

U.N. Security Council Permanent Membership: A New Proposal for a Twenty-First Century Council

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It goes without saying that all of us agree on the need to reform and enlarge the Security Council in all respects, in order for this vital United Nations organ to reflect the changes of the modern world The difficulty is in deciding how this should be brought about Collective human ingenuity created the United Nations in 1945. That ingenuity is still here and better informed than ever before. What is lacking today is political will.¹

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¹ Ambassador Gurirab of Namibia, President of the General Assembly, Opening Remarks, 1999 Plenary Debate on Security Council Membership, Press Release, United Nations, Assembly President Opens Debate on Security Council Reform GA/SM/143 (Dec. 16, 1999) (on file with author).

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INTRODUCTION

The United Nations was born during a time of turmoil.² The fields, villages, and great cities of Europe were still smoldering. The wrecked hulls of sunken warships in the Atlantic and Pacific were just beginning to rust. The charred remains of tank battalions were not yet covered by the desert sands of the Sahara. Civil war in China had broken out before the previous war's dead could be buried. Terrified millions cowered before bitter, and sometimes brutal, occupying forces. The reality of the Holocaust was still being uncovered. Millions of refugees and displaced survivors were on the move all over the globe.

Forged by the victors of the Second World War, in the aftermath of the most destructive global conflict in history—the only one to witness the aggressive use of nuclear weapons—the new United Nations was charged with bringing order to a climate of political and social chaos.³ Stability was sought through the insurance of international peace and security. The Charter of the United Nations, adopted in San Francisco in 1945, placed the Allied nations at the helm of the Security Council.⁴ Pursuant to the Charter, Great Britain, the Soviet Union, France, the United States, and the Republic of China were each granted “permanent” seats on this august body, as well as complete individual veto power⁵ over any proposed action.

Ironically, the very structure that was meant to ensure strong leadership by the United Nations Security Council (UNSC) turned out to be its key weakness and the chief cause of paralysis during the ensuing Cold War.⁶ The only major military action conducted

² LELAND M. GOODRICH & EDVARD HAMBRO, CHARTER OF THE UNITED NATIONS, COMMENTARY AND DOCUMENTS 3 (1946).

³ LELAND M. GOODRICH, THE UNITED NATIONS 41 (1959).

⁴ OXFORD COMPANION TO POLITICS OF THE WORLD 932 (Joel Krieger ed., 1993) [hereinafter POLITICS OF THE WORLD]. The U.N. essentially “emerged from the anti-Axis coalition.” *Id.* Fifty nations adopted the Charter on June 26, 1945, allowing it to enter into force on October 24 of the same year. *Id.*

⁵ U.N. CHARTER, arts. 23 & 27. See also Keith L. Sellen, *The United Nations Security Council Veto in the New World Order*, 138 MIL. L. REV. 187, 190 (1992) (citing INIS L. CLAUDE, JR., SWORDS INTO PLOWSHARES—THE PROBLEMS AND PROGRESS OF INTERNATIONAL ORGANIZATION 61-62, 155 (4th ed. 1971) (noting U.S. fears that the Senate would not ratify the treaty without the veto and Soviet fears that it would be consistently outvoted by the Western powers without the veto)).

⁶ POLITICS OF THE WORLD, *supra* note 4, at 933. Inaction by the Security Council was due largely to the presence of the veto. By the end of 1989, the U.S.S.R. had vetoed 114 resolutions and the U.S. had vetoed 67. *Id.* By comparison, the U.K. had

pursuant to UNSC authorization between 1950 and 1990 was the Korean War.⁷ That this action was undertaken without veto was due entirely to circumstance—the Soviet seat was vacant and the Chinese seat was in dispute.⁸ The only major U.N. military action to take place since the end of the Cold War was the Gulf War against Iraq. That this action was undertaken without veto was due entirely to politics—the Soviet Union had dissolved, Russia was financially indebted to the West, and China had been co-opted by the United States.⁹ Thus, because Russia sought aid from the West and China sought to mollify negative American public opinion following the 1989 Tiananmen Square massacre, neither country vetoed U.N. military action in the Persian Gulf.¹⁰

Recently, calls by the 180 other countries not included in the “permanent” structure of the Security Council to reform the UNSC by increasing its diversity have grown more specific and more insistent.¹¹ However, there are understandable fears that an increase in the number of permanent members on the UNSC with more veto-wielding authority would undermine the Council’s newfound efficiency and effectiveness.¹² Thus, no agreement has been reached in seven years of negotiation.¹³

This article presents a new proposal for reforming UNSC permanent membership derived from state, organizational, and academic recommendations, which have been reinterpreted into a new framework, infused with new modifications and extrapolated to achieve a new consensus on Security Council restructuring.¹⁴

vetoed thirty measures, France eighteen, and China three during the same period.
Id.

⁷ “The Cold War effectively prevented the Security Council from acting under chapter VII except to counteract apartheid and the vestiges of colonialism.” Frederic L. Kirgis, Jr., *The Security Council’s First Fifty Years*, 89 AM. J. INT’L L. 506, 512 (1995).

⁸ See *infra* notes 20-23 and accompanying text.

⁹ David D. Caron, *The Legitimacy of the Collective Authority of the Security Council*, 87 AM. J. INT’L L. 552, 563 (1993) (citing Burns H. Weston, *Security Council Resolution 678 and Persian Gulf Decision Making: Precarious Legitimacy*, 85 AM. J. INT’L L. 516, 523-25 (1991)). See also discussion *infra* note 209.

¹⁰ WENDELL GORDON, *THE UNITED NATIONS AT THE CROSSROADS OF REFORM* 34 (1994).

¹¹ BARDO FASSBENDER, *UN SECURITY COUNCIL REFORM AND THE RIGHT OF VETO: A CONSTITUTIONAL PERSPECTIVE* 237 (1998).

¹² Michael Binyon, *Pretenders to U.N. Throne Cause Rift Among Old Powers*, TIMES (London), June 3, 1993, available at 1993 WL 10582172.

¹³ Press Release, United Nations, General Assembly Concludes Consideration of Security Council Reform GA/9693 (Dec. 20, 1999).

¹⁴ While the ancillary reform issue of increasing UNSC transparency in its

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I. PAST SECURITY COUNCIL MILITARY ACTIONS: KOREA & IRAQ

Prior to undertaking any reform analysis, it is instructional to place UNSC politics and history in perspective by noting when the Council has and has not acted to exercise its greatest power—the authorization for the use of force.¹⁵ The multinational military coalitions formed under U.N. mandate and led by the United States in Korea and Iraq are the two major examples of collective security in action.¹⁶ It is no coincidence that they served as “bookends” on either side of the Cold War, an era characterized by inaction by the UNSC through liberal veto usage.¹⁷

Prior to the outbreak of the Cold War, the Korean Peninsula was divided for postwar occupation by agreement between the United States and the U.S.S.R. in August of 1945;¹⁸ however, as in Europe, communist forces did not relinquish their grip on their portion of the occupied territories.¹⁹ As for the Chinese Civil War, with Mao Zedong’s victory over Chiang Kai-shek in 1949, communist control over mainland China was solidified,²⁰ causing the nationalist Chinese forces to flee across the Taiwan straits to the island of Formosa.²¹ Fresh from this momentous victory, the

conduct of regular business is an equally important and philosophically vexing concern, it is beyond the focus of this study. Closed door diplomacy has emerged as the *modus operandi* for the Security Council, such that before the Council meets in public session, the five permanent members have already met in a separate room, and the three permanent members that belong to NATO (U.S., France and Britain) have already consulted. These prior meetings are closed, and no minutes recorded. W. Michael Reisman, *The Constitutional Crisis in the United Nations*, 87 AM. J. INT’L L. 83, 85-86 (1993). The Open-Ended Working Group is charged with considering the issues of UNSC expansion and increased transparency together.

¹⁵ U.N. CHARTER, ch. VII; Kirgis, *supra* note 7, at 511-13.

¹⁶ Robert S. Snyder, *Reforming the Security Council for the Post-Cold War World*, 14 INT’L J. ON WORLD PEACE 3, 5-6 (1997).

¹⁷ *Id.* at 5.

¹⁸ WILLIAM STUECK, *THE KOREAN WAR: AN INTERNATIONAL HISTORY* 18-19 (1995). It was the U.S. that proposed division of the American and Soviet occupation zones at the 38th parallel. *Id.* at 19. Stalin accepted this proposal, as it gave the Soviets access to warm water ports as well as hydroelectric power grids. *Id.* However, two-thirds of the population remained in the American-occupied southern sector. *Id.*

¹⁹ When the U.S. withdrew its “occupation” forces from South Korea in 1949, *id.* at 28, it left behind a democratic government in South Korea, while the communist troops withdrawing left behind a puppet government in North Korea that was in control of a Sino-Soviet trained and equipped military poised to invade the South. MYUNG-KI KIM, *THE KOREAN WAR AND INTERNATIONAL LAW* 37-47 (1991).

²⁰ SERGEI N. GONCHAROV, ET AL., *UNCERTAIN PARTNERS: STALIN, MAO, AND THE KOREAN WAR* 1-35 (1993).

²¹ *Id.*

communist Chinese leadership backed the puppet government in communist North Korea in its decision, conceived with Soviet approval, to conquer the entire Korean Peninsula.²² America acted in response to this communist incursion by taking the matter to the UNSC, where only three of the five permanent members were actively seated.

The Chinese seat was still occupied by the nationalist Chinese government—recently exiled to Taiwan after their defeat on the continent by the Communists.²³ The Soviets boycotted the UNSC as an official protest to support the seating of the communist government of the People's Republic of China over the nationalists.²⁴ Predictably, France and the United Kingdom declined to veto the American initiative, and the UNSC issued Resolution 83, authorizing military resistance to the North Korean incursion,²⁵ and Resolution 84, approving a unified command for this operation under American leadership.²⁶ Subsequently, a multinational coalition of sixteen nations was formed²⁷ with the bulk of troops from the United States²⁸ and, under the command of General Douglas MacArthur, sent to repel the North Korean communist invasion.²⁹

Politically, U.N. authorization of this military action meant that the objective was restoration of South Korea's territorial integrity, not the occupation of North Korea.³⁰ Resistance to this limitation ultimately contributed to the loss of General MacArthur's command when he demanded authority from President Truman to complete

²² *Id.* at 143-54.

²³ SYDNEY D. BAILEY & SAM DAWS, *THE PROCEDURE OF THE UN SECURITY COUNCIL* 179-81 (3d ed. 1998).

²⁴ *POLITICS OF THE WORLD*, *supra* note 4, at 933. *See also* BAILEY, *supra* note 23, at 181, 257. The absence of the Soviet representative due to its boycott was considered a voluntary abstention. *Id.*

²⁵ S.C. Res. 83, U.N. SCOR, 5th Sess., 474th mtg. at 5, U.N. Doc. S/1511 (1950); *POLITICS OF THE WORLD*, *supra* note 4, at 933. The vote was seven (Republic of China, Cuba, Ecuador, France, Norway, United Kingdom, United States) to one (Yugoslavia). Egypt and India did not participate.

²⁶ S.C. Res. 84, U.N. SCOR, 5th Sess., 476th mtg. at 5, U.N. Doc. S/1588 (1950); *POLITICS OF THE WORLD*, *supra* note 4, at 933. The vote was seven (Republic of China, Cuba, Ecuador, France, Norway, United Kingdom, United States) to none (Egypt, India and Yugoslavia abstaining).

²⁷ DAVID J. WHITTAKER, *UNITED NATIONS IN THE CONTEMPORARY WORLD* 50 (1997).

²⁸ *Id.* The U.S. provided "half the troops, 86 percent of the naval force and 90 percent of the air force." *Id.*

²⁹ STUECK, *supra* note 18, at 85-87.

³⁰ PETER R. BAEHR & LEON GORDENKER, *THE UNITED NATIONS IN THE 1990S* 67 (2d ed. 1994).

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the conquest of North Korea and drive onward across the Yalu River into mainland China.³¹ Truman, who understood this political limitation as well as the consequences of invading China, declined such authorization and dismissed the publicly insubordinate general.³²

Resolution of the Korean War centered on the establishment of a demilitarized zone³³ between communist North Korea and democratic South Korea at the 38th parallel.³⁴ This border still divides the two countries on the Korean Peninsula, although tensions have begun to mount once more.³⁵ Today, 37,000 U.S. troops continue to be garrisoned in South Korea³⁶ as part of a U.N. force.³⁷ Because peace negotiations were never produced a formal treaty, a state of war technically still exists between North and South Korea.³⁸

Throughout the Cold War, the allocation of the Security Council's permanent seats between three democratic/capitalist states (the United States, Britain, and France) and two communist states (the U.S.S.R. and the People's Republic of China, which gained the disputed Chinese seat in 1971³⁹), ensured that no military action would be mounted under the U.N. banner that involved any conflict of interest between the two camps.⁴⁰ Consequently, it was only after the dissolution of the U.S.S.R. and the resultant

³¹ STUECK, *supra* note 18, at 62, 66, 130-35.

³² *Id.* at 178-82. MacArthur nonetheless returned home to a hero's welcome. JAMES L. STOKESBURY, *A SHORT HISTORY OF THE KOREAN WAR* 127 (1988).

³³ The U.N. has subsequently used demilitarized zones (DMZs) in other places, such as the border between Iraq and Kuwait and the Prevlaka Peninsula, disputed by Croatia and Yugoslavia.

³⁴ Marcelle S. Fischler, *Long Island Journal: A Mission to Teach about a Forgotten War*, N.Y. TIMES, Apr. 16, 2000, at L14.

³⁵ Howard W. French, *Strains with North Korea Ease, but Clouds Hover*, N.Y. TIMES, Sept. 7, 1999, at A6; Calvin Sims, *Behind Korea Meeting, A Million Troops in a Standoff*, N.Y. TIMES, May 4, 2000, at A3. Even so, there is hope that progress will be made toward closer ties leading to eventual reunification some years down the road. *The Two Koreas Continue to Report Progress in New Talks*, N.Y. TIMES, Aug. 31, 2000, at A6.

³⁶ Sheryl WuDunn, *2 Koreas' Navy Vessels Circle Cautiously; U.S. Sends Ships*, N.Y. TIMES, June 18, 1999, at A3.

³⁷ Steven Erlanger, *Peace Is Up to North Korea, Albright Tells Front-Line Troops*, N.Y. TIMES, Feb. 23, 1997, at A10.

³⁸ Fischler, *supra* note 34.

³⁹ BAILEY, *supra* note 23, 184-87.

⁴⁰ Sean D. Murphy, *The Security Council, Legitimacy, and the Concept of Collective Security after the Cold War*, 32 COLUM. J. TRANSNAT'L L. 201, 207 (1994).

conversion of Russia, successor to the Soviet UNSC seat,⁴¹ to a pluralistic capitalist democracy, that a majority of permanent Security Council members was able to politically neutralize communist China (undergoing its own post-Mao economic reforms).⁴² These developments also allowed the UNSC to move forward with a military response to Iraq's invasion of Kuwait.⁴³

On the morning of August 2, 1990, about 120,000 Iraqi troops, led by over 350 battle tanks, swarmed across the border into the sheikdom of Kuwait, seizing the small country's oil fields and occupying its capital.⁴⁴ The government was driven into exile.⁴⁵ In response, the UNSC passed a series of resolutions condemning the invasion, demanding a withdrawal,⁴⁶ and imposing economic sanctions against Iraq for non-compliance.⁴⁷ The UNSC also authorized military action to intercept maritime trade in violation of previous resolutions,⁴⁸ demanded the protection of all diplomats in the occupied areas,⁴⁹ threatened additional action against Iraq for continued non-compliance,⁵⁰ condemned Iraqi attempts to repopulate Kuwait with Iraqi nationals,⁵¹ and finally, authorized the use of military action to expel Iraqi forces from Kuwait.⁵²

Led once again by the United States, a multinational coalition of twenty-one nations was formed to militarily intervene and

⁴¹ *Id.* at 137; Michelle Smith, Note, *Expanding Permanent Membership in the U.N. Security Council: Opening a Pandora's Box or Needed Change?*, 12 DICK. J. INT'L L. 173, 188 (1993).

⁴² GORDON, *supra* note 10.

⁴³ POLITICS OF THE WORLD, *supra* note 4, at 934.

⁴⁴ Christopher John Sabec, Note, *The Security Council Comes of Age: An Analysis of the International Legal Response to the Iraqi Invasion of Kuwait*, 21 GA. J. INT'L & COMP. L. 63, 64-65 (1991).

⁴⁵ *Id.*

⁴⁶ S.C. Res. 660, U.N. SCOR, 45th Sess., 2932d mtg. at 19, U.N. Doc. S/INF/46 (1990).

⁴⁷ S.C. Res. 661, U.N. SCOR, 45th Sess., 2933d mtg. at 19, U.N. Doc. S/INF/46 (1990).

⁴⁸ S.C. Res. 665, U.N. SCOR, 45th Sess., 2938th mtg. at 21, U.N. Doc. S/INF/46 (1990).

⁴⁹ S.C. Res. 667, U.N. SCOR, 45th Sess., 2940th mtg. at 23, U.N. Doc. S/INF/46 (1990).

⁵⁰ S.C. Res. 674, U.N. SCOR, 45th Sess., 2951st mtg. at 25, U.N. Doc. S/INF/46 (1990).

⁵¹ S.C. Res. 677, U.N. SCOR, 45th Sess., 2962d mtg. at 27, U.N. Doc. S/INF/46 (1990).

⁵² S.C. Res. 678, U.N. SCOR, 45th Sess., 2963d mtg. at 27, U.N. Doc. S/INF/46 (1990). The vote was twelve (Britain, Canada, Columbia, Côte d'Ivoire, Ethiopia, Finland, France, Malaysia, Romania, Russia, United States, and Zaire) to two (Cuba and Yemen). China abstained.

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liberate Kuwait from Iraqi occupation.⁵³ As in the case of Korea, U.N. involvement meant that political limitations were necessary. Security Council authorization did not include the occupation of Iraq, only restoration of the territorial integrity of Kuwait.⁵⁴ Consequently, President George Bush ordered General Norman Schwarzkopf to halt the Gulf War once this goal was achieved. Since 1991, the UNSC has demonstrated more willingness to authorize military intervention around the world in furtherance of its mandate to ensure international peace and security.

Indeed, it is generally the British view that successful multinational U.N. military interventions like those in Korea and Iraq indicate that the UNSC can work as designed;⁵⁵ only the happenstance of the Cold War stymied these efforts for forty years. The sixteen nations comprising the Korean War coalition represented about twenty-six percent of U.N. member states in 1950, and the twenty-one nations comprising the Gulf War coalition represented approximately thirteen percent of U.N. member states in 1990.⁵⁶ Consequently, the argument goes, whether the world community represented in the U.N. consists of 62 states, as it did in 1950,⁵⁷ or 159 states, as it did in 1990,⁵⁸ the UNSC can still respond militarily, effectively and efficiently. Therefore, any significant increase in the membership of the UNSC would negatively affect both its "efficiency and effectiveness."⁵⁹

⁵³ WHITTAKER, *supra* note 27, at 50. Of the 680,000 troops fielded by the coalition during the Gulf War, two-thirds were American. *Id.*

⁵⁴ See S.C. Res. 678, *supra* note 52.

⁵⁵ Michael Sheridan, *United Nations: What's Gone Wrong? / Chaotic Harmony or Just Chaos?; Structural Defects*, INDEPENDENT (London), Nov. 1, 1993, at 14.

⁵⁶ KUMIKO MATSUURA ET AL., CHRONOLOGY AND FACTBOOK OF THE UNITED NATIONS 1941-1991 227-32, tbl. 1 (1992).

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ FASSBENDER, *supra* note 11, at 235-37. Not all states, however, share this view. Lithuania's ambassador to the U.N. recently stated:

[T]he dilemma of the Security Council's enlargement had been presented as one of equitable representation versus efficiency. Such a characterization was wrong; there was no contradiction between representatively and efficiency. On the contrary, the correlation between the two was positive. Proper enlargement of the Security Council would enhance its efficiency.

Press Release, United Nations, Assembly Adopts Text on Bosnia and Herzegovina; Takes Up Security Council Reform GA/9688 (Dec. 16, 1999).

II. THE STRUCTURE OF THE U.N. SECURITY COUNCIL

Organizationally, little has changed since the first meeting of the Security Council⁶⁰ on January 17, 1946 at Church House, London, "close to Westminster Abbey and the bomb-scarred Houses of Parliament."⁶¹ In addition to the original five permanent members, six non-permanent members were elected by the General Assembly: Australia, Brazil, Egypt, Mexico, the Netherlands, and Poland.⁶² Two days later, Iran brought the first dispute to the new body, contesting the presence of Soviet troops in its territory.⁶³

An informal "gentlemen's agreement" reached prior to the first meeting provided that non-permanent seats would be geographically distributed on the following basis:⁶⁴

Region	Permanent Seats
Latin America	Two
Middle East	One
Eastern Europe	One
Western Europe	One
Commonwealth	One

This pattern was basically followed with varying degrees of success until 1963, when the General Assembly decided to enlarge the non-permanent seats on the Security Council from six to ten.⁶⁵ Reflecting the appearance of new states during the period of decolonization, the geographic distribution of non-permanent seats was reallocated:⁶⁶

Region	Permanent Seats
African States	Three
Asian States	Two
Latin American States	Two
Eastern European States	One
Other States	Two

⁶⁰ Kirgis, *supra* note 7, at 537.

