

College of Saint Benedict and Saint John's University

DigitalCommons@CSB/SJU

Honors Theses, 1963-2015

Honors Program

1995

On the Brink of Reform? Restructuring the UN Security Council

Christopher Costello

College of Saint Benedict/Saint John's University

Follow this and additional works at: https://digitalcommons.csbsju.edu/honors_theses



Part of the [Political Science Commons](#), and the [State and Local Government Law Commons](#)

Recommended Citation

Costello, Christopher, "On the Brink of Reform? Restructuring the UN Security Council" (1995). *Honors Theses, 1963-2015*. 551.

https://digitalcommons.csbsju.edu/honors_theses/551

Available by permission of the author. Reproduction or retransmission of this material in any form is prohibited without expressed written permission of the author

**On the Brink of Reform?
Restructuring the UN Security Council**

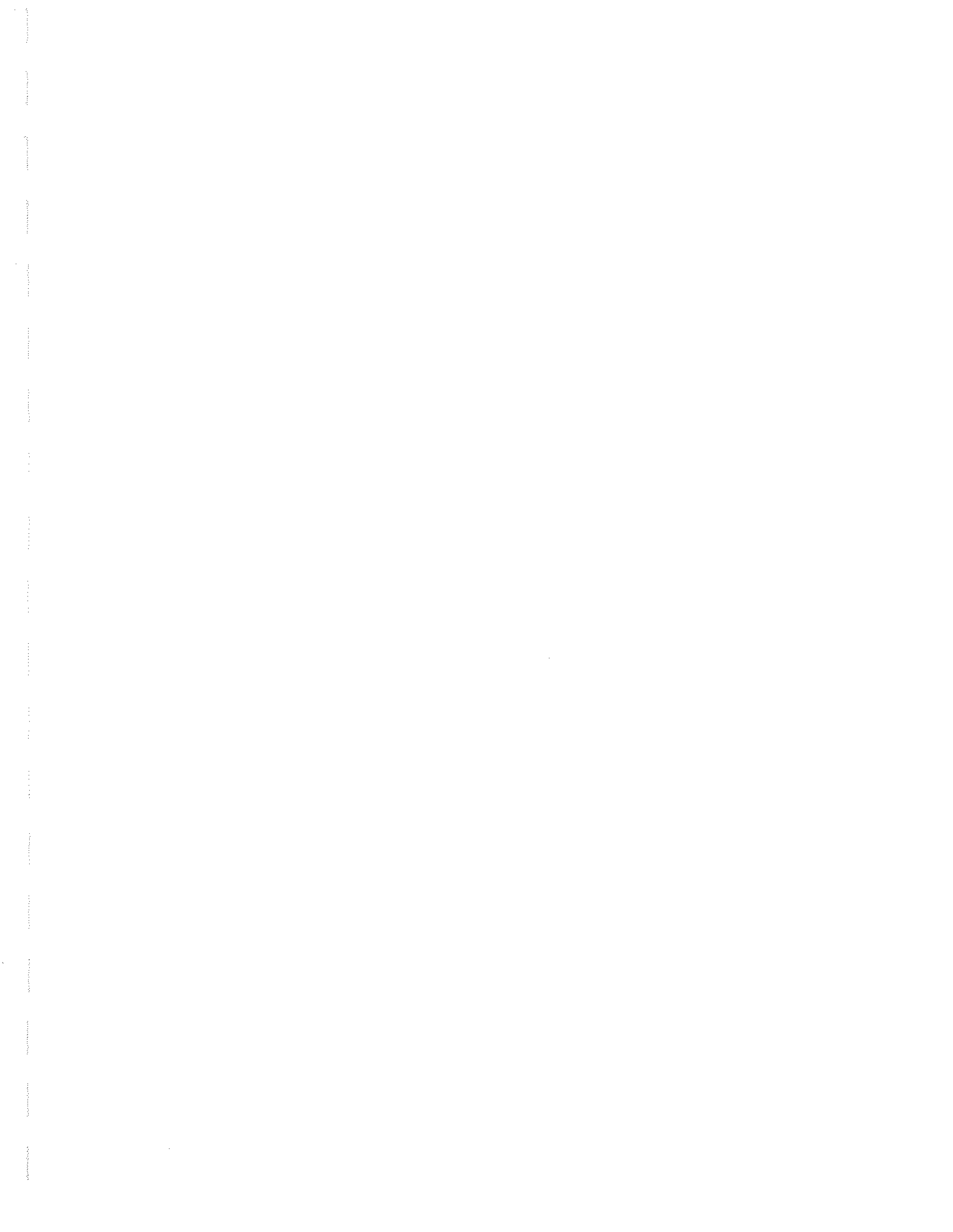
A THESIS
The Honors Program
College of Saint Benedict/St. John's University

