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Reforming informal membership and practice of the UN Security Council

Niels Nagelhus Schia | 09 September 2015

The growing workload of the United Nations Security Council (UNSC) has led to new and less formal ways of negotiation emerging within the Council, such as consultations and committees. According to Niels Nagelhus Schia (Norwegian Institute of International Affairs) these processes can positively influence the Council's efficiency. Although relying on them risks undermining the Council's legitimacy, they have the potential to bypass the current political deadlock on its necessary reform.

The UNSC is the world's most important international decision-making body with the primary responsibility of maintaining international peace and security. It is

thus is why the legitimacy and the global commitment to UN peacekeeping operations also hinge on the legitimacy of the Council's decisions and processes.

A trend of informal decision-making

Even though the Council is the only arena where such decisions can be made, it is not perfect. The Council's legitimacy depends on the maintenance of its original purpose as set out in the UN Charter and the Council's Rules of Procedure. However it also depends on continued relevance in an ever-changing world and the ability to efficiently make decisions and resolutions on ongoing conflicts and threats to international peace and security.

These two sides to its legitimacy sometimes conflict which then contributes to an organizational plasticity, a flexibility of the rules and processes of an organization that are defined by the interrelation between its formal structures and the informal processes that shape its daily reality. [i] An increased use of informal processes around the functioning of the Council, such as informal consultations, groups of friends, use of the committees and its penholder function are challenging the balance between its legitimacy and efficiency.

New and less formal ways of approaching cases before they are dealt with around the iconic horseshoe table have become more common and almost institutionalized as a result of the growing Council workload (like the 'penholder function'). This trend means that the decision-making process in the Council has moved further away from formal arenas and as a consequence member states invest increasingly in these informal decision-making processes in the Council. [ii]

That is not to say that having a place at the table has become irrelevant. A country's chances of influencing matters backstage are greater when a country is also a member of the UNSC. However informal processes could be enhanced and made more democratic and transparent. Institutionalizing them into the rules of procedure of the UNSC. Such institutionalization would prevent the increased efficiency of the decision-making process from having a negative impact on the transparency, consensus and legitimacy of the process and its decisions.

Both (sometimes conflicting) concerns are equally important for the Council's relevance in maintaining international peace and security. Despite the huge contradictions between the great powers during the Cold War, the Security Council has managed to maintain a balance between these two conflicting concerns for seven decades now. Its predecessor, the League of Nations, sacrificed efficiency to increase legitimacy and became irrelevant and dissolved before completing its third decade.

Lessons from the League of Nations

The League of Nations was the predecessor to United Nations. Established in 1920, it was dissolved (in practice, replaced by the United Nations) in 1946. The League was active during

conflicts such as Italy's attack on Abyssinia in 1935 that the League was not able to deal with or process. Several of the great powers of the time (Germany, Italy, Japan, the Soviet Union and Spain) later withdrew from the League of Nations. As a result, it became increasingly irrelevant and lost the legitimacy it needed in order to play its intended role in world politics. However due to the formal terms in the rules of procedure, difficulties began from day one as the USA withdrew from cooperation even before the League became operational.

Recommendations for reforms

So far the Security Council has been evidently better at maintaining its relevance than the League of Nations ever did. However sacrificing legitimacy for the sake of efficiency could change that. Member states are again calling for a reform of the composition of the UNSC. Previous attempts at reforming the composition of the Council have been locked by the veto of the five permanent member-states and are likely to be locked in the future. However rather than changing the formal composition and power structure, a reform of the informal processes is less political and could bypass this deadlock and make the Council more transparent and inclusive. This could be achieved by focusing on:

- 1) Enhancing the transparency and democratic procedures pertaining to the informal parts of the Council's current decision-making process;
- 2) Enhancing the influence of the ten elected member-states in the Council so they can participate in the decision-making processes in the same way as the five permanent member-states (for instance, all members states should be penholders on a regular basis);
- 3) By better addressing the reflection of changes in the global distribution of power by incorporating a new layer of member states or regional organizations in the Council. This would not affect the current position of the five permanent member states as veto powers and are thus easier for these to accept;
- 4) Establishing a more systematic and coherent relation with regional organizations such as the African Union (AU) and ECOWAS as this is particularly relevant when mandating peacekeeping/peacebuilding operations;
- 5) Improving the dynamics of the Council's working methods so that they can better address and respond to emerging conflicts.

Less legitimacy would make it more difficult for the Security Council to maintain efficiency through its relevance in international affairs in the long run. If the Security Council is unable to balance these two considerations in the future it will be weakened in its ability to safeguard international peace and security.

Endnotes

[i] See Schia, Niels Nagelhus. 2013. "Being Part of the Parade – 'Going Native' in the United Nations Security Council". PoLAR, vol 36(1) pp. 138-156.

complexity and consensus-making in the United Nations Security Council".

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