⁶¹ BAILEY, *supra* note 23, at 1.

⁶² *Id.*

⁶³ MATSUURA, *supra* note 56, at 4.

⁶⁴ BAILEY, *supra* note 23, at 143.

⁶⁵ *Id.* at 152.

⁶⁶ *Id.* at 152-53.

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The 1963 accommodation reflects the current structure of the Council:⁶⁷ fifteen members total, five of whom are permanent with an individual veto power⁶⁸ and ten of whom are non-permanent, elected by the General Assembly for two-year terms with no individual veto power.⁶⁹ Five of the ten non-permanent members are elected each year to provide overlap.⁷⁰ Moreover, none are allowed to serve consecutive terms.⁷¹

The UNSC voting structure restrains the five permanent members from doing whatever they choose. Any Council action requires the concurring votes of at least four of the non-permanent members.⁷² Additionally, while the non-permanent members have no individual veto prerogative, they can exercise a collective veto of sorts. When any five of the non-permanent members are in agreement, they can prevent the Council from taking an action by exercising an open or hidden veto.⁷³

Significant geographic concerns, and to a lesser extent numeric representation, were adequately addressed by the 1963 enlargement. Due to ongoing de-colonization and the break-up of the Soviet Union, however, the number of U.N. member states has grown exponentially since that time. Over a thirty-year period, U.N.

⁶⁷ India raised the question of increasing the number of non-permanent UNSC members from ten to fourteen in 1979, but this proposal was not seriously considered. M.H. Ansari, *Democratizing the Security Council*, in THE UNITED NATIONS AT 50: AN INDIAN VIEW 205, 207 (Satish Kumar ed., 1995).

⁶⁸ BAILEY, *supra* note 23, at 137. The veto of a permanent member may be exercised in several ways including (1) The Open Veto (or Real Veto), where any negative vote on any substantive matter is an open veto, (2) The Double Veto, where disagreement arises over whether a proposal submitted to the UNSC is procedural or substantive in nature, and the permanent member uses its veto to prevent the matter from being considered procedural and then use its veto again to defeat the proposal itself, (3) The Hidden Veto (or Indirect Veto), which may be used instead of an outright veto when a permanent member persuades a majority of UNSC members to abstain on a question or vote against it, thereby defeating the matter all the same, (4) The Imposed (or Artificial Veto), or an attempt by a permanent member to make its consent essential for "questions which naturally should be solved . . . on a majority basis", and (5) The Veto by Proxy, where a permanent member exercises its veto power on behalf of a non-permanent member state or a state not sitting on the UNSC. ANJALI V. PATIL, THE U.N. VETO IN WORLD AFFAIRS 1946-1990 16-17 (1992).

⁶⁹ BAILEY, *supra* note 23, at 152-53.

⁷⁰ *Id.* at 142.

⁷¹ *Id.*; U.N. CHARTER, art. 23, para. 2.

⁷² BAILEY, *supra* note 23, at 139.

⁷³ *Id.* See also *supra* note 68.

membership grew from 115 in 1964 to 185 in 1994.⁷⁴ Today there are 180 candidates to fill only ten elected seats on the Security Council.⁷⁵ As a result, the question of equitable representation through further enlargement of the Security Council is now widely regarded as ripe for consideration.⁷⁶

III. AN OVERVIEW OF REFORM PROPOSALS

Proposals for Security Council reform, beginning in 1979 and continuing through the 1980s, were geared mainly toward increasing diversity and numeric representation for non-permanent members.⁷⁷ However, after the end of the Cold War, which held the UNSC in *de facto* status quo, proposals began to surface that reflected a more widespread sentiment to overhaul the UNSC.⁷⁸ From 1991 to 1993, the general feeling of "Third World" nations grew into a majority opinion on the matter and culminated in the passage of General Assembly Resolution 47/62, entitled *Question of Equitable Representation on and Increase in the Membership of the Security Council*.⁷⁹

This, in turn, led to the adoption in the next session of Resolution 48/26, establishing an "Open-ended Working Group to consider all aspects of the question of an increase in the membership of the Security Council and other matters related to the Council."⁸⁰ While the Working Group began meeting in 1994 under the chairmanship of Guyana,⁸¹ discord among the participants hampered the group from making any concrete proposals. Although there was general agreement that reform should be

⁷⁴ *Id.* at 153.

⁷⁵ *Id.* Because of the prestige associated with service on the now-active Security Council, competition among eligible candidate member states for election to the non-permanent regional seats has sometimes become expensive, fierce and bordering on the unethical. See Barbara Crossette, *Road to Seat at the U.N. is Paved with Perks*, N.Y. TIMES, Aug. 1, 1998, at A4 (noting the exchange of expensive gifts, complimentary cruises, free trips to candidate countries, and brown envelopes left in hotel rooms during junkets); David Watts, *Seoul Offers Peace Troops for Seat on Security Council*, TIMES (London), Mar. 8, 1995, available at 1995 WL 7653656.

⁷⁶ Sam Daws, *The Reform of the U.N. Security Council: Introduction*, in DOCUMENTS ON REFORM OF THE UNITED NATIONS 415 (Paul Taylor et al. eds., 1997).

⁷⁷ These efforts were actively suppressed by Britain, France, the U.S. and the U.S.S.R. FASSBENDER, *supra* note 11, at 221-22.

⁷⁸ *Id.* at 222-25.

⁷⁹ *Id.* at 225 (citing U.N. Doc. A/RES/47/62).

⁸⁰ *Id.* at 225-26.

⁸¹ *Id.* at 228.

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undertaken,⁸² the major overarching proposal offered by Malaysia during its chairmanship of the Working Group in 1997 was met with a mixed reception.⁸³

Beyond the question of seating new members, significant disagreement remains among states over whether new permanent members should also be granted veto power.⁸⁴ Such vexing issues emanate from the constitution builder's conundrum articulated by Yale Law School Professor W. Michael Reisman: "Too much centralized power will mean abuse; too much control will mean paralysis. Too much decentralization and too little control could spell anarchy."⁸⁵

The following are brief descriptions of various reform proposals for permanent membership seat distribution, and veto power, in the U.N. Security Council. Reconfiguration and redistribution of non-permanent seats is only cursorily considered as a method to gain acceptance of these proposals.⁸⁶ As the reader will note, there is a wide variety of ideas, but very little consensus for a specific, comprehensive UNSC reform plan.⁸⁷

A. Recommendations from Member States

As unavoidably self-interested creatures, recommendations from national governments will almost always contain a component

⁸² *Id.* at 231.

⁸³ The Ambassador from Malaysia proposed a three-stage plan of reform, wherein during the first stage, the General Assembly would adopt a resolution to enlarge the UNSC by five permanent and four non-permanent seats. FASSBENDER, *supra* note 11, at 233. During the second stage, specific states would be selected to fill the permanent seats by a two-thirds vote of the General Assembly. *Id.* During the third stage, the U.N. Charter would be amended in accordance with Article 108, followed by the convening of a review conference in ten years under Article 109 "in order to review the situation created by the entry into force of these amendments." *Id.* (quoting U.N. Doc. A/AC.247/1997/CRP.1). See also Press Release, United Nations, Assembly President Proposes Increase in Security Council Membership to 24 by Adding 5 Permanent, 4 Non-Permanent Members GA/9228 (Mar. 20, 1997).

⁸⁴ David M. Malone, *The U.N. Security Council in the Post-Cold War World: 1987-97*, 28 SEC. DIALOGUE 393, 402 (1997). See also Barbara Crossette, *U.S., Bending a Bit, Will Offer Wider Role for 3d World at U.N.*, N.Y. TIMES, July 17, 1997, at A14 (noting that while the U.S. insists that its own veto not be weakened, it is willing to turn over the decision on whether new UNSC members will receive a veto power to a committee).

⁸⁵ W. Michael Reisman, *Amending the U.N. Charter: The Art of the Feasible*, 88 AM. SOC'Y INT'L L. PROC. 108, 111 (1994).

⁸⁶ See discussion *infra* section IV(C).

⁸⁷ U.N. Press Release GA/SM/143, *supra* note 1. General Assembly President Theo-Ben Gurirab noted in 1999 that "[m]ember States are not quite ready right now for concentrated negotiations and for the final package deal." *Id.*

that favors that nation's foreign policy goals.⁸⁸ Of course, this is to be expected, as the primary responsibility of any government is to protect the interests of its own citizenry. Nevertheless, several proposals for UNSC reform offered by states do present creative suggestions. Moreover, they deserve consideration because only U.N. member states themselves can ultimately bring about any realistic reform within the U.N.

As the sole remaining superpower and strongest permanent member of the UNSC, the United States⁸⁹ has indicated, unequivocally, that any reform proposal that does not provide permanent seats for both Germany and Japan⁹⁰ would be unacceptable.⁹¹ This position fulfills a campaign pledge by President Clinton⁹² made in recognition of their respective economic strengths and contributions to the U.N. budget, which are larger than the contributions made by current Security Council members Britain, France, and China.⁹³ In addition to at least fifty other states, both Britain and France are also in favor of permanent seats for Germany and Japan.⁹⁴

While the United States understands that increasing permanent membership will result in some measurable dilution of its influence in the Security Council, it also clearly recognizes that without expansion the Council's legitimacy,⁹⁵ already questionable, will

⁸⁸ Malone, *supra* note 84, at 403; Christopher S. Wren, *Revising the U.N. Security Council: All Agree They Don't Agree*, N.Y. TIMES, Nov. 15, 1995, at A9; Helen Leigh-Phippard, *Remaking the Security Council: The Options*, in DOCUMENTS ON REFORM OF THE UNITED NATIONS 421 (Paul Taylor et al. eds., 1997).

⁸⁹ GUY ARNOLD, WORLD GOVERNMENT BY STEALTH, THE FUTURE OF THE UNITED NATIONS 156 (1997).

⁹⁰ "[T]hough both [Germany and Japan] have GNPs in excess of one trillion dollars, that of Germany is nearly double Britain's, while that of Japan, at nearly US\$4.7 trillion, is second only to that of the United States and equivalent to the combined GNPs of Germany, France and Britain." *Id.* at 160.

⁹¹ Wren, *supra* note 88 ("[T]he United States has threatened to block whatever [proposal] does not give permanent membership to Germany and Japan. 'The United States could not agree to a Council enlargement that did not include their permanent membership.'" (quoting American delegate Karl F. Inderfurth)).

⁹² FASSBENDER, *supra* note 11, at 237 n.243.

⁹³ Paul Lewis, *U.S. Says Bigger Security Council Will Make U.N. More Effective*, N.Y. TIMES, Jan. 13, 1994, at A8. See also MATSUURA, *supra* note 56, at 227-32 tbl. 1 (noting that the 1990 contributions for Germany were assessed at 8.93% of the U.N. budget, Japan at 12.45%, Britain at 5.02%, France at 6.0%, and China at 0.77%).

⁹⁴ Press Release, United Nations, General Assembly Continues Discussion of Security Council Reform GA/9689 (Dec. 16, 1999); FASSBENDER, *supra* note 11, at 245.

⁹⁵ For a recent discussion of perceptions regarding UNSC legitimacy and decision-making, see Obiora Chinedu Okafor, *The Global Process of Legitimation and the Legitimacy of Global Governance*, 14 ARIZ. J. INT'L & COMP. L. 117 (1997), and Jean-

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become more so.⁹⁶ The United States has not articulated a view on whether Germany and Japan should be empowered with a veto prerogative.⁹⁷ Nonetheless, it has said that it will not insist on revision of those countries' constitutions to allow extensive participation in military peacekeeping operations around the world⁹⁸ as a prerequisite to permanent membership on the Council.

The United States' view is that the permanent members of the UNSC should be expanded from five to ten.⁹⁹ Germany and Japan should each be accorded their own individual permanent seats on the Council.¹⁰⁰ The other three seats would then be distributed geographically among nations representing Latin America, Africa, and Asia.¹⁰¹ This plan basically reflects Germany's "2+3" proposal that builds a Council of six developed, and four developing, permanent members.¹⁰² However, the German proposal goes a step further to meet the interests of those who are clearly not candidates for membership by proposing a periodic review mechanism for all new permanent and non-permanent UNSC members.¹⁰³

Politically, the United States acknowledges that the cost of securing permanent seats for Germany and Japan is to increase the

Marie Henckaerts, Reporter, *The Security Council: Its Authority and Legitimacy*, 87 AM. SOC'Y INT'L L. PROC. 300 (1993).

⁹⁶ Lewis, *supra* note 93.

⁹⁷ America's only statement on the veto prerogative is that it would oppose any infringement on the powers of the current permanent members. FASSBENDER, *supra* note 11, at 247.

⁹⁸ Lewis, *supra* note 93. See also FASSBENDER, *supra* note 11, at 242-43 (noting that while Japanese law now allows its Self-Defense Forces to participate in U.N. peacekeeping operations, it does not permit participation in Chapter VII military operations). Moreover, while Germany's Federal Constitutional Court removed legal obstacles to German military contributions to U.N. operations abroad in 1994, mustering significant domestic support for a substantial contribution remains problematic. *Id.*

⁹⁹ Barbara Crossette, *U.S. Experts Suggest India Ease Military Presence in Kashmir*, N.Y. TIMES, Oct. 12, 1997, at A8.

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² FASSBENDER, *supra* note 11, at 241.

¹⁰³ "New permanent members will become accountable to the general membership. The performance and the action of any new permanent member will be taken into account at the moment of review. Any new permanent member could be replaced." *Id.* (quoting *Periodic Review Clause: Working Paper by Germany*, July 3, 1996, U.N. Doc. A/AC.247/1996/

CRP.15/Rev.1). In this regard, the philosophy behind a periodic review of permanent members is not altogether unlike the philosophy behind periodic post-tenure review of university faculty. Like permanent membership, a tenured professorship is considered a lifetime appointment. The concept of review, however, is meant to ensure *continuing* high quality of work.

developing world's non-permanent representation on the Council.¹⁰⁴ For a few years, an increase from fifteen to around twenty members was the maximum that the United States was willing to consider in this regard.¹⁰⁵ Recently, however, the United States has indicated that expansion of the Council beyond twenty members might be acceptable in exchange for a long-sought reduction in its share of U.N. dues payments.¹⁰⁶

Italy has led the argument against this proposal¹⁰⁷ on the theory that there should be no expansion of fixed permanent membership at all, only rotating regional permanent seats.¹⁰⁸ In that regard, it appears to favor a seat for the European Union on the Council.¹⁰⁹ Italy also supports an idea put forward by Turkey that "semi-permanent" seats should rotate frequently on a universal basis among a group of thirty to forty states instead of utilizing a strictly regional allocation scheme.¹¹⁰ However, the principle of universal suffrage for rotating seats has been rejected by the African states.¹¹¹

Interestingly, Chile, supported by Egypt and Ukraine, recommends a regional system for new permanent members, providing long-term service in the seat from a single country representing the interests of the region as a whole, but without veto

¹⁰⁴ Lewis, *supra* note 93. See also Crossette, *supra* note 84.

¹⁰⁵ Crossette, *supra* note 84.

¹⁰⁶ Barbara Crossette, *U.S. Ready for Much Larger Security Council*, N.Y. TIMES, Apr. 4, 2000, at A4. Currently, the U.S. is responsible for 25% of the U.N. operating budget.

¹⁰⁷ See generally Gabriella Venturini, *Italy and the United Nations: Membership, Contribution, and Proposals for Reform*, 20 HAMLINE L. REV. 627 (1997).

¹⁰⁸ U.N. Press Release GA/9688, *supra* note 59. Statements by Francesco Fulci, the Italian Ambassador to the U.N., indicate that Italy's motivation for this stance, at least in part, lies in its fear of marginalization were Germany to accede to its own permanent seat with full veto power. See FASSBENDER, *supra* note 11, at 244-45.

¹⁰⁹ U.N. Press Release GA/9688, *supra* note 59. "In the debate before the Maastricht agreement in December 1991, a number of EC governments had demanded that Britain and France express readiness to give up their permanent council seats. The Benelux countries, Italy, Spain and others argued that as the EC moved to greater political union, it should be represented by whichever member occupied the rotating presidency." John Palmer, *EC Puts Its Weight Behind Security Council Revamp*, GUARDIAN (London), Jan. 27, 1993, at 8; see also ARNOLD, *supra* note 89, at 162.

¹¹⁰ FASSBENDER, *supra* note 11, at 259. Turkey's proposed criteria for selecting these countries include "population, geopolitical situation, military capacity, economic potential, 'history of working within the Charter,' record of contributions to the maintenance of international peace and security and to the other purposes of the Organization, and equitable geographical distribution." *Id.* (citing *Reform of the Security Council: Position Paper of Turkey*, Sept. 15, 1995, U.N. Doc. A/AC.247/5(l)).

¹¹¹ *Id.* at 261.

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power.¹¹² Along these lines, Belize has proposed extending service in regional permanent seats to five years, with indefinite renewability, and elections of states to these seats “conducted under the auspices of the United Nations.”¹¹³ Of course, the merits of long-term

service, such as stability, reliability, and predictability, would be offset by a decrease in representational variety and opportunity to serve.

Ethnicity has also come into play. By demanding a permanent seat for Arab states, Syria¹¹⁴ has essentially put forth the idea of ethnically/culturally-based permanent seats instead of geographically-based seats. While this is an interesting notion, one wonders how such seats would be apportioned. Would they be distributed along the lines of “civilization” as delineated by Professor Huntington of Harvard’s controversial book, *The Clash of Civilizations and the Remaking of World Order*?¹¹⁵ If so, then there would be seats for each major culture he identifies: African, Buddhist, Eastern Orthodox, Hindu, Islamic, Japanese, Latin American, and Western Christian.¹¹⁶ It is more likely than not that the community of nations could not agree on ethnic divisions for representation on the UNSC. Ethnicity and cultural identity have led to more fractious confrontations in the latter twentieth century than have geographic disputes.¹¹⁷

¹¹² *Id.* at 256 & n.309.

¹¹³ *Id.* at 257.

¹¹⁴ Press Release, United Nations, General Assembly Continues Debate on Security Council Reform with Focus on Changing Veto, Permanent Membership GA/9692 (Dec. 20, 1999).

¹¹⁵ SAMUEL P. HUNTINGTON, *THE CLASH OF CIVILIZATIONS AND THE REMAKING OF WORLD ORDER* (1996). See also SAMUEL P. HUNTINGTON, *THE CLASH OF CIVILIZATIONS? THE DEBATE* (1993). For a discussion of the debate surrounding Huntington’s theory, see *THE CLASH OF CIVILIZATIONS? ASIAN RESPONSES* (Salim Rashid ed., 1997).

¹¹⁶ See generally SAMUEL P. HUNTINGTON, *THE CLASH OF CIVILIZATIONS AND THE REMAKING OF WORLD ORDER*, *supra* note 115. Note, if these were the divisions, then the Arab states would be in no better position to hold a permanent seat individually because instead of having to share a seat with either non-Arab African or Asian states under geographic representation, they would have to share a seat with non-Arab Islamic states under ethnic/cultural representation.

¹¹⁷ See generally Michael J. Kelly, *Political Downsizing: The Re-Emergence of Self-Determination, and the Movement Toward Smaller, Ethnically Homogenous States*, 47 *DRAKE L. REV.* 209 (1999).

B. Recommendations from Organizations

Although states are traditionally the only bodies with legal personhood recognized under international law,¹¹⁸ international organizations are gaining in both number and influence on the world stage.¹¹⁹ Consequently, as the activity level of intergovernmental and non-governmental organizations increases dramatically, so too does the persuasiveness of their proposals.

As for intergovernmental organizations, in 1994 the Organization for African Unity (OAU) unanimously adopted a model whereby they declared Africa to be entitled to two permanent seats on the UNSC that would "be occupied on a rotating basis according to criteria to be established by the OAU."¹²⁰ The candidates would be designated by the regional organization and elected by the General Assembly.¹²¹ Seats would be occupied for between four and six years with the possibility of immediate reelection.¹²² In presenting the proposal, the Ambassador from Tunisia opined that both Latin America and Asia should receive two seats as well.¹²³ Thus, under such a system, regional intergovernmental organizations would select how the seats are filled.¹²⁴

For instance, the OAU would fill the African seats and the Organization of American States (OAS) would fill the Latin

¹¹⁸ *Id.* at 275-76.

¹¹⁹ Jude L. Fernando & Alan W. Heston, *The Role of NGO's: Charity and Empowerment: Introduction: NGO's Between States, Markets, and Civil Society*, 554 ANNALS AM. ACAD. POL. & SOC. SCI. 8, 8 (1997); Claudio Grossman & Daniel D. Bradlow, *Are We Being Propelled Towards a People-Centered Transnational Legal Order?*, 9 AM. U. J. INT'L L. & POL'Y 1, 18 (1993); Michael J. Kelly, *Overcoming Obstacles to the Effective Implementation of International Environmental Agreements*, 9 GEO. INT'L ENVTL. L. REV. 447, 485-87 (1997); see generally NGO'S, THE U.N. AND GLOBAL GOVERNANCE (Richard B. Bilder ed., 1996).