In Partial Fulfillment
of the Requirements for the Distinction of "All College Honors"
and the Degree: Bachelor of Arts
In the Department of Government

by

Christopher C. Costello

May 1995



PROJECT TITLE: On the Brink of Reform?
Restructuring the Security Council

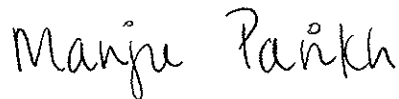
Approved by:



Gary Prevost, Professor of Government



Jeff Anderson, Assistant Professor of Peace Studies



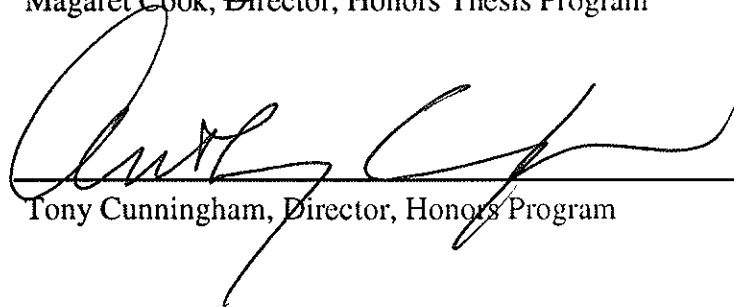
Manju Parikh, Associate Professor of Government



Gary Prevost, Chair, Department of Government



Margaret Cook, Director, Honors Thesis Program



Tony Cunningham, Director, Honors Program

Table of Contents

| | |
|--|----|
| Balance of Power versus Collective Security | 1 |
| The Security Council | 3 |
| Mission of the Security Council | 4 |
| Structure of the Security Council | 5 |
| Membership | 5 |
| Voting and Procedure | 6 |
| Resolution of Disputes | 8 |
| Shift to Bipolarity | 10 |
| The Security Council: Past and Present | 11 |
| Security Council's Marbled History | 12 |
| Israel | 13 |
| Korea | 16 |
| Gridlock | 18 |
| The Changing Nature of Conflicts | 21 |
| The End of Collective Security | 23 |
| Reform of the Council | 24 |
| Amendment Procedure | 26 |
| Plans for Security Council Reform | 27 |
| Basic Requirements for Reform | 28 |
| The Abolition of the Veto Power | 28 |
| Addition of New Permanent Members | 30 |
| Japan and Germany | 31 |
| Nigeria, Brazil, and India | 33 |
| New Class of Membership | 34 |
| Three-vote Veto | 36 |
| Qualified Majority | 37 |
| Japan's Road to Permanent Membership | 39 |
| Inception of the Constitution of 1947 | 40 |
| Article 9 Controversy | 42 |
| Japan's ad hoc Policymaking? | 46 |
| Domestic Obstacles to Becoming a Permanent Member | 48 |
| Law on Cooperation for UN PKO | 49 |
| Uncertainty over SDF Participation in UN Operations in Cambodia | 51 |

Table of Contents continued

| | |
|---|----|
| Obstacles to Diplomatic Relations | 52 |
| Imperialist Legacy | 53 |
| Undercurrent of Racial Superiority | 54 |
| Political Limbo | 55 |
| Importance of South Korea, China and the Former Soviet Union | 56 |
| North Korean Problem | 58 |
| All the Answers are not Necessary | 59 |
| Conclusion | 60 |

Balance of Power Versus Collective Security

The United Nations was formed in the aftermath of the second World War and the failure of the League of Nations (LN), the world's first attempt at forming an international organization based upon the principle of collective security. Two horrific world wars had shaken humanity. German aggression, the imperialism of the Japanese, and the introduction of atomic weapons demonstrated that the world was changing. The balance of power structure that remained from Europe's Golden Age was unable to prevent, much less stop, aggression. Under the balance of power schema, nations formed alliances to prevent a nation or group of nations from gaining too much power. This usually led to opposing groups of allies roughly equal in strength. However, in a break with the balance of power schema, the League of Nations, and its successor, the United Nations, did not seek to perpetuate this system. Rather, in order to ensure international peace and security, the LN was based on the principle of collective security, where all nations band together against an aggressor nation to end the aggression.

