. Therefore, the reform of the Security Council is necessary simply because the majority of member states, acting upon divergent considerations, demands modifications. Since the United Nations is a voluntary organization, it cannot ignore the demands of its members. In order to secure continuous membership involvement, and thereby its very survival, the organization must attempt to fulfill these demands even if the problems with which member states try to substantiate their aspirations primarily emerge as a result of their own indolence, not as a result of critical structural or procedural shortcomings of the Security Council.