¹²⁰ FASSBENDER, *supra* note 11, at 250 (citing *Reformes des Nations Unies: Position Africaine Commune*, OAU Doc. NY/OAU/POL/84/94 Rev. 2, Sept. 29, 1994). This demand was reissued by the OAU in the 1997 Harare Declaration. *Id.* at 251 n.254 (citing *Harare Declaration of the Assembly of Heads of State and Government of the OAU on the Reform of the United Nations Security Council*, June 4, 1997; U.N. Doc. A/AC.247/1997/CRP.11 (June 27, 1997)).

¹²¹ *Id.* at 257.

¹²² *Id.*

¹²³ *Id.* at 250-51.

¹²⁴ The concept of regional selection has been endorsed specifically by countries as diverse as Norway and Malaysia, *id.* at 258-59, and in principle by the United States. Crossette, *supra* note 84. With this emphasis on regional autonomy, the African states have rejected Turkey's proposal of rotating seats elected on a universal basis. FASSBENDER, *supra* note 11, at 261.

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American seats. As interpreted by Belize, this would mean that “[t]he members of the group would be bound by the vote cast by the state representing them in a particular period of time.”¹²⁵ While such a proposal has merit, it also has inherent flaws. The problem for Asia is that it is so big that there is no one organization that includes most of the countries on the continent. The most comprehensive grouping is the Association of Southeast Asian Nations (ASEAN).¹²⁶ Another difficulty is that because each regional organization may establish its own criteria, the criteria established for occupation of a seat may vary from region to region. Lack of uniform standards may result in an imbalance among the occupants of the regional seats.

Nongovernmental organizations (NGOs) have articulated a somewhat different view. The Commission on Global Governance (CGG) developed a 1995 report that closely reflects the “2+3” plan endorsed by Germany and presented by Malaysia; however, it explicitly excludes the possibility of imbuing these new “standing members” with a veto prerogative.¹²⁷ Moreover, it contends that the veto itself should fall into disuse through “a concordant among the five permanent members by which they agree that while retaining the veto, they would in practice forgo its use save in circumstances they consider exceptional and overriding in the context of their national security.”¹²⁸ The CGG recommends simultaneously raising the number of non-permanent seats from ten to thirteen and also creating an Economic Security Council.¹²⁹

Along the lines of CGG’s “standing members” proposal, the

¹²⁵ FASSBENDER, *supra* note 11, at 251 (citing DELEGATION OF BELIZE, SHARED SEATS ON THE SECURITY COUNCIL (Feb. 1, 1996)), *reprinted in* REPORT OF THE OPEN-ENDED WORKING GROUP ON THE QUESTION OF EQUITABLE REPRESENTATION ON AND INCREASE IN THE MEMBERSHIP OF THE SECURITY COUNCIL, ADDENDUM, ANNEX XV: PROPOSAL FOR REFORM OF THE SECURITY COUNCIL—BELIZE (Working Paper, U.N. Doc. A/50/47, 64-68 Sept. 9, 1996).

¹²⁶ ASEAN is a ten nation political, economic and security association comprised of Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar (Burma), the Philippines, Singapore, Thailand, and Vietnam. *Association of Southeast Asian Nations, Country Profiles*, at <http://www.asean.or.id> (last visited Dec. 10, 2000).

¹²⁷ FASSBENDER, *supra* note 11, at 256 n.308 (citing OUR GLOBAL NEIGHBOURHOOD: THE REPORT OF THE COMMISSION ON GLOBAL GOVERNANCE 240-41 (1995)).

¹²⁸ COMMISSION ON GLOBAL GOVERNANCE, OUR GLOBAL NEIGHBOURHOOD: REFORMING THE UNITED NATIONS; THE SECURITY COUNCIL, *available at* <http://www.cgg.ch/unreform2.htm> (last visited Nov. 9, 1999).

¹²⁹ *Id.* *But see* TOWARD GENUINE GLOBAL GOVERNANCE, CRITICAL REACTIONS TO “OUR GLOBAL NEIGHBORHOOD” (Errol E. Harris & James Yunker eds., 1999).

United Nations Association—USA.¹³⁰ has proposed the creation of four “semi-permanent” regional seats on the Council.¹³¹ Eight states would fill them, alternating within each region: Egypt/Nigeria for Africa; India/Japan for Asia; Brazil/Mexico for Latin America; and Germany/Italy for Europe.¹³² While this system is attractive, it is unlikely that the General Assembly would accept the creation of a third European seat on the UNSC (a fourth if Russia is considered European).

C. *Recommendations from Academicians*

Scholars enjoy a status unique under international law in that their opinions are seen to carry great weight by the world community. According to Article 38 of the Statute of the International Court of Justice, the writings of “the most highly qualified publicists” can be considered as a subsidiary means for determining fundamental principles of international law.¹³³ Therefore, recommendations from academia should be considered along with those from states and organizations. While some scholars believe the greatest difficulty encountered by efforts to reform the UNSC will center on the future role of the body in the maintenance of international peace and security,¹³⁴ others believe that it is power allocation that will smother any efforts at restructuring.¹³⁵ Professor Bruce Russett, Director of United Nations Studies at Yale University, has even constructed a method of measuring UNSC reform proposals characterized as a series of “balancing criteria” with which to evaluate proposals as they come

¹³⁰ The UNA-USA is a policy research center, which focuses on the United Nations and global issues. For a description of UNA-USA, see <http://www.unausa.org> (last visited Dec. 4, 2000).

¹³¹ FASSBENDER, *supra* note 11, at 256, n.309 (citing Chadwick F. Alger, *Thinking About the Future of the U.N. System*, in 2 GLOBAL GOVERNANCE 335, 351 (1996)).

¹³² *Id.*

¹³³ I.C.J. STATUTE, art. 38(1)(d).

¹³⁴ David P. Fidler, *Caught Between Traditions: The Security Council in Philosophical Conundrum*, 17 MICH. J. INT'L L. 411, 451 (1996):

Reforming, restructuring, and rejuvenating the Security Council for the next fifty years will prove difficult not only because of diplomatic obstacles but also because of the lack of consensus in liberal thought about the purpose and potential of the Security Council. As a creation of liberal thinking, the Security Council ultimately succeeds or fails on the consensus that can be generated in liberal thought on the propriety of relying on an international organization to maintain international peace and security.

Id.

¹³⁵ ARNOLD, *supra* note 89, at 180-81.

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forward.¹³⁶ The following is a representative sampling of the range of reform proposals emanating from the academy.

Dr. David Whittaker from the University of Teeside, Great Britain, recommends in his book on U.N. evolution that Security Council membership be enlarged to twenty or twenty-five, with seats for Brazil, the European Union, Germany, India, Japan, and Nigeria.¹³⁷ Specifically, permanent membership should either be increased to ten seats or, alternatively, all UNSC members should be non-permanent and elected for two-year terms.¹³⁸ Moreover, he would replace the veto with majority voting.¹³⁹ Dr. Whittaker, however, is rightly pessimistic about the likelihood of such drastic reform because amendment of the Charter would be required,¹⁴⁰ and such amendments can be vetoed by any one of the current five permanent members.¹⁴¹

Conversely, Dr. Robert Snyder of Southwestern University argues for the status quo.¹⁴² While he acknowledges that issues of both power and representation must be examined in the context of any reform, the Security Council "should continue to base itself primarily on power . . ."¹⁴³ On this premise, Dr. Snyder believes the UNSC should reflect U.S. hegemony.¹⁴⁴ Under his power theory,

¹³⁶ The ten self-explanatory "balances" offered to evaluate such proposals are as follows: (1) balance between the interests and perspectives of states and of broad-based NGOs; (2) balance between the preservation and erosion of state sovereignty; (3) balance between practicality and vision; (4) balance between power (effectiveness) and legitimacy (justice); (5) balance between particularity and universality; (6) balance between civil/political rights and economic rights; (7) balance between enforcement and neutrality; (8) balance between specificity and plasticity of the Charter; (9) balance between uniformity and diversity of purpose; and (10) balance of interests. Bruce Russett, *Ten Balances for Weighing U.N. Reform Proposals*, in *THE ONCE AND FUTURE SECURITY COUNCIL* 13-28 (Bruce Russett ed., 1997).

¹³⁷ WHITTAKER, *supra* note 27, at 104.

¹³⁸ *Id.*

¹³⁹ *Id.*

¹⁴⁰ If the Charter were opened up for amendment, there are many items besides UNSC reconfiguration that would come quickly to the fore, opening a Pandora's box of extraneous matters. See generally Carolyn L. Willson, *Changing the Charter: The United Nations Prepares for the Twenty-First Century*, 90 AM. J. INT'L L. 115 (1996).

¹⁴¹ WHITTAKER, *supra* note 27, at 105.

¹⁴² Snyder, *supra* note 16, at 15.

¹⁴³ *Id.* at 7. "The purpose of including only the big powers is that only they, and not the smaller powers, have sufficient interests and resources to handle security problems, and it is easier to muster 'concerted' action if only a small number of states are involved." *Id.*

¹⁴⁴ *Id.* at 8. Regarding American power reflected in the Council, Snyder notes the following:

both Russia and China keep their seats and Japan and Germany are welcomed into the UNSC. He concludes, however, that it would be premature to allocate seats to such countries as India, Brazil or Indonesia because their power has not yet sufficiently developed.¹⁴⁵ Snyder also concludes that expansion should be kept to a minimum so as not to thwart efficiency.¹⁴⁶

Moreover, while Dr. Snyder is receptive to the idea of a consolidated seat for the European Union, he rejects the idea of permanent regional, rotating seats for the rest of the world.¹⁴⁷ He accommodates the developing world by increasing its representation through six new non-permanent seats on the Council and eliminating the rule against service for consecutive terms.¹⁴⁸ Finally, on the question of veto prerogatives, Snyder defends the continued use of the veto power to ensure the adequate defense of permanent member national interests.¹⁴⁹

Inapposite to recommendations of formal Council reconfiguration that would result from amending the Charter, some scholars, such as Professor Ian Hurd from the University of Wisconsin, suggest that if states are truly interested in real reform beyond the window dressing of obtaining a UNSC seat, then informal membership and practice may be the preferred method of reconfiguration.¹⁵⁰ Hurd refutes the assertion "that the Security

The post-Cold War world illustrates that the United States' hegemonic dominance had made the Security Council more effective In an organization the structure of authority should reflect the structure of power The United States is the only great power in the world. To expand the permanent members of the council to include regional Third World states . . . would be giving states global authority without giving them global power. As weak states with different interests than those of the United States, these Third World states would probably attempt to thwart U.S. initiatives, yet they would lack the power to implement alternative initiatives of their own. The result would be the failure of the council to perform.

Id.

¹⁴⁵ *Id.* at 10.

¹⁴⁶ Snyder, *supra* note 16, at 8.

¹⁴⁷ *Id.* at 12. The underlying theory is that while there are developing states that are emerging world powers, they are not yet sufficiently developed to undertake the tasks that would be required to make them effective permanent members of the UNSC.

¹⁴⁸ *Id.* at 14.

¹⁴⁹ *Id.* at 13. "The veto serves as a needed brake on the actions that the Security Council might take that would be against the interests of one of the big powers, and it gives a desirable leadership role to the big powers as well." *Id.*

¹⁵⁰ Ian Hurd, *Security Council Reform: Informal Membership and Practice*, in *THE ONCE AND FUTURE SECURITY COUNCIL*, *supra* note 136, at 135-52.

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Council is ineffective *because* key states are not represented with permanent seats.”¹⁵¹

Noting that both Germany and Japan already enjoy a remarkable degree of consultative access to at least three of the permanent members, Professor Hurd also identifies the states of the Non-Aligned Movement¹⁵² and states contributing troops to peacekeeping operations as exercising *de facto* informal membership on the Council.¹⁵³ In this regard, Professor Hurd draws an important distinction between “participation” in Council decision-making and “membership.”¹⁵⁴ Consequently, as the creator of its own practices and rules of procedure, the UNSC could undergo quite

significant informal change without resorting to a cumbersome and unpredictable Charter amendment process,¹⁵⁵ while still achieving increased participation, legitimacy, and effectiveness.¹⁵⁶

Finally, Professors Russett, O’Neill, and Sutterlin of Yale University jointly propose a middle road whereby no new permanent members are formally created, yet all parties take away something.¹⁵⁷ The authors recommend expanding the non-permanent membership to sixteen, creating a Council of twenty-one, and abolishing the rule in Article 23(2) of the Charter against immediate re-election of nonpermanent members.¹⁵⁸ This proposal is designed to accommodate Germany and Japan with regular presence on the UNSC without occupying seats that would normally go to other, smaller states.¹⁵⁹

¹⁵¹ *Id.* at 137.

¹⁵² Soo Yeon Kim & Bruce Russett, *The New Politics of Voting Alignments in the General Assembly*, in *THE ONCE AND FUTURE SECURITY COUNCIL*, *supra* note 136, at 40 tbl.

¹⁵³ *Id.* at 136, 144-47.

¹⁵⁴ *Id.* at 149. This is related to Professor O’Neill’s theory of power and satisfaction on the UNSC, discussed *infra* note 188.

¹⁵⁵ “Under Articles 28-32, the Security Council is the master of its own practices and procedures. Even to the extent that its procedures are codified, . . . they can be altered by the Council as needed.” Hurd, *supra* note 150, at 142. For a discussion of other modifications that could be made without Charter amendment, see Louis B. Sohn, Comment, *Important Improvements in the Functioning of the Principal Organs of the United Nations That Can Be Made Without Charter Revision*, 91 AM. J. INT’L L. 652 (1997).

¹⁵⁶ Hurd, *supra* note 150, at 142-47.

¹⁵⁷ Bruce Russett et al., *Breaking the Restructuring Logjam*, in *THE ONCE AND FUTURE SECURITY COUNCIL*, *supra* note 136, at 153-69.

¹⁵⁸ *Id.* at 167.

¹⁵⁹ *Id.*

Moreover, the authors would increase the power of the non-permanent members by raising the action threshold for passage of a resolution to thirteen or fourteen out of twenty-one UNSC members. This change thus compels the five permanent members to harness the assent of at least eight of the sixteen non-permanent members to achieve a winning coalition on a given measure.¹⁶⁰ This would be coupled with the proposal offered earlier to restrict the veto's usage to Chapter VII enforcement actions or other military matters and to repeal the "enemy states" clauses in the Charter.¹⁶¹ While the authors concede most of these recommendations are largely symbolic,¹⁶² it is sometimes the least ambitious platform that, when innocuously adopted, can lead in the long-term to more concrete subsequent alterations.

D. Recommendations for Veto Reform

Several theories have been put forward to limit the potency of the traditional, substantive veto power. Predictably, the first is its elimination altogether.¹⁶³ Proposals to replace the veto with voting alternatives include use of the simple majority, the special majority (of the entire Council), the composite majority (a majority of both permanent and non-permanent members), and the double majority (a majority of the permanent members as well as of the entire Council).¹⁶⁴ While such constructions are intellectually interesting, they are not viable because the permanent members are even less inclined to do away with the veto than reform it.¹⁶⁵

Among the proposals to retain but restructure the veto are: (1) limiting the subject matter that can be vetoed;¹⁶⁶ (2) doubling the veto requirement (requiring a second veto by another permanent member);¹⁶⁷ and (3) overruling a veto if cast by a single permanent member.¹⁶⁸ However, all of these recommendations are out of the question because the current five permanent members insist on

¹⁶⁰ *Id.*

¹⁶¹ *Id.* at 168.

¹⁶² *Id.* at 169.

¹⁶³ Sellen, *supra* note 5, at 188.

¹⁶⁴ *Id.* at 251. For an in-depth discussion of each alternative see *id.* at 254-59.

¹⁶⁵ Caron, *supra* note 9, at 567 ("Practically speaking, it is quite unlikely that the veto can be eliminated or even significantly limited."). See also *id.* at 570 (citing U.N. CHARTER, art. 108) ("Procedurally, the permanent members have a veto over any effort to take away their right of veto.").

¹⁶⁶ FASSBENDER, *supra* note 11, at 266.

¹⁶⁷ *Id.* at 268.

¹⁶⁸ *Id.* at 269.

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preserving their unhindered right of veto.¹⁶⁹ Nevertheless, the notion put forward by Germany that an explanation must accompany the casting of a veto¹⁷⁰ might prove palatable to the permanent members and is worth consideration as it does not erode the effect of the substantive veto per se.

For new permanent UNSC members, there is support for the proposition of not granting them a veto power at all, due to its undemocratic nature and potential for abuse.¹⁷¹ However, this is mitigated by the equally true observation that if the new permanent members do not receive a veto of some sort, then an imbalance is automatically created among the total permanent membership,¹⁷² and, as the Philippine Ambassador said, “put[s] them on the same footing as non-permanent members.”¹⁷³ Some states, such as Kenya, argue that if the veto is not to be eliminated, then “the privilege must be extended to all new members without discrimination.”¹⁷⁴

IV. A NEW SECURITY COUNCIL STRUCTURE IS PROPOSED: THE FORMULA

When the best elements of the above recommendations are synthesized as to permanent membership and modified as to veto power, the following structure emerges for a reformed Security Council. This model realizes only a modest increase in membership, thereby preserving its “efficiency and effectiveness,” ameliorates the perceived hierarchy of developed versus developing states, limits the proliferation of veto

possibilities, and increases the Council’s representativeness, thus further legitimizing its decisions:

¹⁶⁹ *Id.* at 273-75. Secretary of State Madeleine Albright, in her former capacity as the U.S. Permanent Representative to the U.N., stated the matter clearly: “[B]ecause we have the veto at the Security Council, we can block any mission that is contrary to our interests, and I don’t need to assure you that our continued right to the veto is not negotiable.” *Id.* at 273.

¹⁷⁰ *Germany Makes its Case for U.N. Security Council Seat*, AGENCE FRANCE-PRESSE, Sept. 22, 1999, available at 1999 WL 25111142; U.N. Press Release GA/9689, *supra* note 94.

¹⁷¹ U.N. Press Release, GA/9228, *supra* note 83; U.N. Press Release, GA/9692, *supra* note 114.

¹⁷² U.N. Press Release, GA/9692, *supra* note 114.

¹⁷³ *Id.*

¹⁷⁴ *Id.*

Term and Veto Power	Member
Permanent Seats with Substantive Veto Power	<ol style="list-style-type: none"> 1. China 2. Russia 3. United States
Permanent Regional Rotating Two-Year Seats with Substantive Veto Power	Europe <ol style="list-style-type: none"> a. France b. Germany c. United Kingdom
Permanent Regional Rotating Two-Year Seats with Procedural Veto Power	<ol style="list-style-type: none"> 1. Latin America <ol style="list-style-type: none"> a. Brazil b. Mexico c. Argentina <i>or</i> Chile 2. Africa <ol style="list-style-type: none"> a. South Africa b. Egypt c. Nigeria <i>or</i> Kenya 3. Asia <ol style="list-style-type: none"> a. India b. Japan c. Indonesia <i>or</i> Pakistan

Under this formula, the goal of diversity among UNSC permanent members is dramatically achieved on several levels: ethnic, cultural, religious, and geographic. Moreover, power is preserved completely for three of the current five permanent members (China, Russia, and the United States) and partially, without diminution of the veto, for the other two (France and Britain). Additionally, the new veto right granted to new permanent regional rotating members is less powerful than the traditional substantive veto, thereby assuring that new members accede to the Council with "a veto power," but not one that would increase the number of substantive veto possibilities. Indeed, the number of members that can exercise the substantive veto at any one time is reduced from five to four.

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A. *Reconfiguration of the Veto Power*

The problem of veto proliferation¹⁷⁵ that would likely result from an expansion of the Security Council is minimized under this author's proposal to create a "procedural veto." The procedural veto is one by which the permanent members for Latin America, Africa and Asia may veto an item just as one of the other permanent members may do with its substantive veto. However, when the procedural veto is cast (or the assent withheld, to use proper terminology), the matter is not automatically dead. Instead, it is referred to a special session of the General Assembly for consideration. A majority vote in the Assembly after brief debate, either for or against the matter without possibility of amendment, will then determine the matter's future.¹⁷⁶

From a practical standpoint, the procedural veto then may *become* a substantive veto in some cases, especially on matters that directly affect developing countries—which are represented by the permanent regional rotating UNSC members who would be casting such a veto. However, judicious use of such a power must be encouraged, just as it must with those who wield the substantive veto.¹⁷⁷ Realistically, usage will rise and fall with whichever country happens to occupy the rotating seat for two years and whichever national interests happen to coincide with the thrust of the proposed action. A corollary benefit of this device is that it handily meets the goal of increased involvement by the General Assembly.¹⁷⁸

Of the prospective permanent members, Germany, relying on an equal footing argument, has made it clear that it would require a substantive veto power if it were to accede to a Security Council

¹⁷⁵ FASSBENDER, *supra* note 11, at 255.

¹⁷⁶ Several methods for General Assembly consideration present themselves. The most democratic method would be for the entire assembly to vote on the resolution. Alternatively, a special standing committee could be formed, representing a regional and developmental cross-section of perhaps twenty percent or twenty-five percent of the total members, that would vote on the resolution. Of course such a committee would have to continually remain "in session" in New York during the period when the rest of the Assembly is in recess. Finally, a hybrid approach could be adopted, whereby the whole Assembly would immediately take up the matter if it comes down while the Assembly is in session, but automatically refer it to the special standing committee if the resolution is presented for consideration while the Assembly is in recess.

