

# Long overdue reforms

BY MAKIO MIYAGAWA

**The call to make the United Nations Security Council more broadly representative and transparent, and to further enhance its effectiveness, has yet to bear fruit.**

THE United Nations celebrates its 70th anniversary next year. Throughout those years, the world has immensely changed.

In the first 30 years, many countries succeeded in gaining independence from colonial tyranny and joined the UN. The members have almost quadrupled from 51 to 193.

United States President Franklin Roosevelt claimed the five major powers (the P5) would serve as the primary security guarantors, and the UN should be constructed to reflect this. However, their cross-fire of vetoes has paralysed the Security Council.

The end of the Cold War heightened expectations for a new opportunity. Despite some improvements in the UN, like the establishment of the UN Development Programme and the introduction of peacekeeping operations, the Security Council has so far failed to provide effective prescriptions.

Defects of the Security Council are multi-faceted. On the soundness of the international legal system, a growing number of Security Council resolutions entail a legally binding nature, forming part of international law, like in cases of economic sanctions. "No obligation without consent", a fundamental legal principle, is flickering.

How could a small group of countries legitimately represent the views of others? A principle of the UN Charter, "equal rights of peoples", is also challenged.

On financial contribution, many resolutions require budgetary contributions.

The financial contributions by some permanent members are too modest compared with certain others outside the five.

Many Security Council decisions cannot effectively be implemented by the P5 alone. In addressing new security challenges, they need co-operation and participation of other powers.

For these defects, voices have surfaced time and time again. In 1992, the then Secretary-General, Boutros Boutros-Ghali, took the initiative to restructure the composition and procedures of the Security Council.

The Secretary-General's High Level Panel concluded that the reforms should include the enlarged involvement of those who contribute most to the United Nations financially, militarily and diplomatically. The Panel stressed preference that additional seats should be given to the top three financial contributors, the top three contributors to voluntary activities, or the top three troop contributors to UN peacekeeping missions.

As to the veto power, the Panel concluded that the institution of the veto has an anachronistic character, unsuitable in an increasingly democratic age. Although the Panel failed to conclude its abolition, it recommended that its use should be limited to matters where P5's interests are genuinely at stake. The Panel concluded that the reforms should increase the democratic and accountable nature of the UN.

The UN World Summit, at its celebration of its 60th anniversary in 2005, issued its Outcome Document which states: "We support early reform of the Security Council 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".

However, the reform has shamelessly made little progress in well over a decade. The reform of the UN is long overdue.

A growing frustration among the member states about the dysfunctioning of the Council has been mounting.

The Security Council failed to overcome this issue in its 60th anniversary of the UN. Now its 70th anniversary is just around the corner. As Malaysia enters the council next year, its responsibility is heavy, indeed.

*> Dr. Makio Miyagawa is Ambassador Extraordinary and Plenipotentiary of Japan to Malaysia. The above is an excerpt from the 8th Tun Suffian Memorial Lecture on Nov 10. The views expressed here are entirely his own, and do not represent the views of the Government of Japan.*