¹⁷⁷ Paul Lewis, *U.N. Panel Proposes Expanding Security Council to 24 Members*, N.Y. TIMES, Mar. 21, 1997, at A13 (noting that the General Assembly President urges the permanent members to limit their use of the veto to Article VII issues).

¹⁷⁸ Caron, *supra* note 9, at 575.

where such a power was wielded by France and the United Kingdom.¹⁷⁹ Likewise, India would request “a veto,” but Japan would not require a *substantive* veto as a prerequisite to permanent Council membership.¹⁸⁰ Conversely, there is agreement among Brazil, Pakistan,¹⁸¹ and Chile¹⁸² that the veto should eventually be eliminated, while Mexico and Myanmar propose that its use be curtailed only to questions of Chapter VII authority.¹⁸³

Under this paper’s proposal, the reality that the veto will continue to exist in some form is recognized. The retention and collapse of substantive veto power into a European seat meets the stated requirement of substantive veto preservation for France and Britain¹⁸⁴ and the equal footing requirement of Germany. The creation of a procedural veto power in new permanent regional rotating members meets the dual goals of diluting the veto’s potency and according a heightened degree of status to new permanent members, such as India or Japan.¹⁸⁵ Moreover, Germany’s proposal that an explanation accompany a veto whenever it is cast¹⁸⁶ should be adopted and applied to both the substantive and procedural vetoes.¹⁸⁷

B. Redistribution of Seats for Current and Prospective Permanent UNSC Members

With any reconfiguration of the UNSC, there will be both positive and negative aspects for current and prospective permanent

¹⁷⁹ FASSBENDER, *supra* note 11, at 261.

¹⁸⁰ *Id.* at 261 n.325.

¹⁸¹ U.N. Press Release GA/9692, *supra* note 114.

¹⁸² U.N. Press Release GA/9693, *supra* note 13.

¹⁸³ U.N. Press Release GA/9689, *supra* note 94.

¹⁸⁴ Plausibly, France and Britain would look more favorably on sharing a single seat with Germany if their veto power remains intact. However, such a move acknowledges their reduced status on the world stage. “In the half-century since the Security Council was established, the permanent seats occupied by Britain and France have appeared increasingly anomalous . . .” Leigh-Phippard, *supra* note 88, at 420.

¹⁸⁵ One of the concerns of potential new permanent members is that “withholding the veto for these new members would create a new category of membership still inferior in power and in standing to the original P-5.” Malone, *supra* note 84, at 402. Admittedly, a procedural veto is something less than a substantive veto; however, this proposal is in the nature of a compromise designed to bring together those states who oppose the extension of veto power on principle to new permanent members and those states who are in favor of its extension.

¹⁸⁶ See discussion *infra* section III(D).

¹⁸⁷ Such a rule could easily be incorporated into the Security Council’s Provisional Rules of Procedure.

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members. While some will gain status, others will lose it, either directly or through dilution by an increase in “the permanent club.”¹⁸⁸ Assuming Luxembourg’s demand carries the day (that there be no loss of non-permanent seats to make room for new permanent seats)¹⁸⁹ then the formula articulated above will meet this requirement because it results in retaining the current number of non-permanent seats. This will yield a total of seventeen states serving on the UNSC at any one time (ten non-permanent members and seven permanent members—China, Russia, and the United States together with the four rotating regional seats). A practical increase of only two seats would certainly allay the fears of unwieldiness and inefficiency that accompany discussions of expansion.¹⁹⁰

It is for practical reasons that the permanent regional seats must be filled on a rotating basis.¹⁹¹ No one state in any of the regions would be a completely acceptable representative for that region.¹⁹² For instance, neither France nor Britain would defer to the other on filling the European seat. Brazil, the economic and geopolitical power of Latin America,¹⁹³ would not be supported by the other states in that predominately Spanish-influenced region, due primarily to its Portuguese heritage, language, and culture.¹⁹⁴ India, a Hindu nation, the largest country besides China in Asia, a nuclear power and the logical choice to fill the Asian seat,¹⁹⁵ would not be

¹⁸⁸ For an analysis of power diffusion amongst UNSC members, see Table 1: Degrees of Power for Real and Hypothetical Security Councils, and accompanying text in Barry O’Neill, *Power and Satisfaction in the United Nations Security Council*, 40 J. CONFLICT RESOL. 219, 223 (1996).

¹⁸⁹ FASSBENDER, *supra* note 11, at 261.

¹⁹⁰ Caron, *supra* note 9, at 555-56, 573-74, 576.

¹⁹¹ This aspect of the proposal most closely resembles Malaysian Ambassador Razali Ismail’s proposal to create permanent regional rotating seats for Latin America, Asia and Africa, but departs from his proposal to grant individual permanent seats to Germany and Japan. Lewis, *supra* note 177 (“Mexico, Brazil and Argentina all want the Latin American seat; India, Pakistan and Indonesia are seeking the Asian seat; Nigeria, Egypt and South Africa all want the African seat.”).

¹⁹² “[I]t is the inability of the three regions [Latin America, Africa, and Asia] to agree on states that would represent them as permanent members which prevents developing countries from getting permanent seats.” FASSBENDER, *supra* note 11, at 247.

¹⁹³ ARNOLD, *supra* note 89, at 163.

¹⁹⁴ “It is no secret that the candidacy of Brazil is opposed by Latin American Spanish-speaking countries, in particular Argentina” FASSBENDER, *supra* note 11, at 247; Barbara Crossette, *Japan Asks for an End to Debate on U.N. Security Council’s Shape*, N.Y. TIMES, Nov. 17, 2000, at A15.

¹⁹⁵ ARNOLD, *supra* note 89, at 162-63.

allowed to accede to the Security Council uncontested by Japan, the region's economic superpower. India's presence on the UNSC would also likely be contested by Pakistan¹⁹⁶ and Indonesia, the region's largest Islamic nations—at least one of which is also an emerging nuclear power.¹⁹⁷ Egypt and South Africa, the most mentioned candidates for an African seat,¹⁹⁸ would present that region with an irreconcilable choice between Arab or Black representation.

The rotating nature of the regional permanent seats therefore offers the best compromise to the question of who should occupy those seats, and the most efficient form of participation from diverse nations. In fairness, it should be made clear that those countries selected to rotate through the permanent regional seats would not be allowed to also occupy a non-permanent regional rotating seat during the four-year period they are not filling the permanent seat.¹⁹⁹ Possible nuances that could alter the above formula for increased variety in representation may include: (1) the selection of four instead of three states to rotate through each permanent regional seat; (2) the conversion of seat rotation from a two-year to a one-year commitment; or (3) the establishment of four regional security councils, composed of the states that rotate through the permanent regional seats and that consult with the occupier of each seat for that region when questions of Chapter VII use of force authorization arise.

Although politically there must be a formalized General Assembly election process,²⁰⁰ the preliminary selection of key regional powers to fill the permanent regional rotating seats is based upon political reality. Among the accepted criteria qualifying states to become permanent members are the country's relative population within the region, financial contributions, adherence to U.N. principles, influence in world affairs, military capability, economic

¹⁹⁶ FASSBENDER, *supra* note 11, at 247.

¹⁹⁷ Celia W. Dugger & Barry Bearak, *Falling Out; You've Got the Bomb. So Do I. Now I Dare You to Fight.*, N.Y. TIMES, Jan. 16, 2000, at D1.

¹⁹⁸ FASSBENDER, *supra* note 11, at 247.

¹⁹⁹ This mechanism would allow smaller countries more opportunity to occupy the existing non-permanent seats on the UNSC. U.N. Assoc.—Canada, *Roundtable on Security Council Reform*, available at <http://www.ncrb.unac.org/unreform/roundtables/Screform.html> (last visited Mar. 2, 2000) [hereinafter *Roundtable*].

²⁰⁰ Selection of these new permanent members, however, is contingent upon their election by a two-thirds majority in the General Assembly. Lewis, *supra* note 93.

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strength, democratic government, and willingness to enforce UNSC actions.²⁰¹ Such criteria are open to subjective interpretation, and are mentioned throughout the following discussion that weighs the relative significance of permanent seat capture for each state and region.

1. China, Russia, and the United States

Obviously, the major advantage of this proposal for the “big three” is that they retain their individual permanent seats along with an institutional preservation of their substantive veto prerogative.²⁰² The disadvantage comes in the form of power dilution: It is more influential to be one of five permanent Security Council members than one of seven. However, this concern is offset by the fact that only China, Russia, and the United States will be present at every UNSC meeting—the other permanent members will only appear on a two-year rotation cycle every four years.

For China, a country in transition from a dogmatic communist-era nation to a burgeoning market economy trying to hold its dissenting provinces together in one state,²⁰³ retention of the Security Council seat with a substantive veto would provide a sense of stability in a rapidly changing world. China would argue, and rightly so, that as the most populous nation with the greatest potential market on earth, it is only logical that it retain its permanent seat. The major downside for China is that it must contend with its traditional geopolitical rivals, India and Japan, at the Security Council on a regular basis. Nevertheless, China would likely go along with acceptance of the proposal to foster the image it has pursued as a fighter for developing countries around the world.²⁰⁴

From the perspective of Russia, remaining relevant these days is a perpetual goal—given Russia’s multiple internal political, social, and economic crises after the collapse of the Soviet Union and the accompanying diminution in influence over developing norms of post-Cold War international law and policy. For a country locked in

²⁰¹ See generally O’Neill, *supra* note 188, at 219; Snyder, *supra* note 16, at 9-10.

²⁰² “[I]n power terms, while the United States, Russia and China merit a continuing permanent seat on the Security Council whatever new arrangements may be made, this cannot any longer be argued automatically on behalf of Britain and France. They are there for historic reasons.” ARNOLD, *supra* note 89, at 160.

²⁰³ See generally *China’s Reform: Now Comes the Hard Part*, FORTUNE, Mar. 1, 1999, at 158.

²⁰⁴ FASSBENDER, *supra* note 11, at 240.

turmoil, with flagging political credibility and an economy that has shrunk to half that of the USSR, the continued presence of Russia on the Security Council with its veto power intact is a major coup.²⁰⁵ The Kremlin, under newly elected President Vladimir Putin, desperately needs to foster the perception at home of continued international deference to Russia²⁰⁶ in order to shore up its credibility after the conclusion of the Chechnya campaign.²⁰⁷ Consequently, Russia can likely be relied upon to go along with any proposal that identifies it as a critically important co-architect of future world affairs.

²⁰⁵ Fareed Zakaria, Editorial, *Let's Get Our Superpowers Straight*, N.Y. TIMES, Mar. 26, 1997, at A21.

²⁰⁶ "Russians may be too weak and dependent on the West to protest effectively against the NATO bombings [in Serbia] But their Security Council veto . . . makes it vital to make them feel involved. Many Russians feel humiliated by the loss of their superpower status." Orlando Figes, *We Must Let the Bear Dance in Our Ring*, TIMES (London), Apr. 11, 1999, Features, available at 1999 WL 14486512.

²⁰⁷ Michael Wines, *Putin Wins Russia Vote in First Round, But His Majority Is Less Than Expected*, N.Y. TIMES, Mar. 27, 2000, at A1.

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While the United States must readjust its formula for manipulating the Security Council toward the furtherance of its foreign policy ends,²⁰⁸ Washington does not suffer much from a reconfigured Council, beyond encountering the trouble of a new mathematical headache. Indeed, the expansion of the Council from five to seven permanent members is much more modest than the unwieldy proposals for expansion to ten or fifteen permanent members, and is therefore in line with U.S. preferences for the retention of a small, workable, and efficient body.

The advent of the procedural veto is a new creature with which the United States must learn to reckon, but identifying and exploiting the self-interest of other states to U.S. advantage is a great American foreign affairs trait.²⁰⁹ Consolidating Britain, the United States' staunchest ally on the Security Council, with France and Germany into a single European seat, weakens the majority and consensus-building apparatus that the United States has traditionally employed for fifty-five years. However, careful planning of new initiatives can be presented when the U.K. occupies the European seat. Moreover, the United States has already signaled its readiness to pursue reform along the lines of this proposal.²¹⁰

²⁰⁸ Because of the political, monetary, and military weight it carries in the world community, the United States has traditionally been able to "persuade" other members of the UNSC not to vote against its initiatives by giving them what they want on other issues in other arenas. America has also been successful in parlaying the threat of a veto into an abstention on occasion. This practice has become so common that recently Russia indicated to the United States that the price for its going along with a new American-sponsored weapons inspection regime under UNSC authority in Iraq was that it be given a free hand to deal with its own secessionist province, Chechnya, without Security Council attention to the matter. Judith Miller, *The Trade-Off, Russia Offers to Bargain, Using Iraq as Its Bait*, N.Y. TIMES, Nov. 19, 1999, at A20. Russia went on to conduct a brutal military campaign to suppress the rebels in Chechnya without interference from the UNSC.

²⁰⁹ A ready example of the United States leveraging UNSC votes for action was in the case of Resolution 678, authorizing the use of force against Iraq during the Gulf War. In exchange for their votes, America promised financial aid to Colombia, Ivory Coast, Ethiopia and Zaire, hard currency from Kuwait and Saudi Arabia to the Soviet Union, exclusion of the Baltic states issue from the November 1990 Paris summit, the lifting of the Tiannamen Square-triggered trade sanctions against China, and support of China's World Bank loan application for \$114.3 million. Caron, *supra* note 9, at 563-64, n.42. Although some may argue that such vote manipulation through linkage to other issues is the exception rather than the rule, see *id.* at 564, it would be naive to think that the world's greatest power does not use all of the great many tools in its foreign policy toolbox to achieve its ends.

²¹⁰ See discussion *infra* section IV(A).

2. The European Union, Britain, France, and Germany

For the European Union (E.U.) as an evolving and powerful intergovernmental organization, it is important that all three states representing the continent on the UNSC are E.U. member states (two of which, France and Germany, were founding members). This fact by itself carries great weight for the E.U., and further legitimizes it as a viable entity

broadly impacting international law and policy. Born ten years after the U.N., the E.U., as it expands, is quickly becoming synonymous with Europe.²¹¹

Within the E.U., Britain and France stand to lose the most by way of stature on the reformed Security Council since each of their previously exclusive permanent seats is consolidated into one European seat and shared with a third country. Realistically, it is becoming increasingly difficult for either of them to justify, politically or economically, retention of a permanent seat.²¹² Nonetheless, in deference to many years of judicious veto usage on the Council,²¹³ their respective veto powers remain unchanged, as the European veto is considered "substantive" rather than "procedural." Of course, persuading Britain and France to accept this change in their circumstance voluntarily without vetoing it is

²¹¹ The current E.U. member states include Austria, Belgium, Britain, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, The Netherlands, Portugal, Spain, and Sweden. Six more countries (Cyprus, the Czech Republic, Estonia, Hungary, Poland, and Slovenia) are already in negotiations with the E.U. to become members by 2003, and seven others (Bulgaria, Latvia, Lithuania, Malta, Romania, Turkey, Slovakia, and Turkey) have received invitations from the E.U. to pursue membership candidacy. Edmund L. Andrews, *European Union's Tough but Relentless Drive to Expand*, N.Y. TIMES, Dec. 20, 1999, at C22.

²¹² ARNOLD, *supra* note 89, at 160. Arnold notes the following:

Britain and France . . . may both be described as powers in decline: each has seen its empire disappear in the years since 1945 and in each case through the years of the Cold War they found themselves overshadowed by the superpowers although their insistence upon becoming nuclear powers gave them a pretence of superior authority which now looks hollow. Britain reinforced its declining influence by acting as the loyal lieutenant of the United States, invoking the so-called 'special relationship' in order to do so When France carried out a series of nuclear tests in the South Pacific during 1995 to cause a great international outcry the reason was as much to assert its great power status as it was necessary for the attainment of fresh nuclear knowledge.

Id.

²¹³ Between 1946 and 1997, France cast its veto only eighteen times and Britain thirty times, compared to 116 vetoes cast by the U.S.S.R. and seventy-two by the United States. BAILEY, *supra* note 23, at 239 tbl. 9.

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problematic at best.²¹⁴ Expecting that it will happen soon is perhaps equally unrealistic.²¹⁵ A creative package of incentives must be constructed to aid in this effort,²¹⁶ otherwise there is neither an international nor a domestic political incentive for Britain or France to agree to such a compromise.²¹⁷

²¹⁴ Gavin Esler, *United Only in Discord*, SCOTSMAN, Sept. 20, 1999, at 13, available at 1999 WL 25232325. From a practical point of view, Mr. Esler writes:

In terms of influence Britain wields a surprisingly big stick. But if you ask how Britain and France today justify being among the permanent five members of the UN Security Council, even the best British diplomats struggle to find a convincing answer So, I once asked one of our men at the UN, what would happen if Brazil, India, Japan or the European Union sought a permanent seat on the Security Council and Britain was thrown off, ending our veto on UN action? We would veto it, came the instant, and not very good humoured, reply. The sordid truth is that the five countries who really run the UN are all, for different reasons, terrified of change, especially any change which might make the UN a little less useless. The British and French know any serious reform would probably entail the loss of their Security Council seats. The Russians and Chinese do not want a truly effective UN because it would more aggressively meddle to dismantle tyrannies and fading empires—like theirs.

Id.

²¹⁵ ARNOLD, *supra* note 89, at 164.

²¹⁶ An initial grouping of possible motivators besides allowing France and the U.K. to retain their substantive veto rights when they occupy the European seat might include (1) A provision that their seats become automatically reactivated and they are immediately recalled to vote upon Chapter VII use of force authorizations (the drawback of such a provision is that if Germany happened to occupy the seat when such issues arose, that would unfairly give Europe three votes with substantive veto power on the issue), (2) A reduction in their financial assessments for the annual U.N. budget—currently, the respective assessments for France and Britain are 6% and 5.02% of the total budget (to be offset by an increase in assessments for new occupants of the permanent regional rotating seats), and (3) Recognition of the massive, world-shaping contributions that France and Britain have made to the advancement of international peace and security through their opposition to aggression in World Wars I and II, their near completion of the decolonization process, their generous continuation of foreign aid and debt relief, and their acceptance of UNSC reform by agreeing to consolidate the European seat and share with Germany.

²¹⁷ Some have cited the declining significance of Britain and France in other world organizations to argue that their positions on the UNSC should become more reflective of reality. Peter Kellner, *Britain's U.N. Sacrifice for a 'New World Order,'* INDEPENDENT (London), Jan. 25, 1991, at 21. Mr. Kellner writes:

There is a precedent for adapting powerful world organisations [sic] so that they reflect the real, instead of nostalgic, rankings of their members. Votes in the International Monetary Fund are held like those of shareholders in a company - in proportion to their stake. In the early years of the IMF, Britain was the second-largest shareholder and held almost one-fifth of its votes. By 1970 Britain's stake had fallen to 10 per cent, and by 1980 to 7 per cent. The latest revision has reduced Britain to 5.35 per cent, the same as France - and below

Germany, of course, stands to gain the most by securing a permanent seat on the Council as well as a substantive veto power.²¹⁸ That the German representative must share the seat with Britain and France is of less consequence than finally moving out from under the institutional bias against the defeated Axis states of World War II.²¹⁹ Although German accession to the UNSC is opposed by some of its weaker neighbors, such as Italy,²²⁰ a clear case can be made for Germany to occupy a permanent seat.²²¹ Moreover, as Germany has reunified and reasserted itself as the leader within the European Union during the last decade,²²² permanent membership on the UNSC would complete Germany's long awaited return to full participation in world affairs.

3. New Permanent Regional Rotating Member States

An old adage holds that "half a loaf is better than none." These new members move literally from no permanent presence to permanent seats with modified veto powers. The good news for Latin America and Africa, after so many years of marginalization, is that they will finally attain permanent representation on the Council. While Asia was represented geographically by China's membership, China certainly has not represented that vast

Germany and Japan, which have 5.95 per cent. Had national jealousies prevented the IMF from adapting, its authority would inevitably have been dented. (Whether that authority has always been used wisely is another matter: the point here is that it has been, and is, considerable.) A new world order will require a similar capacity by the Security Council to adapt itself. And if that prompts Britain and France to abandon their vestigial claims to Great Power status, the sooner the better.

Id.

²¹⁸ In contrast, Japan's accession to the Council only secures it a procedural veto.

²¹⁹ Such bias is still reflected in the text of the U.N. Charter which refers to both Germany and Japan as enemy states in Articles 53 and 107 by direct implication. U.N. CHARTER, arts. 53 & 107.

²²⁰ FASSBENDER, *supra* note 11, at 244-45. *See also* Lewis, *supra* note 177 ("Italy . . . does not want to see Germany become a permanent member unless it becomes one, too.").

²²¹ ARNOLD, *supra* note 89, at 161-62. The author states the following: [T]he reunification of Germany in 1990 resulted in the re-emergence of Europe's strongest state With a population of 82 million, a GNP of just under US\$2 trillion and the third largest economy in both output and sophistication in the world, Germany could advance a major claim to a permanent seat on the Security Council, and one that it has become increasingly difficult to deny.

Id.

²²² *Id.*

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continent's myriad complex issues.²²³ Now Asia, the largest and most populous region, will have members rotating through its permanent regional seat who are quite different from one another.

Nonetheless, there is some resistance to the premise of a permanent regional rotating Security Council seat, based upon the assumption that it is another, highly visible expression of the unfair distribution of power between developed and developing nations within the U.N. structure.²²⁴ Notably, both India and Mexico oppose such a scheme due to the fact that, as previously articulated, only developing countries were subjected to it.²²⁵

However, such opposition is ameliorated under this proposal by the creation of a permanent European regional rotating seat, shared by developed, industrialized states.²²⁶

a. Latin America

Brazil, long considered a candidate for a permanent seat,²²⁷ will finally gain institutional recognition for its economic weight in the Western Hemisphere²²⁸ and Mexico will come into its own on the international stage after many years of activity in the international arena.²²⁹ Argentina and Chile are traditional South American rivals who can be expected to campaign vigorously for selection to fill the remaining Latin American seat. If selected, Argentina would realize the fruits of its efforts at reintegration into the world community after the disastrous Falkland Islands War of 1982.²³⁰ For its part,

²²³ REINHARD DRIFTE, JAPAN'S QUEST FOR A PERMANENT SECURITY COUNCIL SEAT, A MATTER OF PRIDE OR JUSTICE? 193-94 (2000).

²²⁴ U.N. Press Release GA/9688, *supra* note 59.

²²⁵ FASSBENDER, *supra* note 11, at 260.

²²⁶ See discussion *supra* section IV(B)(2).

²²⁷ During World War II, both President Roosevelt and Secretary of State Cordell Hull promised Brazil a permanent seat on the Security Council during the discussions leading to the creation of the U.N.; however, that promise was never realized. ARNOLD, *supra* note 89, at 163.

²²⁸ *Id.*

²²⁹ Both countries must be persuaded to participate in this arrangement if it is to work. Mexico opposes an increase in the permanent membership as a perpetuation of undemocratic principles. *Id.* at 249; U.N. Press Release GA/9689, *supra* note 94. Brazil has come out against the idea of permanent regional rotating seats. *Id.*

²³⁰ See generally Eugene Robinson & Don Podesta, *Argentina Enjoying Stable Economy, New Global Role*, WASH. POST, Nov. 16, 1991, at A21; *After the War: Argentina and the West*, CHRISTIAN SCI. MONITOR, July 14, 1982, at 24. Argentina supports an "open rotation" system with universal suffrage as opposed to a

Chile's selection would help close the remaining psychological wounds inflicted by the Pinochet dictatorship—much as the 1986 integration of Spain into the European Union helped it achieve closure after the Franco years.²³¹

Active participation in world affairs is not a new concept for these states. All four countries are policy leaders in the Organization of American States (OAS). Brazil and Argentina are founding members of the South American trading block MERCOSUR,²³² and Mexico is part of the triumvirate which created the North American Free Trade Agreement (NAFTA).²³³ Chile was seriously considered for integration into NAFTA, but was bypassed for domestic political reasons in the United States.²³⁴ Brazil, at least, has indicated its willingness to give up its campaign for an individual permanent seat on the Security Council in exchange for a single, shared Latin American regional seat.²³⁵

b. Africa

In Africa, a division is often made between Saharan and Sub-Saharan, Arabic and Black, Muslim and non-Muslim nations.²³⁶ The

regional system. U.N. Press Release GA/9688, *supra* note 59.

²³¹ Michel Rosenfeld, *Constitution-Making, Identity Building, and Peaceful Transition to Democracy: Theoretical Reflections Inspired by the Spanish Example*, 19 CARDOZO L. REV. 1891, 1908, 1918-20 (1998).

²³² U.S. Dep't of Commerce, *The History of Mercosur*, available at <http://www.mac.doc.gov/ola/mercosur/mgi/history.htm> (last visited May 10, 2000).

²³³ Michael J. Kelly, *Bringing a Complaint Under the NAFTA Environmental Side Accord: Difficult Steps Under a Procedural Paper Tiger, but Movement in the Right Direction*, 24 PEPP. L. REV. 71, 72 (1996).

²³⁴ Jeffrey Lax, Note, *A Chile Forecast for Accession to NAFTA: A Process of Economic, Legal and Environmental Harmonization*, 7 CARDOZO J. INT'L & COMP. L. 97, 97 (1999); Mack McLarty, Editorial, *Fast Track Isn't Fast Enough*, N.Y. TIMES, July 20, 1999, at A15. President Clinton failed to gain fast-track negotiating authority from Congress. See Kevin G. Hall, *Former Envoy Urges Chile to Reconsider NAFTA*, J. COMMERCE, May 7, 1999, at 4A.

²³⁵ Diana Jean Schemo, *As Washington's Attention Wanders, Brazil Plays a Quiet Catch-Up Game*, N.Y. TIMES, Oct. 14, 1997, at A6.

²³⁶ See generally DONALD ROTHSCHILD, *MANAGING ETHNIC CONFLICT IN AFRICA: PRESSURES AND INCENTIVES FOR COOPERATION* (1997); John Baines, Book Review, *Was Civilization Made in Africa?*, N.Y. TIMES, Aug. 11, 1991, at 12; Barbara Crossette, *U.S. Official Calls Muslim Militants a Threat to Africa*, N.Y. TIMES, Jan. 1, 1992, at 3; Richard Dowden, *Democracy: Africa's Last Best Hope?; Across the Continent, the Old Dictators Have Been Swept Aside. But This Is Not a Brave New World*, INDEPENDENT (London), Dec. 19, 1991, at 21 ("Africa contains such a vast diversity of ethnic groups, social structures, languages and beliefs that it is impossible to generalize about a traditional African political or social system."); Gwynne Dyer, *Into the Abyss, Why Is Africa Plagued by War, Genocide, Famine and Poverty?*, SAN DIEGO UNION-TRIB., May

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permanent regional UNSC seat for Africa, which calls for representation by both Egypt and South Africa, bridges this division on all counts, and does so while also recognizing the democratic governments and economic strengths of both countries. The selection between Nigeria and Kenya as the third rotating state in the African seat takes into account the regional influence of both, but leaves open the question of which has the strongest claim to maintaining democratic institutions, observing the rule of law, controlling official corruption, and ensuring a stable society.²³⁷

Because all of the obvious African candidate states support the OAU's position that Africa is entitled to no less than two permanent Security Council seats,²³⁸ intense negotiation on this point must occur for this article's plan to work. Alternatively, the OAU's position might be adopted in principle, and this article's proposal re-worked to allocate two permanent seats each for the other regions: Asia, Europe and Latin America. However, such a move would invite consternation from the developing world toward a second European regional seat, even if it were dedicated to Eastern Europe. Moreover, it would hamper the initiative to consolidate France and Britain into a rotating regional scheme.

c. Asia

Although long dominated by China, Asia will achieve a more diverse representation on the UNSC under this proposal via

12, 1996, at G1.

²³⁷ Neither Nigeria nor Kenya have particularly good track records on these counts. Ethan Bronner, *Vague on Reforms, Nigeria's President-Elect Woos New York*, N.Y. TIMES, Mar. 30, 1999, at A6; *Resisting Reform in Kenya*, N.Y. TIMES, July 16, 1997, at A18; *Nigeria's Clean Broom*, N.Y. TIMES, Nov. 26, 1999, at A42; see generally, Ruth Gordon, *Saving Failed States: Sometimes a Neocolonialist Notion*, 12 AM. U. J. INT'L L. & POL'Y 903 (1997); Howard W. French, *Before Africans Vote, Men in Charge Rewrite Rules*, N.Y. TIMES, Oct. 24, 1995, at A3. Mr. French noted that:

In Kenya, supporters of the longtime leader, President Daniel arap Moi, who was pressed earlier in the decade by international creditors to accept a more open multiparty system, have taken to assaulting rivals, notably Richard Leakey, the paleontologist, who began organizing an opposition party earlier this year. When the military in Nigeria, Africa's most populous country, decided it could not stomach the result of democratic elections two years ago, it canceled the results. The widely assumed winner, Moshood K. O. Abiola, was imprisoned on treason charges after he insisted that his mandate be respected.

Id.

²³⁸ U.N. Press Release GA/9688, *supra* note 59; U.N. Press Release GA/9692, *supra* note 114.

permanent membership. Japan, an emergent champion of foreign aid and peace efforts worldwide in the latter twentieth century,²³⁹ clearly has a valid claim to a permanent seat.²⁴⁰ Like Germany, Japan's post-World War II penance is now over, and its reintroduction into the highest level of institutional international policy-making apparatus is certainly appropriate.²⁴¹ Although Japan's "mono-ethnic" cultural reputation of domestic intolerance of foreigners is well known, there is evidence that this aspect of its personality is now changing.²⁴² Moreover, Japan is taking new steps in the direction of dispatching its own armed forces to participate in U.N. peacekeeping operations.²⁴³

India, the largest democracy on earth with a population of over one billion, should also gain its rightful spot as a permanent member²⁴⁴ of the new UNSC.²⁴⁵ Not lost in this decision are the

²³⁹ See ARNOLD, *supra* note 89, at 161. Arnold notes:

In 1995, Japan was the world's leading creditor nation with net overseas assets at a record US\$689,000 million; it was the largest provider of foreign aid (at a level of US\$13 billion a year) for the fourth consecutive year; while its economic power was felt increasingly in every sphere of international activity.

Id.

²⁴⁰ Masayuki Tadokoro, *A Japanese View on Restructuring the Security Council*, in THE ONCE AND FUTURE SECURITY COUNCIL, *supra* note 136, at 119-33; Fusakazu Izumura, *Should Japan Get a Permanent Seat on the U.N. Security Council?*, TOKYO BUS. TODAY, Mar. 1993, at 54.

²⁴¹ *Id.* See generally DRIFTE, *supra* note 223.

²⁴² Howard W. French, *'Japanese Only' Policy Takes Body Blow in Court*, N.Y. TIMES, Nov. 15, 1999, at A1. A Japanese court recently made what is considered a landmark ruling in favor of Ana Bortz, a Brazilian resident of Japan, in a case where Ms. Bortz was discriminated against on the basis of her ethnicity, following an interpretation of Convention on the Elimination of All Forms of Racial Discrimination, signed by Japan in 1996. Since the judge's decision was based on international law, it is not reviewable by a higher Japanese court. Referring to the over-arching cultural bias against foreigners in Japan, Ms. Bortz stated:

This sort of thing is a very big problem in Japan, but its discussion has remained taboo. This country has signed international conventions against discrimination but has never wanted to deal with the subject domestically. For a country that talks about getting a chair on the Security Council, these kinds of attitudes are just shocking.

Id.

²⁴³ Izumura, *supra* note 240. The participation of troops from the Japanese Self-Defense Forces in the U.N. peacekeeping operations for Cambodia was considered a major breakthrough in Japanese foreign policy. Japanese forces, however, are still required to withdraw immediately in the event of an outbreak of armed warfare. *Id.* at 55.

²⁴⁴ "India has as good a claim to a permanent seat as does China and, barring the accident of history which meant it was still part of the British Empire in 1945, it would almost certainly have been considered for a seat at the time the United

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proven nuclear capacity of India and the elements of ethnic and religious diversity that seating a Hindu nation would bring. Since its founding, India has been a reliable contributor to U.N. peacekeeping missions around the globe.²⁴⁶ However, India's contested occupation of Kashmir in defiance of two UNSC resolutions must be resolved if its campaign for a permanent seat is to succeed.²⁴⁷ Additionally, in order for the system of permanent regional rotating seats to work, India's opposition to such a system as discriminatory must be overcome.²⁴⁸

The choice between Indonesia and Pakistan to represent Asia's Muslim populace is a difficult one. Both have problematic democratic records.²⁴⁹ While Indonesia is now emerging from a long dictatorship, Pakistan has fallen back into one. While Indonesia has a stronger economy, Pakistan is a nuclear power. Indeed, the choice is problematic. Indonesia is the fourth most populous nation in the world and constitutes the largest Muslim country.²⁵⁰ It has also undergone political reform by ending Suharto's dictatorship, freely electing a democratic-minded president,²⁵¹ and releasing the province of East Timor from its grasp through a referendum.²⁵² On the other hand Pakistan, long the arch

Nations was formed." ARNOLD, *supra* note 89, at 162.

²⁴⁵ India is consistently regarded as a definite candidate for permanent membership. Among its top supporters are Russia, United Nations Press Release, GA/9692, *supra*, note 114, and France, *India, France Discuss U.N. Security Council Expansion*, AGENCE FRANCE-PRESSE, Sept. 25, 1999, available at 1999 WL 25112785.

²⁴⁶ Satish Nambiar, *United Nations Peace-keeping Operations*, in THE UNITED NATIONS AT FIFTY, AN INDIAN VIEW, *supra* note 57, at 77, 81-83. India has contributed troops and personnel to peacekeeping missions in the Gaza Strip and Sinai (1956), Lebanon (1958), Congo (1960), West Irian (1962-63), Yemen (1963-64), Cyprus (1964), Iran-Iraq (1988-90), Namibia (1989-90), Angola (1989-91, 1995), Iraq-Kuwait (1991), Central America (1990-92), El Salvador (1991-94), Kampuchea (1992-93), Yugoslavia (1992-93), Mozambique (1993-94), Somalia (1993-94), Liberia (1994), and Rwanda (1994-95). *Id.*

²⁴⁷ Crossette, *supra* note 99.

²⁴⁸ "[C]reating a third category of [permanent] membership based on rotation would not meet the aspirations of developing countries as they would continue to be subjected to a discriminatory regime." U.N. Press Release GA/9688, *supra* note 59.

²⁴⁹ Seth Mydans, *Governing Tortuously: Indonesia's President Outflanks the General*, N.Y. TIMES, Feb. 15, 2000, at A8 [hereinafter Mydans, *Governing Tortuously*]; Dugger & Bearak, *supra* note 197.

²⁵⁰ See FEDERAL RESEARCH DIVISION, LIBRARY OF CONGRESS, INDONESIA, Introduction (William H. Frederick & Robert L. Worden eds., 1992), available at <http://lcweb2.loc.gov/frd/cs/cshome.html> (last visited Feb. 12, 2001).

²⁵¹ Mydans, *Governing Tortuously*, *supra* note 249; Seth Mydans, *New Indonesian Leader Governs With a Light Touch*, N.Y. TIMES, Dec. 27, 1999, at A3.

²⁵² Christopher S. Wren, *U.N. Creates an Authority to Start Governing East Timor*,

rival of India, is a declared nuclear power²⁵³ and has continually committed many thousands of troops to U.N. peacekeeping efforts in far-flung regions throughout many decades, thus evidencing the seriousness with which it takes its U.N. membership responsibilities.²⁵⁴ Nevertheless, Pakistan's democratic efforts recently fell to a coup d'état, toppling its elected Prime Minister and installing the Army Chief of Staff.²⁵⁵ This calls into serious question both the country's stability and its ability to serve on the Council.

Be that as it may, the seating of India and not Pakistan would exacerbate the climate of antagonism and rivalry which already exists between them.²⁵⁶ The seating of both would ensure that these two parties who have been squabbling since independence from Britain would be under pressure to address their unresolved security issues, such as the fate of Kashmir, a flashpoint province occupied by hostile troops of both countries.²⁵⁷ Dual seating might optimistically also help forge a new security framework for the subcontinent.

C. Addition of Non-Permanent Members

Beyond the proposed seventeen-member Security Council, it will likely be politically necessary to add more non-permanent seats to the Council in order to gain the General Assembly's acceptance of this article's plan to reconfigure the permanent seats. Indeed, India's ambassador to the U.N. has asserted that an expansion of both non-permanent and permanent seats is required.²⁵⁸ The United States has stated that it would ultimately find a Council of twenty

N.Y. TIMES, Oct. 26, 1999, at A8.

²⁵³ Dugger & Bearak, *supra* note 197.

²⁵⁴ See FEDERAL RESEARCH DIVISION, LIBRARY OF CONGRESS, PAKISTAN, International Organizations (1994), available at <http://lcweb2.loc.gov/frd/cs/cshome.html> (last visited Feb. 12, 2001).

²⁵⁵ Dugger & Bearak, *supra* note 197.

²⁵⁶ Pakistan has expressed a strong sentiment against India's accession to the UNSC, see FASSBENDER, *supra* note 11, at 246. See also Dugger & Bearak, *supra* note 197; Christopher Lockwood, *British Plans for a U.N. Rapid-Reaction Force Are Attacked*, DAILY TELEGRAPH (London), Sept. 5, 2000, at 17.

²⁵⁷ Dugger & Bearak, *supra* note 197.

²⁵⁸ *Common Ground* program No. 9928 (radio broadcast, July 13, 1999), available at <http://commongroundradio.org/transcpt/99/9928.html> (last visited Dec. 4, 2000). In an interview with Keith Porter of the Stanley Foundation, Ambassador Kamlesh Sharma said that "unless there is an expansion of both permanent and nonpermanent members that gives an expression to the aspirations and perspectives of the developing world you will not have the voice of the Security Council carrying either balance or conviction." *Id.*

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members or more acceptable.²⁵⁹ Consequently, if three or four more non-permanent seats were added, a Council of twenty or twenty-one states would become reality.²⁶⁰ The question then becomes, on what basis would these three new seats be allocated? The traditional method of apportionment for the ten current non-permanent seats is by regional representation through General Assembly election. Each state elected to a non-permanent seat, whether it is to represent Africa, Eastern Europe, Latin America or another region, gets a two-year term in that seat and is automatically ineligible to serve again immediately.²⁶¹ The three new states could be apportioned within this existing regional distribution, adding an extra seat for East Asia for example, based on population or some other criteria.

Alternatively, the three new seats could be filled as "at large" positions on a world-wide basis. Such a mechanism of universal suffrage has already been suggested by the U.N. permanent representative for New Zealand.²⁶² In practice, this would mean that, in addition to the seven permanent seats and the ten non-permanent regional seats, there would be three seats filled by states elected from the world at large, whose constituency during their term of election would be truly global.

V. SUMMARY AND CONCLUSION

In the final analysis, the vast majority of states, organizations, and commentators agree on the basic premise that reconfiguration of the U.N. Security Council is overdue. However, the consensus stops there. The parties remain at odds over the method of reform. While some emphasize keeping the Council small, thereby safeguarding its newfound willingness to act, as well as its efficiency and effectiveness, others emphasize expanding the permanent membership to increase its representativeness, thereby bolstering the legitimacy of its decisions.

The method of accession is also in dispute. Many countries endorse the candidacies of Germany and Japan, two of the largest financial contributors to the U.N. budget. These endorsements are

²⁵⁹ See discussion *supra* section III(A).

²⁶⁰ A twenty-one member Council would be more mathematically balanced in that it would consist of fourteen non-permanent members and seven permanent members, reflecting the two to one ratio that currently exists.

²⁶¹ BAILEY, *supra* note 23, at 142-43, 152-53.

²⁶² U.N. Press Release GA/9688, *supra* note 59; *Roundtable*, *supra* note 199.

typically accompanied by proposals for the creation of regional permanent seats, one each for Latin America, Africa, and Asia. While many states are finding common ground on the principle that such regional permanent seats should rotate among several states, discord remains over how such seats should be filled.

Most proposals also include provisions to preserve, completely eliminate, or somehow limit the veto prerogative wielded by the current five permanent members. There is also disagreement over whether new permanent members acceding to the Council should be granted such a veto power. However, there is unanimous agreement among Britain, China, France, Russia, and the United States that their veto power must remain intact; any attempt to take it away, therefore, will presumably be vetoed.

Given this diplomatic dynamic and the stalemate in which the reform initiative now finds itself, this article offers a compromise solution. Individual permanent membership, complete with substantive veto power, should be retained for China, Russia, and the United States. Substantive veto power should also be retained for Britain and France, but their individual permanent seats should be collapsed into a European regional permanent seat shared with Germany, on a two-year rotating basis.

Latin America should gain a regional permanent seat that rotates among Brazil, Mexico, and either Argentina or Chile. Africa should gain a regional permanent seat that rotates among Egypt, South Africa, and either Nigeria or Kenya. Asia should gain a regional permanent seat that rotates among Japan, India, and either Indonesia or Pakistan. Each of these three new permanent seats should be granted a procedural rather than substantive veto prerogative.

The difference in veto prerogative is one of effect. If a substantive veto is used, the matter is dead. If a procedural veto is used, the matter is referred to the General Assembly for timely consideration—meaning limited debate and majority vote, and referred back to the Security Council with that veto either overturned or endorsed. If the Assembly were not in session when a procedural veto is cast, a standing committee of pre-selected states would consider the matter and take a straight majority vote. Moreover, the use of either a substantive or procedural veto should be accompanied by an explanation for its use.

Under this plan, neither Britain nor France continues to occupy seats that are out of proportion to their place in twenty-first century

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world affairs but the price for their movement to a shared seat is the retention of the substantive veto power. Germany and Japan are accorded the permanent seats that they deserve, and Germany gains its position on the "equal footing" with Britain and France that it demands. The key regional powers in Latin America, Africa, and Asia are accorded representation on the UNSC with "a veto power," although not substantive.

Additionally, several reform goals are simultaneously achieved. The selection of states dramatically increases the economic, cultural, religious, ethnic, and geographic diversity of the Council's permanent membership. However, this is done without sacrificing efficiency or effectiveness since the permanent membership is only increased from five to seven states at any given meeting, and the possibility of a measure receiving a substantive veto is reduced from five to four. Granting a procedural veto power to new regional members accords them a degree of dignity that is sought while not proliferating the veto prerogative overall. Finally, the provision for General Assembly consideration of procedural vetoes meets the calls for greater assembly input into UNSC decision-making.

Of course, in order to implement such a plan, there will likely be concomitant demands to expand the non-permanent membership on the Council. The proposal as stated would create a Security Council of seventeen. All of the major powers have agreed that a Council of twenty or more states is not out of the question. Therefore, adding three more non-permanent seats would meet that threshold in exchange for adoption of the reform package for permanent membership. Allocation of these new non-permanent seats could be by region or on a universal basis, with states running as "at-large" candidates, representing the global community on the Council.

This proposal seeks to assist governments and national delegations in breaking the impasse that has hampered UNSC restructuring negotiations to date. Reinvigorating the debate along these lines is this author's purpose. Mustering the political will to agree upon and carry through a reform package is the challenge to the U.N. member states. Clearly, the Security Council must be retooled to enter the new millennium competently and equipped to act decisively for the continued insurance of international peace and security. The global community expects it, and the future citizens of the world deserve it.

APPENDIX

GENERAL STATISTICAL OVERVIEW OF POTENTIAL CANDIDATES FOR PERMANENT SEATS ON THE REFORMED U.N. SECURITY COUNCIL²⁶³

I. PEOPLE'S REPUBLIC OF CHINA²⁶⁴

A. *Background*

For much of the past 2,000 years China has been the driving force in Asia. The continent's second largest country (after Russia) is the most populous in the world, home to one in five of all people. Natural resources, including coal and iron ore, are also plentiful.

By 200 B.C. the Chinese state had expanded from its realm in the Yellow River Basin into central and southern Asia. While the West stagnated in the early Middle Ages, China achieved its high-water mark of prosperity and artistic achievement during the Tang dynasty, A.D. 618-909. Chinese technology astonished Marco Polo, who arrived in 1275. By the eighteenth century China was larger than ever; the addition of 200 million new mouths to feed set off a decline, hastened in the nineteenth century by repeated rebellions and wars with Western trading powers. Britain introduced Indian opium, and China's efforts to limit import of the narcotic led to the Opium War of 1839-42. As a result of this war, in 1898 China agreed to lease the Territory of Hong Kong to Britain for 99 years.

In the early twentieth century, the revolutionaries led by Sun Yat-sen looked first to the West for a republican model of government, then turned to Soviet-style Marxism-Leninism. Rivalries between the ruling Nationalist Kuomintang Party under Chiang Kai-shek and the Communist Party under Mao Zedong continued through World War II; civil war from 1946-49 ended with the retreat of the Nationalists to Taiwan. After Mao's death in 1976 Deng Xiaoping loosened state control and opened China to the

²⁶³ Except as otherwise separately noted, all of the statistics maps and edited text compiled for individual countries in this selective appendix were drawn from the CIA WORLD FACTBOOK (1999), available at <http://www.odci.gov/cia/publications/factbook/index.html>.

²⁶⁴ NATIONAL GEOGRAPHIC ATLAS OF THE WORLD (6th ed. 1995), available at <http://www.nationalgeographic.com/mapmachine/plates.html>. (last visited Dec. 4, 2000).

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West.

China's attitude toward free-market economics came into sharp focus in 1997 with the end of the British lease on Hong Kong. Under Britain's democratic and capitalist rule, Hong Kong enjoyed tremendous economic success. The return to Chinese administration evoked fears that democratic freedoms might be lost. A Sino-British agreement signed in 1984 states that Hong Kong will maintain most of its democratic systems and its capitalist economy for at least 50 years. Hong Kong returned to Chinese rule on July 1, 1997.

Area	Total: 9,596,960 sq. km Land: 9,326,410 sq. km Water: 270,550 sq. km
Climate	Extremely diverse, ranging from tropical in south, to subarctic in north
Terrain	Mostly mountainous in west, with plains, deltas, and hills in east
Natural Resources	Coal, iron ore, petroleum, natural gas, mercury, tin, tungsten, antimony, manganese, molybdenum, vanadium, magnetite, aluminum, lead, zinc, uranium; China also boasts the world's largest hydropower potential
Population	1,261,832,482 (July 2000 est.)
Ethnic Groups	Han Chinese 91.9%, Zhuang, Uygur, Hui, Yi, Tibetan, Miao, Manchu, Mongol, Buyi, Korean, and other nationalities 8.1%
Languages	Standard Chinese or Mandarin (Putonghua, based on the Beijing dialect), Yue (Cantonese), Wu (Shanghaiese), Minbei (Fuzhou), Minnan

	(Hokkien-Taiwanese), Xiang, Gan, Hakka dialects
Legal System	China uses a complex amalgam of custom and statute, based on a rudimentary civil code in effect since 1987

B. Economy

Beginning in late 1978 the Chinese leadership has been trying to move the economy from a sluggish Soviet-style centrally planned economy to a more market-oriented economy, within a rigid political framework of Communist Party control. To this end the authorities switched to a system of household responsibility in agriculture in place of the old collectivization, increased the authority of local officials and plant managers in industry, permitted a wide variety of small-scale enterprise in services and light manufacturing, and opened the economy to increased foreign trade and investment. The result has been a quadrupling of GDP since 1978.

Agricultural output doubled in the 1980s, and industry also posted major gains, especially in coastal areas near Hong Kong and opposite Taiwan, where foreign investment helped spur output of both domestic and export goods. Beijing, however, has periodically backtracked, re-tightening central controls at intervals. In late 1993 China's leadership approved additional long-term reforms aimed at giving still more play to market-oriented institutions and at strengthening the center's control over the financial system; state enterprises would continue to dominate many key industries in a socialist market economy.

In 1995-97 inflation dropped sharply, reflecting tighter monetary policies and stronger measures to control food prices. Popular resistance, changes in central policy, and loss of authority by rural cadres have weakened China's population control program. Another long-term threat to continued rapid economic growth is the deterioration in the environment, notably air pollution, soil erosion, and the steady fall of the water table especially in the north. China continues to lose arable land because of erosion and economic development.

GDP Purchasing Power	\$4.8 trillion (1999 estimate)
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GDP Real Growth Rate	7% (1999 estimate)
GDP Per Capita Purchasing Power Parity	\$ 3,800 (1999 estimate)
Population Below Poverty Line	10% (1999 estimate)
Labor Force	700 million (1998 estimate)
Industrial Production Growth Rate	8.8 % (1999 estimate)
Exports	\$ 194.9 billion (F.O.B. 1999)
Imports	\$ 165.8 billion (C.I.F. 1999)
External Debt	\$ 159 billion (1998 estimate)

II. RUSSIAN FEDERATION²⁶⁵

A. Background

With a reach from Europe to Asia, Russia spans eleven time zones. The heartland of the former Soviet Union, Russia is now officially a federation, and ethnic groups such as the Tatars and Bashkirs have their own autonomous republics within it.

The country has rich mineral and energy resources. The mighty Volga, Europe's longest river, flows from northern Russia into the Caspian Sea. Bleak, behemoth Siberia encompasses more than half the territory but is home to less than a tenth of the population. Russians, who vastly outnumber indigenous Siberians, began arriving after Cossacks invaded the Tatar khanate of Sibir in 1581. Commodities such as fur and timber also earn coveted foreign currency. The Baikal-Amur Mainline Railroad, begun in the 1930s, was finished in 1989.

The history of Russia reaches back more than a thousand years. A Russian principality, ruled from Kiev, emerged in 911. In 988 Kievan Prince Vladimir adopted Byzantine Christianity and ordered his people to be baptized. Their faith evolved into Russian Orthodoxy and helped isolate Russia from Roman Catholic Europe.

Invading Mongols controlled Russia from 1240 to 1380. Drawn into their Asiatic empire, the country became even more alien to Europe. In 1547 Ivan IV, a Muscovite prince, adopted the ancient title of caesar (*tsar* in Russian). He and his successors unified fragmented lands and began taking the region that is today Siberia.

Russia looked westward after 1698, when Peter the Great

²⁶⁵ CIA WORLD FACTBOOK, *supra* note 263.

returned from touring Europe. Conquering territory along the Baltic Sea, he built his landlocked realm a port capital, St. Petersburg, and established Russia's first navy.

The forced abdication of Nicholas II in March 1917 ended tsarist rule. In November Vladimir Ilyich Lenin, a Marxist, wrested power from the provisional government. The Union of Soviet Socialist Republics was organized in 1922 out of four republics: Russia, Byelorussia, Ukraine, and Transcaucasia (Armenia, Azerbaijan, and Georgia).

Lenin's death in 1924 set off a power struggle won by Joseph Stalin, who ruthlessly collectivized Soviet agriculture, replacing peasant farms with large state-run enterprises. A series of five-year plans developed heavy industry. In the 1940s Stalin moved the Soviet boundary westward by annexing Moldavia and western Ukraine, and coerced the three Baltic states—Estonia, Latvia, and Lithuania—into requesting annexation.

Mikhail Gorbachev took office in 1985 and unveiled sweeping plans for economic restructuring followed by unprecedented political openness. He also vested the Supreme Soviet, the core of the U.S.S.R.'s legislature, with power that challenged the Communist Party's hegemony. The party decided in February 1990 to relinquish its constitutionally mandated monopoly.

Changes came too fast for conservative hardliners, who mounted a doomed coup in August 1991. Populist leader Boris Yeltsin—subsequently elected the first president of the emergent democratic Russian Federation—rallied the people, and the pendulum of power swung away from Gorbachev. In December 1991 Russia and ten other republics abolished the U.S.S.R. and formed the Commonwealth of Independent States, which now includes Georgia. Yeltsin was succeeded by the election of Prime Minister Vladimir Putin to the Presidency in March 2000.

Area	Total: 17,075,200 sq. km Land: 16,995,800 sq. km Water: 79,400 sq. km
Climate	Russia's climate ranges from steppes in the south through humid continental in much of European Russia; subarctic temperatures are found in Siberia, with tundra in the polar north; winters vary from

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	cool along Black Sea coast to frigid in Siberia; summers vary from warm in the steppes to cool along Arctic coast
Terrain	Broad plain with low hills west of Urals; vast coniferous forest and tundra in Siberia; uplands and mountains along southern border regions
Natural Resources	Wide natural resource base including major deposits of oil, natural gas, coal, minerals, and timber
Population	146,001,176 (July 2000 est.)
Ethnic Groups	Russian 81.5%, Tatar 3.8%, Ukrainian 3%, Chuvash 1.2%, Bashkir 0.9%, Byelorussian 0.8%, Moldavian 0.7%, other 8.1%
Primary Languages	Russian
Legal System	Based on a civil law system with judicial review of legislative acts

B. Economy

Nine years after the collapse of the USSR, Russia is still struggling to establish a modern market economy and achieve strong economic growth. The Russian GDP has contracted an estimated 43% since 1991, including a 5% drop in 1998, despite the country's wealth of natural resources, its well-educated population, and its diverse industrial base. By the end of 1997, Russia had achieved some progress. Inflation had been brought under control, the ruble was stabilized, and an ambitious privatization program had transferred thousands of enterprises to private ownership. Some important market-oriented laws were also passed, including a commercial code governing business relations and an arbitration court for resolving economic disputes. But in 1998, the Asian financial crisis swept through the country, contributing to a sharp decline in Russia's earnings from oil exports and resulting in an

exodus of foreign investors. Matters came to a head in August 1998 when the government allowed the ruble to fall precipitously and stopped payment on \$40 billion in ruble bonds. Russia's transition to a market economy has also been slowed by the growing prevalence of payment arrears and barter and by widespread corruption.

GDP Purchasing Power	\$ 620.3 billion (1999 estimate)
GDP Real Growth Rate	3.2% (1999 estimate)
GDP Per Capita Purchasing Power Parity	\$4,200 (1999 est.)
Population Below Poverty Line	40% (1999 est.)
Labor Force	66 million (1997)
Industrial Production Growth Rate	8.1% (1999 est.)
Exports	\$75.4 billion (1999 est.)
Imports	\$48.2 billion (1999 est.)
External Debt	\$166 billion (year end 1999)

III. UNITED STATES OF AMERICA²⁶⁶

A. Background

One of the world's most venerable democracies, the United States is just two centuries old as a nation. In 1776, after 169 years of British rule, the 13 Atlantic colonies declared independence. Less than a century later, unresolved political issues—slavery and states' rights—were referred to the battlefields of the Civil War, which raged from 1861 to 1865. After Reconstruction, the economy boomed and railroads opened more markets. Before immigration restrictions were enacted in 1924, more than a hundred million people had arrived in the United States.

The Depression of the 1930s closed factories and bankrupted farmers. President Franklin Roosevelt's New Deal increased the federal government's social responsibility. Boom times returned after World War II, as people continued to abandon farms for cities.

Since the first census in 1790, the center of U.S. population has steadily edged westward, then south. The trend continued during

²⁶⁶ *Id.*

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the 1980s, as populations grew by 22 percent in the West and 13 percent in the South. The nation has also become more urban: Three-quarters of Americans live in metropolitan areas, where poverty and ethnic tensions are problems.

Roughly one in four U.S. citizens belonged to a minority in 1994, including 33 million African Americans, 26 million Hispanics, and 9 million Asians and Pacific Islanders, the fastest growing group.

Area	Total: 9,629,091 sq. km Land: 9,158,960 sq. km Water: 470,131 sq. km
Climate	Mostly temperate, but tropical in Hawaii and Florida, arctic in Alaska, semiarid in the great plains west of the Mississippi River, and arid in the Great Basin of the southwest
Terrain	Vast central plains with mountains in the west, hills and low mountains in east
Natural Resources	Coal, copper, lead, molybdenum, phosphates, uranium, bauxite, gold, iron, mercury, nickel, potash, silver, tungsten, zinc, petroleum, natural gas, timber
Population	281,421,906 (Dec. 2000 est.) ²⁶⁷
Ethnic Groups	White 83.5%, black 12.4%, Asian 3.3%, American Indian 0.8% (1992)
Languages	English, Spanish (spoken by a sizable minority)
Legal System	Based on English common law with judicial review of

²⁶⁷ United States Census Bureau, Census 2000 Products and Data, at <http://www.census.gov/dmd/www/2khome.htm> (last visited Dec. 28, 2000).

	legislative acts
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B. Economy

The United States has the most powerful, diverse, and technologically advanced economy in the world, with a per capita GDP of \$33,900, the largest among major industrial nations. United States business firms enjoy considerably greater flexibility than their counterparts in Western Europe and Japan in decisions to expand capital plant, lay off surplus workers, and develop new products. At the same time, they face higher barriers to entry in their rivals' home markets than the barriers to entry of foreign firms in U.S. markets. The growth of technology largely explains the gradual development of a two-tier labor market in which those at the bottom lack the education and the professional/technical skills of those at the top, and often fail to get pay raises, health insurance coverage, and other benefits.²⁶⁸ Since 1975, practically all the gains in household income have gone to the top 20% of households.

GDP Purchasing Power	\$9.255 trillion (1999 est.)
GDP Real Growth Rate	4.1% (1999 est.)
GDP Per Capita Purchasing Power Parity	\$33,900 (1999 est.)
Population Below Poverty Line	12.7% (1999 est.)
Labor Force	139.4 million (includes unemployed) (1999)
Industrial Production Growth Rate	32.4% (1999 est.)
Exports	\$663 billion (F.O.B., 1998 est.)
Imports	\$912 billion (C.I.F., 1998 est.)
External Debt	\$862 billion (1995 est.)

²⁶⁸ See generally ROBERT B. REICH, LOCKED IN THE CABINET (1997).

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IV. UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND²⁶⁹

A. Background

The Channel Tunnel, opened in 1994, breaches the moat that separated the British Isles from mainland Europe since the Ice Age. The Britons nurtured representative government, recognizing individual freedoms in 1215 under the Magna Carta. England and Wales were united in 1536. The addition of Scotland in 1707 created Great Britain, renamed the United Kingdom in 1801 when Ireland was added. The twenty-six districts of Northern Ireland remain part of the U.K.

During the eighteenth century, techniques of mass production gave birth in the Midlands to the industrial revolution. Although losing many American colonies in the second half of the eighteenth century, Britain's realm grew in Africa, the Caribbean, Asia, and the Mediterranean. By 1990 more than forty former colonies had gained independence, most joining the Commonwealth of Nations.

In 1979 newly elected Prime Minister Margaret Thatcher set out to reduce inflation and regain economic competitiveness. In the 1980s manufacturing productivity soared, much of the public sector was privatized, and trade unions were weakened. Joblessness rose as plants closed, but North Sea oil revenues helped pay unemployment benefits. As the British economy worsened, criticism of Thatcher mounted, and in 1990 she resigned and was succeeded by her Conservative Party colleague John Major.²⁷⁰ The 1998 election of the Labour Party's widely popular Tony Blair moved the kingdom back to center-left governance. Blair's policies of devolution have resulted in referenda leading to greater self-governance for both Scotland and Wales, initiatives for local autonomy in Northern Ireland, and re-introduced municipal self-governance for the City of London.

Area	Total: 244,820 sq. km Land: 241,590 sq. km Water: 3,230 sq. km
Climate	Temperate, with prevailing southwest winds over the North Atlantic Current

²⁶⁹ CIA WORLD FACTBOOK, *supra* note 263.

²⁷⁰ *Id.*

Terrain	Mostly rugged hills and low mountains; level to rolling plains in east and southeast
Natural Resources	Coal, petroleum, natural gas, tin, limestone, iron ore, salt, clay, chalk, gypsum, lead, silica
Population	59,511,464 (July 2000 est.)
Ethnic Groups	English 81.5%, Scottish 9.6%, Irish 2.4%, Welsh 1.9%, Ulster 1.8%, West Indian, Indian, Pakistani, and other 2.8%
Languages	English, Welsh (about 26% of the population of Wales), Scottish form of Gaelic (about 60,000 in Scotland)
Legal System	Common law tradition with early Roman and modern continental influences, with no judicial review of Acts of Parliament

B. Economy

Over the past two decades the government has greatly reduced public ownership and contained the growth of social welfare programs. Agriculture is intensive, highly mechanized, and efficient by European standards, producing about 60% of food needs with only 1% of the labor force. The U.K. has large coal, natural gas, and oil reserves, with primary energy production accounting for 10% of GDP, one of the highest shares of any industrial nation. Services, including banking, insurance, and business services, account for the largest proportion of GDP while industry continues to decline in importance, employing only 18% of the work force.

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GDP Purchasing Power	\$1.29 trillion (1999 est.)
GDP Real Growth Rate	1.9% (1999 est.)
GDP Per Capita Purchasing Power Parity	\$21,800 (1999 est.)
Population Below Poverty Line	17%
Labor Force	29.2 million (1999)
Industrial Production Growth Rate	-0.3% (1999)
Exports	\$271 billion (F.O.B., 1998)
Imports	\$305.9 billion (F.O.B., 1998)

V. REPUBLIC OF FRANCE²⁷¹

A. Background

The largest of European countries, excluding Russia and Ukraine, France is a leader in telecommunications, biotechnology, and aerospace. Sophia Antipolis, a booming high-tech complex on the Riviera, attracts scientists from throughout Europe. Coal and steel industries are concentrated in a northeastern rust belt.

Paris has long been France's cultural, political, and business epicenter. In the early nineteenth century Napoleon Bonaparte divided large, traditional provinces into tiny, arbitrary departments. Recent congestion has spurred migration away from central Paris and its suburbs, while over-centralization of government has prompted the regrouping of departments into larger, regional units.

Heavy losses in both world wars led to an independent defense doctrine, launched when President Charles de Gaulle withdrew from the military command of NATO in 1966. France maintains ties with its former colonies through aid, trade, and military pacts.

Conservatism held sway until the election of François Mitterrand's Socialist Party in 1981. During Mitterrand's fourteen years in power, he saw unemployment rise, the trade gap widen, and his bid to nationalize major industries and banks fail. As the decade of the 1990s advanced and immigration became a heated issue, conservative forces again gained control.

²⁷¹ *Id.*

Area	Total: 547,030 sq. km Land: 545,630 sq. km Water: 1,400 sq. km
Climate	Generally cool winters and mild summers, but mild winters and hot summers along the Mediterranean
Terrain	Mostly flat plains or gently rolling hills in north and west; remainder is mountainous, especially Pyrenees in south, Alps in east
Natural Resources	Coal, iron ore, bauxite, fish, timber, zinc, potash
Population	59,329,691 (July 2000 est.)
Ethnic Groups	Celtic and Latin with Teutonic, Slavic, North African, Indochinese, Basque minorities
Languages	French 100%, rapidly declining regional dialects and languages (Provençal, Breton, Alsatian, Corsican, Catalan, Basque, Flemish)
Legal System	Civil law system with indigenous concepts; review of administrative but not legislative acts

B. Economy

One of the four West European trillion-dollar economies, France matches a growing services sector with a diversified industrial base and substantial agricultural resources. Industry generates one-quarter of GDP and more than 80% of export earnings. The government retains considerable influence over key segments of each sector, with majority ownership of railway, electricity, aircraft, and telecommunication firms. It has been gradually relaxing its control over these sectors since the early 1990s. The government is slowly selling off its holdings in France Telecom, in Air France, and in the insurance, banking, and defense

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industries. A major exporter of wheat and dairy products, France is

practically self-sufficient in agriculture. The economy expanded by 3% in 1998, following a 2.3% gain in 1997, although high unemployment remains a major problem.

GDP Purchasing Power	\$1.373 trillion (1999 est.)
GDP Real Growth Rate	2.7% (1999 est.)
GDP Per Capita Purchasing Power Parity	\$23,300 (1998 est.)
Labor Force	25.4 million (1994)
Industrial Production Growth Rate	2% (1999)
Exports	\$304.7 billion (F.O.B., 1999)
Imports	\$280.8 billion (F.O.B., 1999)
External Debt	\$117.6 billion (1996 est.)

VI. FEDERAL REPUBLIC OF GERMANY²⁷²

A. Background

The disparate Germanic principalities were set adrift by the Peace of Westphalia in 1648. Real union eluded the Germans until 1871, when the king of Prussia became kaiser of Germany. The new emperor owed his empire to a cunning politician, Otto von Bismarck. Bismarck's creation had the makings of a colossus: industrial potential, prolific farms, an enviable army, and overseas possessions. Defeat in World War I cost Germany its empire and left the nation staggering under heavy reparations. Inflation and unemployment hounded the shaky Weimar Republic. By 1933 a demoralized population had turned to Adolf Hitler and the Nazi party. Under Hitler, Germany rearmed and invaded neighboring countries, triggering the Second World War.

When Germany surrendered in 1945, it lost eastern lands to the Soviet Union and Poland. The Allies carved the rest of the country, and its capital, Berlin, into four zones. Meant to be temporary, the partition persisted as the U.S.S.R. and other Allied powers clashed

²⁷² *Id.*

over a communist or capitalist unified Germany. In 1949 the American, French, and British zones formed the Federal Republic of Germany (West Germany), and the Soviet Union established the German Democratic Republic (East Germany). The Berlin Wall went up in 1961. When it came down three decades later, West German Chancellor Helmut Kohl navigated a year of tense diplomacy to fuse the halves of the nation.

Today, with 82 million people, Germany contains the largest European population outside Russia. Workers from Turkey, Yugoslavia, Italy, and Greece supplement the native labor force in making high-tech products and quality consumer goods for export. The deutsche mark, vigilantly guarded by an independent central bank, is one of the world's strongest currencies. Germany's GNP places the country among the planet's top five economies. Germany now faces new challenges after reunification. Closing inefficient state enterprises left almost half the former East German workforce without jobs. Women lost extensive benefits, including twelve months of paid maternity leave and free day-care centers.

Area	Total: 356,910 sq. km Land: 349,520 sq. km Water: 7,390 sq. km
Climate	Temperate and marine; cool, cloudy, wet winters and summers; occasional warm, tropical wind; high relative humidity
Terrain	Lowlands in north, uplands in center, Bavarian Alps in south
Natural Resources	Iron ore, coal, potash, timber, lignite, uranium, copper, natural gas, salt, nickel
Population	82,797,408 (July 2000 est.)
Ethnic Groups	German 91.5%, Turkish 2.4%, Italians 0.7%, Greeks 0.4%, Poles 0.4%, other 4.6% (made up largely of people fleeing the war in the former Yugoslavia)
Languages	German
Legal System	Civil law system with judicial review of legislative acts in the

2000] SECURITY COUNCIL PERMANENT MEMBERSHIP 379

	Federal Constitutional Court
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B. Economy

Germany possesses the world's third most powerful economy, with its capitalist market system tempered by generous welfare benefits. On 1 January 1999, Germany and 10 other European Union countries launched the European Monetary Union (EMU) by permanently fixing their bilateral exchange rates and giving the new European Central Bank control over the zone's monetary policy. Germans expect to have the new European currency, the euro, in pocket by 2002. Domestic demand contributed to a moderate economic upswing in early 1998, although unemployment remains high. Job-creation measures have helped superficially, but structural rigidities—like high wages and costly benefits—make unemployment a long-term, not just a cyclical, problem. Over the long term, Germany faces budgetary problems—lower tax revenues and higher pension outlays—as its population ages. Meanwhile, the German nation continues to wrestle with the integration of eastern Germany, whose adjustment may take decades to complete despite annual transfers from the west of roughly \$100 billion a year. The adoption of a common European currency and the general political and economic integration of Europe will bring major changes to the German economy in the early twenty-first century.

GDP Purchasing Power	\$1.864 trillion (1999 est.)
GDP Real Growth Rate	1.5% (1999 est.)
GDP Per Capita Purchasing Power Parity	\$22,700 (1999 est.)
Labor Force	40.5 million (1999 est.)
Industrial Production Growth Rate	0.9% (1999)
Exports	\$610 billion (F.O.B., 1999 est.)
Imports	\$587 billion (F.O.B., 1999 est.)

VII. FEDERATIVE REPUBLIC OF BRAZIL²⁷³A. *Background*

Brazil's national development continues to center on its natural resources. Road building, mining, and construction, often funded by the World Bank, the European Union, and Japan, provide opportunities but at great cost. Construction of Highway BR-364 carried many farmers to Rondônia, where the soil lost productivity when stripped of its nutrient-rich forest cover. Controversy over the opening of frontiers has placed some highway projects on hold. During the 1980s gold miners in Roraima polluted rivers with mercury and invaded the territory of the Yanomami, an indigenous people. As Indians succumb to imported diseases, their cultures also die, and knowledge such as the medicinal value of tropical plants is lost. In 1991 the government demarcated 93,000 square kilometers for the Yanomami.

Havoc in the forests mirrors disarray in the capital, Brasília. Years of military dictatorship gave way to civilian rule in 1985, followed by democratic elections in 1989. Though reforms have begun, progress is slowed by constitutional questions, political corruption, and an unsteady economy. Brazil's foreign debt is the largest among developing nations, and where seventy percent of the citizenry struggle to meet minimal nutritional needs. These problems have revived the secessionist movement by the more developed southern states of Rio Grande do Sul, Santa Catarina, Paraná, and São Paulo.

In June 1992 Rio hosted the first United Nations Earth Summit, which brought together world leaders to discuss conservation treaties.

Area	Total: 8,511,965 sq. km Land: 8,456,510 sq. km Water: 55,455 sq. km
Climate	Mostly tropical, but temperate in south
Terrain	Mostly flat to rolling lowlands in north; some plains, hills, mountains, and narrow coastal belt

²⁷³ *Id.*

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Natural Resources	Bauxite, gold, iron ore, manganese, nickel, phosphates, platinum, tin, uranium, petroleum, hydropower, timber
Population	172,860,370 (July 2000 est.)
Ethnic Groups	White (includes Portuguese, German, Italian, Spanish, Polish) 55%, mixed white and black 38%, black 6%, other (includes Japanese, Arab, American Indian) 1%
Languages	Portuguese (official), Spanish, English, French
Legal System	Based on Roman codes

B. Economy

Possessing large and well-developed agricultural, mining, manufacturing, and service sectors, Brazil's economy outweighs that of all other South American countries and is expanding its presence in world markets. Prior to the institution of a stabilization plan known as the Plano Real or Real Plan in mid 1994, stratospheric inflation rates had disrupted economic activity and discouraged foreign investment. Since then, tight monetary policy has brought inflation under control, with consumer prices increased by 2% in 1998 compared to more than 1,000% in 1994. At the same time, GDP growth slowed from 5.7% in 1994 to about 3.0% in 1997 due to tighter credit. The Real Plan faced its strongest challenge in 1998, as the world financial crisis caused investors to more closely examine the country's structural weaknesses. The most severe spillover for Brazil followed Russia's debt default in August 1998, which created unrelenting pressure on the currency, which forced the country to hike annual interest rates to 50%. After crafting a fiscal adjustment program and pledging progress on structural reform, Brazil received a \$41.5 billion IMF-led international support program in November 1998. Capital continued to leave the country, and investors, concerned about the rising mountain of debt and currency widely-viewed as overvalued, stayed on the sidelines. In January 1999, Brazil made an abrupt shift of course in exchange rate policy, abandoning the strong currency anti-inflation anchor of the Real Plan.

GDP Purchasing Power	\$1.057 trillion (1999 est.)
GDP Real Growth Rate	0.8% (1999 est.)
GDP Per Capita Purchasing Power Parity	\$6,150 (1999 est.)
Population Below Poverty Line	17.4% (1990 est.)
Labor Force	74 million (1997 est.)
Industrial Production Growth Rate	-2.6% (1999 est.)
Exports	\$46.9 billion (F.O.B., 1999)
Imports	\$48.7 billion (F.O.B., 1998)
External Debt	\$200 billion (1999)

VIII. UNITED MEXICAN STATES²⁷⁴A. *Background*

A 3,115-kilometer (1,936-mile) common border, commerce, and tourism link the world's largest Spanish-speaking country to the world's largest economic power. Mexico sends half its oil exports, drawn from reserves ranked eighth worldwide, to its northern neighbor. The United States returns manufactured goods and foodstuffs. Agriculture, limited by rugged topography and uneven rainfall, remains an important employer, although price controls have reduced farm earnings and wage controls have lowered the standard of living. The nation's system of communal farms, or *ejidos*, was reformed in 1992 to promote private investment and large-scale agriculture. Farmers grow twenty percent of U.S. winter vegetables.

Tax reform, privatization of state-run industries, more open trade policies, drastic austerity measures, and restructuring the hundred-billion-dollar foreign debt began to improve competitiveness and boost exports in the early 1990s. To create new jobs and further spur the economy, a free-trade agreement with Canada and the United States was implemented in 1994. Overspending and reckless lending practices, however, helped precipitate a banking and credit crisis in 1995.

With more than 15 million people, greater Mexico City is one of the world's largest metropolitan areas. Stringent environmental

²⁷⁴ *Id.*

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restrictions have been enacted to address increasingly dangerous levels of air and water pollution.

Mexico's declining birthrate promises some relief from the crushing pressure of its population, expected to exceed a hundred million by the year 2000. One-third of all Mexicans are younger than fifteen. The flood of illegal immigrants across the border taxed relations with the United States. During the 1980s Mexicans seeking work made more than 20 million illegal border crossings.

Tourism, along with petroleum revenues, is a leading earner of foreign exchange. About ninety percent of the more than six million visitors come from the U.S. and Canada.

Area	Total: 1,972,550 sq. km Land: 1,923,040 sq. km Water: 49,510 sq. km
Climate	Varies from tropical to desert
Terrain	High, rugged mountains; low coastal plains; high plateaus; desert
Natural Resources	Petroleum, silver, copper, gold, lead, zinc, natural gas, timber
Population	100,349,766 (July 2000 est.)
Ethnic Groups	Mestizo (Amerindian-Spanish) 60%, Amerindian or predominantly Amerindian 30%, white 9%, other 1%
Languages	Spanish, various Mayan, Nahuatl, and other regional indigenous languages
Legal System	Mixture of U.S. constitutional theory and civil law, with judicial review of legislative acts

B. Economy

Mexico has a free market economy with a mixture of modern and outmoded industry and agriculture, increasingly dominated by the private sector. The number of state-owned enterprises in Mexico has fallen from more than 1,000 in 1982 to fewer than 200 in 1998. A strong export sector helped to cushion the economy's decline in 1995 and led the recovery in 1996 and 1997. In 1998, private consumption became the leading driver of growth, which was accompanied by increased employment and higher wages. Mexico still needs to overcome many structural problems as it strives to modernize its economy and raise living standards. Income distribution is very unequal, with the top 20% of income earners accounting for 55% of income. Trade with the United States and Canada has nearly doubled since NAFTA was implemented in 1994. Mexico is pursuing additional trade agreements with most countries in Latin America and with the EU to lessen its dependence on the United States.

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GDP Purchasing Power	\$865.5 billion (1999 est.)
GDP Real Growth Rate	3.7% (1999 est.)
Population Below Poverty Line	27% (1998 est.)
Labor Force	38.6 million (1999)
Industrial Production Growth Rate	4% (1999 est.)
Exports	\$136.8 billion (F.O.B., 1999)
Imports	\$142.1 billion (F.O.B., 1999)
External Debt	\$155.8 billion (1999)

IX. ARGENTINE REPUBLIC²⁷⁵

A. Background

Modern Argentina enjoys a high literacy rate, a low birthrate and rare infant mortality; today, most Argentines consider themselves part of the middle class. The recent past, however, has been tumultuous. During the “dirty war” of the late 1970s more than 10,000 people disappeared. Defeat by Britain during the 1982 Falkland Islands war loosened the military dictatorship’s stranglehold on democracy. The Radical Party relinquished control to the Peronist party in 1989, the first transfer of power from one elected official to another in sixty years.

Since the 1990s, Argentina has developed greater freedom of the press, tolerance of opposition, and increased foreign investment. Privatization of state firms has reduced government debt by seven billion dollars, and the inflation rate has plummeted. Unemployment, however, plagues the economy, even as the nation enjoys the continent’s highest per capita income.

Area	Total: 2,766,890 sq. km Land: 2,736,690 sq. km Water: 30,200 sq. km
Climate	Mostly temperate, with arid temperatures in southeast; subantarctic climate marks the southwest

²⁷⁵ *Id.*

Terrain	Rich plains of the Pampas in northern half, flat to rolling plateau of Patagonia in south, rugged Andes along western border
Natural Resources	Fertile plains of the pampas, lead, zinc, tin, copper, iron ore, manganese, petroleum, uranium
Population	36,955,182 (July 2000 est.)
Ethnic Groups	White 85%, mestizo, Amerindian, or other nonwhite groups 15%
Languages	Spanish (official), English, Italian, German, French
Legal System	Mixture of U.S. and West European legal systems; has not accepted compulsory ICJ jurisdiction

B. Economy

In 1989, the Argentine Republic held huge external debts, inflation hovered around 200% per month, and industrial output was plummeting. To combat the economic crisis, the government embarked on a path of trade liberalization, deregulation, and privatization. In 1991, it implemented radical monetary reforms which pegged the peso to the U.S. dollar and limited the growth in the monetary base by law to the growth in reserves. Inflation fell sharply in subsequent years. The Mexican peso crisis produced a severe, but short-lived, recession in 1995. A series of reforms to bolster the domestic banking system followed, and Real GDP growth recovered strongly, reaching almost 9% in 1997. In 1998, increasing investor anxiety over Brazil, its largest trading partner, produced the highest domestic interest rates in more than three years and slowed growth to 4.3%. Despite the relatively high level of growth in recent years, double-digit unemployment rates have persisted, largely because of rigidities in Argentina's labor laws.

2000] SECURITY COUNCIL PERMANENT MEMBERSHIP 387

GDP Purchasing Power	\$367 billion (1999 est.)
GDP Real Growth Rate	-3% (1999 est.)
GDP Per Capita Purchasing Power Parity	\$10,000 (1999 est.)
Population Below Poverty Line	36% (1998 est.)
Labor Force	15 million (1999)
Industrial Production Growth Rate	-7% (1999 est.)
Exports	\$23 billion (F.O.B., 1999 est.)
Imports	\$25 billion (C.I.F., 1999 est.)
External Debt	\$149 billion (1999 est.)

X. REPUBLIC OF CHILE²⁷⁶

A. Background

Chileans once enjoyed Latin America's longest tradition of political stability and civil liberty. In 1973, however, a coup overthrew Salvador Allende's Marxist government and ushered in 16 years of dictatorship under General Augusto Pinochet. Democracy was restored in 1989. Privatization of industries and increased agricultural exports have boosted the economy. The Chuquicamata and Escondida copper mines rank as the world's largest. Oil from the Strait of Magellan eases reliance on imported fuel, and negotiations with Argentina are under way for a trans-Andean natural gas pipeline.

Area	Total: 756,950 sq. km Land: 748,800 sq. km Water: 8,150 sq. km
Climate	Temperate; desert in north; cool and damp in south
Terrain	Low coastal mountains; fertile central valley; rugged Andes in east
Natural Resources	Copper, timber, iron ore, nitrates, precious metals,

²⁷⁶ *Id.*

	molybdenum
Population	15,153,797 (July 2000 est.)
Ethnic Groups	White and white-Amerindian 95%, Amerindian 3%, other 2%
Languages	Spanish
Legal System	Based on Code of 1857 derived from Spanish law and subsequent codes influenced by French and Austrian law with judicial review of legislative acts in the Supreme Court

B. Economy

Chile has a prosperous, essentially free market economy. Civilian governments took over from the military in March 1990, and have continued to reduce the government's role in the economy while shifting the emphasis of public spending toward social programs. Growth in real GDP averaged more than 7.0% in 1991-97 but fell to about half of that average in 1998 because of spillover from the global financial crisis. Inflation has been on a downward trend and hit a 60-year low in 1998. Chile's currency and foreign reserves also are strong, as sustained foreign capital inflows—including significant direct investment—have more than offset current account deficits and public debt buy-backs. The Chilean economy remains largely dependent on a few sectors, including particularly copper mining, fishing, and forestry. Success in meeting the government's goal of sustained annual economic growth of 5% depends largely on world prices for these commodities, continued foreign investor confidence, and the government's ability to maintain a conservative fiscal stance. In 1996, Chile became an associate member of MERCOSUR²⁷⁷ and concluded a free trade agreement with Canada. The inauguration of Ricardo Lagos in March 2000, succeeding Eduardo Frei, will keep

²⁷⁷ See *infra* note 232 and accompanying text.

2000] SECURITY COUNCIL PERMANENT MEMBERSHIP 389

the presidency in the hands of the center-left Concertacion coalition that has held office since the return of civilian rule in 1990.

GDP Purchasing Power	\$185.1 billion (1999 est.)
GDP Real Growth Rate	-1% (1999 est.)
GDP Per Capita Purchasing Power Parity	\$12,400 (1999 est.)
Population Below Poverty Line	22% (1998 est.)
Labor Force	5.8 million (1999 est.)
Industrial Production Growth Rate	-1.3% (1999 est.)
Exports	\$15.6 billion (F.O.B., 1999)
Imports	\$13.9 billion (C.I.F., 1999)
External Debt	\$39 billion (1999)

XI. REPUBLIC OF SOUTH AFRICA²⁷⁸

A. Background

From 1948 to 1991 South Africa's political system was dominated by apartheid, a policy of segregation that isolated blacks, who outnumber whites by six to one, in so-called homelands and overcrowded townships. In 1989 a reform-minded government, spurred by international economic sanctions as well as domestic protests, began the process of dismantling apartheid.

By the middle of 1991 all remaining apartheid legislation was revoked, including the Population Registration Act, which classified South Africans by race and was widely considered the cornerstone of apartheid. In March 1992 white South Africans voted in favor of negotiations aimed at replacing the constitution with a nonracial one, accomplished in 1993. The first multiracial parliament was elected in 1994, and Nelson Mandela—winner of the Nobel Peace Prize in 1993 in conjunction with former President Frederik W. de Klerk—became the new president; black homelands were abolished. The country soon regained active membership in the British Commonwealth and the United Nations.

²⁷⁸ CIA WORLD FACTBOOK, *supra* note 263..

Area	Total: 1,219,912 sq. km Land: 1,219,912 sq. km Water: 0 sq. km
Climate	Mostly semiarid; subtropical along east coast
Terrain	Vast interior plateau rimmed by rugged hills and narrow coastal plain
Natural Resources	Gold, chromium, antimony, coal, iron ore, manganese, nickel, phosphates, tin, uranium, gem diamonds, platinum, copper, vanadium, salt, natural gas
Natural Hazards	Prolonged droughts
Environment	Current issues: lack of important arterial rivers or lakes requires extensive water conservation and control
Population	43,421,021 (July 2000 est.)
Ethnic Groups	Black 75.2%, white 13.6%
Languages	Eleven official languages, including Afrikaans, English, Ndebele, Pedi, Sotho, Swazi, Tsonga, Tswana, Venda, Xhosa, Zulu
Legal System	Based on Roman-Dutch law and English common law

B. Economy

South Africa is a middle-income, developing country with an abundant supply of resources, well-developed financial, legal, communications, energy, and transport sectors, a stock exchange that ranks among the ten largest in the world, and a modern infrastructure supporting an efficient distribution of goods to major urban centers throughout the region. However, growth has not been strong enough to cut into the 30% unemployment, and daunting economic problems remain from the apartheid era, especially the problems of poverty and lack of economic empowerment among the disadvantaged groups. Other problems are crime, corruption, and HIV/AIDS. At the start of 2000,

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President Mbeki vowed to promote economic growth and foreign investment by relaxing restrictive labor laws, stepping up the pace of privatization, and cutting unneeded governmental spending. His policies face strong opposition from organized labor.

GDP Purchasing Power	\$296.1 billion (1999 est.)
GDP Real Growth Rate	0.6% (1999 est.)
GDP Per Capita Purchasing Power Parity	\$6,900 (1999 est.)
Labor Force	15 million economically active (1997)
Industrial Production Growth Rate	-5% (1998 est.)
Exports	\$28 billion (F.O.B., 1999 est.)
Imports	\$26 billion (F.O.B., 1999 est.)
External Debt	\$23.7 billion (1998 est.)

XII. ARAB REPUBLIC OF EGYPT²⁷⁹

A. Background

Although a unified state for more than 5,000 years, Egypt's rapidly growing population burdens an economy weakened during the past two decades by inflation, unemployment, and massive foreign debt. A sharp increase in wheat prices (Egypt is a large importer) hit hard in the late 1980s. The main sources of foreign currency are remittances from workers abroad, Suez Canal fees, tourism, and oil—all hurt by the 1990-91 Persian Gulf war. The Aswan High Dam, completed in 1971, provides hydroelectricity, as well as a controlled water supply for year-round irrigation and desert reclamation. Harnessing the Nile, however, has reduced silt deposits downstream, increasing erosion and soil salinity. Farmers, who make up a third of the labor force, rely on irrigation to grow cotton.

Gamal Abdel Nasser helped bring decades of British control to an end in 1953. In 1970 he was succeeded by Anwar Sadat, who liberalized the economy, distanced Egypt from the Soviet Union, and pursued peace with Israel. Muslim fundamentalists assassinated Sadat in 1981. President Hosni Mubarak has reclaimed Egypt's strength in the Arab world with the return of the Arab

²⁷⁹ *Id.*

League to Cairo.

Area	Total: 1,001,450 sq. km Land: 995,450 sq. km Water: 6,000 sq. km
Climate	Desert; hot, dry summers with moderate winters
Terrain	Vast desert plateau interrupted by Nile valley and delta
Natural Resources	Petroleum, natural gas, iron ore, phosphates, manganese, limestone, gypsum, talc, asbestos, lead, zinc
Population	68,359,979 (July 2000 est.)
Ethnic Groups	Eastern Hamitic stock (Egyptians, Bedouins, and Berbers) 99%, Greek, Nubian, Armenian, other European (primarily Italian and French) 1%
Languages	Arabic (official), English and French
Legal System	Based on English common law, Islamic law, and Napoleonic codes with judicial review by Supreme Court, and administrative overview by the Council of State

B. Economy

At the end of the 1980s, Egypt faced problems of low productivity and poor economic management, compounded by the adverse social effects of excessive population growth, high inflation, and massive urban overcrowding. In the face of these pressures, in 1991 Egypt undertook wide-ranging macroeconomic stabilization and structural reform measures. This reform effort has been

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supported by three IMF arrangements, the last of which expired in September 1998.

Egypt's reform efforts—and its participation in the Gulf war coalition—also led to massive debt relief under the Paris Club arrangements. Substantial progress has been made in improving macroeconomic performance. Cairo tamed inflation, slashed budget deficits, and built up foreign reserves to an all-time high. Although the pace of structural reforms—such as privatization and new business legislation—has been slower than envisioned under the IMF program, Egypt's steps toward a more market-oriented economy have prompted increased foreign investment. The November 1997 massacre of foreign tourists in Luxor affected tourism enough to slow the GDP growth rate for 1998 compared to earlier projections. Increased gas exports are a major plus factor in future growth.

GDP Purchasing Power	\$200 billion (1999 est.)
GDP Real Growth Rate	5% (1999 est.)
GDP Per Capita Purchasing Power Parity	\$3,000 (1999 est.)
Labor Force	19 million (1999 est.)
Industrial Production Growth Rate	5% (1999 est.)
Exports	\$4.6 billion (F.O.B., 1999 est.)
Imports	\$15.8 billion (F.O.B., 1999 est.)
External Debt	\$30 billion (1999 est.)

XIII. FEDERAL REPUBLIC OF NIGERIA²⁸⁰

A. Background

Africa's most populous nation embraces 250 ethnic groups. A century of British rule ended in 1960. After independence ethnic tensions increased, deepened by the rift between the poor north and more prosperous south. Civil war raged from 1967 to 1970, when the Ibo fought unsuccessfully for autonomy as the Republic of Biafra. The establishment of separate states—30 by 1992—has helped accommodate diverse peoples.

By the mid-1980s over reliance on oil had brought Nigeria close to bankruptcy. A military regime came to power, intent on liberalizing the economy and eliminating corruption. President Ibrahim Babangida promised a return to civilian rule, but the 1993 elections were annulled and he was forced to resign.

Area	Total: 923,770 sq. km Land: 910,770 sq. km Water: 13,000 sq. km
Climate	Varies; equatorial in south, tropical in center, arid in north
Terrain	Southern lowlands merge into central hills and plateaus; mountains in southeast, plains

²⁸⁰ *Id.*

2000] SECURITY COUNCIL PERMANENT MEMBERSHIP 395

	in north
Natural Resources	Petroleum, tin, columbite, iron ore, coal, limestone, lead, zinc, natural gas
Population	123,337,822 (July 2000 est.)
Ethnic Groups	Hausa, Fulani, Yoruba, Ibo, Ijaw, Kanuri, Ibibio, Tiv
Languages	English (official), Hausa, Yoruba, Ibo, Fulani
Legal System	Based on English common law, Islamic law, and tribal law

B. Economy

The oil-rich Nigerian economy continues to be hobbled by political instability, corruption, and poor macroeconomic management. Nigeria's unpopular military rulers have failed to make significant progress in diversifying the economy away from over dependence on the capital intensive oil sector which provides 30% of GDP, 95% of foreign exchange earnings, and about 80% of budgetary revenues. The government's resistance to initiating greater transparency and accountability in managing the country's multibillion dollar oil earnings continues to limit economic growth and prevent an agreement with the IMF and bilateral creditors on a staff-monitored program and debt relief. The largely subsistence agricultural sector has failed to keep up with rapid population growth, and Nigeria, once a large net exporter of food, now must import food.

GDP Purchasing Power	\$110.5 billion (1999 est.)
GDP Real Growth Rate	2.7% (1999 est.)
GDP Per Capita Purchasing Power Parity	\$970 (1999 est.)
Population Below Poverty Line	34.1% (1992-93 est.)
Labor Force	42.844 million
Industrial Production Growth Rate	4.1% (1996)
Exports	\$3.1 billion (F.O.B., 1999)
Imports	\$10 billion (F.O.B., 1999)

External Debt	\$29 billion (1999 est.)
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XIV. REPUBLIC OF KENYA²⁸¹A. *Background*

Free enterprise and a measure of political debate helped make Kenya one of Africa's most stable nations after it achieved independence from Britain in 1963. Forty ethnic groups, including Kikuyu farmers and Masai cattle herders, crowd the countryside, still home to three-quarters of Kenya's people. The population, swelling by more than three percent per year, could double by the early twenty-first century. Intense competition for arable land drives thousands to cities, where unemployment is high.

Area	Total: 582,650 sq. km Land: 569,250 sq. km Water: 13,400 sq. km
Climate	Varies from tropical along coast to arid in interior
Terrain	Low plains rise to central highlands bisected by Great Rift Valley; fertile plateau in west
Natural Resources	Gold, limestone, soda ash, salt barites, rubies, fluorspar, garnets, wildlife
Population	30,339,770 (July 2000 est.)
Ethnic Groups	Kikuyu 22%, Luhya 14%, Luo 13%, Kalenjin 12%, Kamba 11%, Kisii 6%, Meru 6%, other African 15%, non-African (Asian, European, and Arab) 1%
Languages	English (official), Swahili (official), numerous indigenous languages
Legal System	Based on English common

²⁸¹ *Id.*

2000] SECURITY COUNCIL PERMANENT MEMBERSHIP 397

	law, tribal law, and Islamic law with judicial review in the High Court
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B. Economy

Since 1993, the government of Kenya has implemented a program of economic liberalization and reform. Steps have included the removal of import licensing and price controls, removal of foreign exchange controls, fiscal and monetary restraint, and reduction of the public sector through privatizing publicly owned companies and downsizing the civil service. With the support of the World Bank, IMF, and other donors, these reforms have led to a turnaround in economic performance following a period of negative growth in the early 1990s. Kenya's real GDP grew at 5% in 1995 and 4% in 1996, and inflation remained under control. Growth slowed in 1997-98. Political violence damaged the tourist industry, and the IMF allowed Kenya's Enhanced Structural Adjustment Program to lapse due to the government's failure to enact reform conditions and to adequately address public sector corruption. Long-term barriers to development include electricity shortages, the government's continued and inefficient dominance of key sectors, endemic corruption, and the country's high population growth rate.

GDP Purchasing Power	\$45.1 billion (1999 est.)
GDP Real Growth Rate	1.5% (1999 est.)
GDP Per Capita Purchasing Power Parity	\$1,600 (1999 est.)
Population Below Poverty Line	42% (1992 est.)
Labor Force	9.2 million (1998 est.)
Industrial Production Growth Rate	1% (1999 est.)
Exports	\$2.2 billion (F.O.B., 1999 est.)
Imports	\$3.3 billion (F.O.B., 1999 est.)
External Debt	\$6.5 billion (1998)

XV. REPUBLIC OF INDIA²⁸²*A. Background*

Hindu culture evolved out of the mingling of indigenous Dravidian peoples and Aryan-speaking nomads who arrived from Central Asia in 1500 B.C. Islam was introduced by Arabs early in the eighth century A.D. In 1526 Moguls from Samarkand founded a feudal empire that flourished until peasant uprisings in the 18th century opened the door to Western influence. Until the mid-twentieth century the subcontinent was the pride of the British Empire. Guided by Mahatma Gandhi, Indians won nationhood in 1947. From British rule they inherited deep poverty but also parliamentary government, the English language, and a far-flung rail system, which helped knit the multiethnic country into a secular, stable democracy.

Today, India faces a host of problems including a ponderous bureaucracy, illiteracy, and a birthrate that adds more than 27 million babies each year to the world's second largest population. Yet in the 1980s an expanding middle class made consumer advertising a new growth industry. Farmers, using the techniques of the green revolution, produce enough wheat and rice to feed the nation, whose economy ranked in the world's top 16 in 1993.

Area	Total: 3,287,590 sq. km Land: 2,973,190 sq. km Water: 314,400 sq. km
Climate	Varies from tropical monsoon in south to temperate in north
Terrain	Upland plain (Deccan Plateau) in south, flat to rolling plain along the Ganges, deserts in west, Himalayas in north
Natural Resources	Coal (fourth-largest reserves in the world), iron ore, manganese, mica, bauxite, titanium ore, chromite, natural gas, diamonds, petroleum, limestone
Population	1,014,003,817 (July 2000 est.)

²⁸² *Id.*

2000] SECURITY COUNCIL PERMANENT MEMBERSHIP 399

Ethnic Groups	Indo-Aryan 72%, Dravidian 25%, Mongoloid and other 3%
Languages	English , Hindi (national language) Bengali (official), Telugu (official), Marathi (official), Tamil (official), Urdu (official), Gujarati (official), Malayalam (official), Kannada (official), Oriya (official), Punjabi (official), Assamese (official), Kashmiri (official), Sindhi (official), Sanskrit (official), Hindustani
Legal System	Based on English common law with limited judicial review of legislative acts

B. Economy

India's economy encompasses traditional village farming, modern agriculture, handicrafts, a wide range of modern industries, and a multitude of support services. 67% of India's labor force work in agriculture, which contributes 25% of the country's GDP. Production, trade, and investment reforms since 1991 have provided new opportunities for Indian businesspersons and an estimated 300 million middle class consumers. New Delhi has avoided debt rescheduling, attracted foreign investment, and revived confidence in India's economic prospects since 1991. Many of the country's fundamentals—including savings rates (26% of GDP) and reserves (now about \$30 billion)—are healthy. India's exports, currency, and foreign institutional investment were affected by the East Asian crisis in late 1997 and 1998; but capital account controls, a low ratio of short-term debt to reserves, and enhanced supervision of the financial sector helped insulate it from near term balance-of-payments problems. Exports fell 5% in 1998 mainly because of the fall in Asian currencies relative to the rupee. Energy, telecommunications, and transportation bottlenecks continue to constrain growth. A series of weak coalition governments have lacked the political strength to push reforms forward to address these and other problems

GDP Purchasing Power	\$1.805 trillion (1999 est.)
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GDP Real Growth Rate	5.45% (1999 est.)
GDP Per Capita Purchasing Power Parity	\$1,800 (1999 est.)
Population Below Poverty Line	35% (1994 est.)
Industrial Production Growth Rate	6% (1999 est.)
Exports	\$36.3 billion (F.O.B., 1999 est.)
Imports	\$50.2 billion (F.O.B., 1999 est.)
External Debt	\$98 billion (March 1999)

XVI. JAPAN²⁸³

A. Background

Among the top three exporters of manufactured goods, the nation had the second largest GNP in 1993, after that of the United States. Aggressive expansion across the Pacific led to war with the United States in 1941. Defeat ended Japan's dream of ruling Asia, and the U.S. occupation imposed a parliamentary constitution, free labor unions, and stringent land reform. Despite a lack of raw materials, the economy was revived with the help of U.S. grants, high rates of labor productivity, personal savings, and capital investment.

Huge trade surpluses, however, have heightened friction with the United States and Western Europe, provoking demands for Japan to open its doors wider to foreign companies. In response the country has reoriented its economy to satisfy domestic demand and has invested massively overseas.

Area	Total: 377,835 sq. km Land: 374,744 sq. km Water: 3,091 sq. km
Climate	Varies from tropical in south to cool temperate in north
Terrain	Mostly rugged and mountainous
Natural Resources	Negligible mineral resources,

²⁸³ *Id.*

2000] *SECURITY COUNCIL PERMANENT MEMBERSHIP* 401

	fish
Population	126,549,976 (July 2000 est.)
Ethnic Groups	Japanese 99.4%, other 0.6% (mostly Korean)
Languages	Japanese
Legal System	Modeled after European civil law system with English-American influence; judicial review of legislative acts in the Supreme Court

B. Economy

One notable characteristic of the economy is the working together of manufacturers, suppliers, and distributors in closely knit groups called keiretsu. A second basic, but eroding feature has been the guarantee of lifetime employment for a substantial portion of the urban labor force. Industry, the most important sector of the economy, is heavily dependent on imported raw materials and fuels. The much smaller agricultural sector is highly subsidized and protected, with crop yields among the highest in the world.

Usually self-sufficient in rice, Japan must import about 50% of its requirements of other grain and fodder crops. Japan maintains one of the world's largest fishing fleets and accounts for nearly 15% of the global catch. For three decades overall real economic growth had been spectacular: a 10% average in the 1960s, a 5% average in the 1970s, and a 4% average in the 1980s. Growth slowed markedly in 1992-95 largely because of the aftereffects of over-investment during the late 1980s. Growth picked up to 3.9% in 1996, largely a reflection of stimulating fiscal and monetary policies as well as low rates of inflation. In 1997-98 Japan experienced a wrenching recession, centered about financial difficulties in the banking system and real estate markets and exacerbated by rigidities in corporate structures and labor markets. In early 1999, output started to stabilize as emergency government spending begins to take hold.

GDP Purchasing Power	\$2.95 trillion (1999 est.)
GDP Real Growth Rate	0.3% (1999 est.)
GDP Per Capita Purchasing Power Parity	\$23,400 (1999 est.)
Labor Force	67.76 million (November 1999)
Industrial Production Growth Rate	-0.1% (1998)
Exports	\$413 billion (F.O.B., 1999 est.)
Imports	\$306 billion (C.I.F., 1999 est.)

XVII. REPUBLIC OF INDONESIA²⁸⁴*A. Background*

The world's fourth most populous nation, Indonesia is the largest Islamic country, with some 173 million Muslims. About 300 ethnic groups speak 365 local dialects on more than 13,660 islands.

After independence from the Netherlands in 1949, the republic confronted a high birthrate, low productivity, and illiteracy—areas in which progress has since been made. In the late 1980s mining, manufacturing, and tourism absorbed many of the two million who entered the job market each year. Efforts are being made to reduce dependence on petroleum and natural gas, which in 1993 accounted for close to 30 percent of export earnings. Logging and rice cultivation continue to consume the rain forest—the world's second largest, after Brazil's.

Current issues include implementing IMF-mandated reforms (particularly restructuring and recapitalizing the insolvent banking sector), effecting a transition to a popularly elected government, addressing longstanding grievances over the role of the ethnic Chinese business class and charges of cronyism and corruption, alleged human rights violations by the military, the role of the military and religion in politics, and growing pressures for some form of independence or autonomy by Aceh, Irian Jaya, and East Timor.

Area	Total: 1,919,440 sq. km Land: 1,826,440 sq. km Water: 93,000 sq. km
Climate	Tropical; hot, humid; more moderate in highlands
Terrain	Mostly coastal lowlands; larger islands have interior mountains
Natural Resources	Petroleum, tin, natural gas, nickel, timber, bauxite, copper, fertile soils, coal, gold, silver

²⁸⁴ *Id.*

Population	224,784,210 (July 2000 est.)
Ethnic Groups	Javanese 45%, Sundanese 14%, Madurese 7.5%, coastal Malays 7.5%, other 26%
Languages	Bahasa Indonesia (official, modified form of Malay), English, Dutch
Legal System	Based on Roman-Dutch law, but substantially modified by indigenous concepts and a new criminal procedures code

B. Economy

The Indonesian economy stabilized in 1999, following the sharp contraction and high inflation of 1998. By following tight monetary policy, the government reduced inflation from over 70% in 1998 to 2% in 1999. Although interest rates spiked as high as 70% in response to the monetary contraction, they fell rapidly to the 10% to 15% range. The economy stopped its free-fall as GDP showed some growth in the second half of 1999, although GDP for the year as a whole showed no growth. The government managed to recapitalize a handful of private banks and has begun recapitalizing the state-owned banking sector. New lending, however, remains almost unavailable as banks continue to be wary of issuing new debt in an environment where little progress has been made in restructuring the huge burden of outstanding debts. IMF payments were suspended late in 1999 as the result of evidence that a private bank had illegally funneled payments it received from the government to one of the political parties. The government has forecast growth of 3.8% for fiscal year 2000-2001. The spread of sectarian violence and continuing dissatisfaction with the pace of bank and debt restructuring will make it difficult for Indonesia to attract the private investment necessary to achieve this goal.

GDP Purchasing Power	\$610 billion (1999 est.)
GDP Real Growth Rate	0% (1999 est.)
GDP Per Capita Purchasing Power Parity	\$2,800 (1999 est.)
Labor Force	88 million (1998)
Industrial Production Growth	1.5% (1998 est.)

2000] SECURITY COUNCIL PERMANENT MEMBERSHIP 405

Rate	
Exports	\$48 billion (F.O.B., 1999 est.)
Imports	\$24 billion (C.I.F., 1999 est.)
External Debt	\$140 billion (1998 est.)

XVIII. ISLAMIC REPUBLIC OF PAKISTAN²⁸⁵A. *Background*

The military has loomed large in Pakistan, the western portion of a bifurcated country created for Muslims when the British relinquished predominantly Hindu India in 1947. Relations with New Delhi, embittered by claims to Kashmir, worsened as a result of India's role in East Pakistan's rebirth as Bangladesh in 1971. Military rule followed General Zia ul-Haq's 1977 coup that toppled Prime Minister Ali Bhutto. After Zia's death in 1988, Benazir Bhutto, daughter of the former prime minister, became the first woman elected to lead a Muslim nation. She restored civil rights but was plagued by problems: continuing tension and a presumed nuclear arms rivalry with India; 3.5 million refugees from the war in neighboring Afghanistan; and a growing trade in heroin.

Agriculture is concentrated in the extensively irrigated Indus Basin. Although internationally financed projects have boosted cotton, wheat, and rice production during the past decade, feeding the burgeoning population is a constant challenge.

²⁸⁵ *Id.*

Area	Total: 803,940 sq. km Land: 778,720 sq. km Water: 25,220 sq. km
Climate	Mostly hot, dry desert; temperate in northwest; arctic in north
Terrain	Indus plain in east; mountains in north and northwest; Balochistan plateau in west
Natural Resources	Land, extensive natural gas reserves, limited petroleum, poor quality coal, iron ore, copper, salt, limestone
Population	141,553,775 (July 2000 est.)
Ethnic Groups	Punjabi, Sindhi, Pashtun (Pathan), Baloch, Muhajir
Languages	Punjabi 48%, Sindhi 12%, Siraiki (a Punjabi variant) 10%, Pashtu 8%, Urdu (official) 8%, Balochi 3%, Hindko 2%, Brahui 1%, other 8%
Legal System	Based on English common law with provisions to accommodate Pakistan's status as an Islamic state

B. Economy

Pakistan continues to suffer through a damaging foreign exchange crisis, stemming from years of loose fiscal policies that have exacerbated inflation and allowed public debt to explode. After accruing more than \$1.5 billion in debt arrears in the first six months of fiscal year 1998-1999, Pakistani officials approached multilateral creditors requesting balance-of-payments relief and structural support. In January 1999, Islamabad received more than \$1 billion in loans along with \$3 billion in debt relief following the Finance Minister Dar's pledge to implement an economic reform program to reduce the budget deficit, deepen the financial sector, and broaden the industrial base.

2000] SECURITY COUNCIL PERMANENT MEMBERSHIP 407

GDP Purchasing Power	\$282 billion (1999 est.)
GDP Real Growth Rate	3.1% (1999 est.)
GDP Per Capita Purchasing Power Parity	\$2,000 (1999 est.)
Population Below Poverty Line	34% (1991 est.)
Labor Force	38.6 million (1999)
Industrial Production Growth Rate	3.8% (1999 est.)
Exports	\$8.4 billion (F.O.B., 1999)
Imports	\$9.8 billion (F.O.B., 1999)
External Debt	\$32 billion (1999 est.)