One major difference between the old system of alliances and the principle of collective security involved what the system is designed to prevent. Alliances were designed to protect a group from the aggression of a state outside of the alliance, while collective security arrangements seek to protect all members from aggression, even that of other member states. The League of Nations failed to realize its potential for a variety of reasons. Collective security was still an ideological infant. Nations were reluctant to commit their

security to a system that was unproven. As a result support for LN decisions was half-hearted at best. The LN also suffered from the United States' decision not to become a member, as well as member states who had other agendas. Germany, an initial supporter of the LN, became entangled in Hitler's quest for global dominance and withdrew. The LN also lost Japan when Japan became involved in its vision of the Greater East Asian Co-Prosperity Sphere. In both cases the LN was unable to stop the aggression perpetrated by its member states. The LN was also hampered by its procedural requirements. Decisions made by the LN required consensus among the members, and since conflicts arose involving member states, the League of Nations was gridlocked, unable to take effective action against aggressor nations. Without the support of the United States and with member states defying its mandates the League of Nations crumbled in the face of the Second World War.

The horrors of the Second World War demonstrated the need for the nations of the world to band together to stop aggression. On April 25, 1945, representatives from 50 countries gathered in San Francisco to write a document that "[I]t was hoped would guide the world to an era of peace and well being."¹ The resulting document, the Charter of the United Nations, created a second international organization dedicated to maintaining international peace and security by employing the principle of collective security, the United Nations (UN). The Charter delineates the purposes of the UN, stating:

The purposes of the United Nations are: to maintain international peace and security, and to that end: to take

¹ Baehr, Perter R. And Gordenker, Leon, *The United Nations in the 1990s*, St. Martin's Press, Inc., New York, 1993, pg. 1

effective collective measures for prevention and removal of threats to the peace . . . to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples . . . to achieve international cooperation in solving international problems of a economic, social, cultural, or humanitarian character . . . to be a center for harmonizing the actions of nations in the attainment of these common ends.²

The drafters of the Charter set before the fledgling organization an immense task, but one which they felt the UN would be able to accomplish. Although the LN ultimately failed, the principle of collective security did not die with it. Collective security became the cornerstone of the UN, which borrowed heavily from the LN model. The LN possessed a nine-member Council, composed of the U. S. S. R., China, Japan, France, England, Italy and three others, an Assembly of 42 countries, originally, and a Secretariat. The UN kept the Assembly, the Secretariat, the Security Council, and the Permanent Court of Justice, later renamed the International Court of Justice (ICJ) by the UN, making modifications to each. In addition, the UN added the Economic and Social Council, the Trusteeship Council, and, over the ensuing decades, a host of specialized agencies. What the UN did not preserve was the LN's reliance on consensus. The UN would not be limited by the need to have every nation agree with a decision before that decision could be implemented.

The Security Council

² The Charter of the United Nations, Article 1

Although the workings of the General Assembly, Secretariat, Economic and Social Council, and the International Court of Justice (ICJ) are integral parts of the UN, the Security Council is the organ of the UN with the primary responsibility of maintaining international peace and security. As such, an effective Security Council is imperative, if the UN expects to fulfill the task given to it by the drafters of the Charter—not least of which is to save man from the scourge of war. Changes in the global power landscape and the nature of conflicts, present the Security Council with challenges the framers could not have envisioned. In order to meet these challenges, the Security Council must alter its structure and procedures. The subsequent sections examine the structure of the Council, its history, and the changing nature of conflicts in order to determine if changing the structure of the Security Council is necessary in order to maintain international peace and security.

Mission of the Security Council

The Security Council of the United Nations works together with the General Assembly and the Secretary-General to fulfill the UN pledge to maintain international peace and security. However, the Charter requires that member nations confer on the Security Council the primary responsibility for maintaining international peace and security, and “agree that in carrying out its duties under this responsibility that the Security Council acts on their behalf.”³ In addition to conferring the responsibility for the maintenance of peace

³ *ibid* Article 24

on the Council, member states must also agree to accept as legally binding the decisions of the Security Council. This enables the Security Council to require compliance with its decisions, something it needs if it is to fulfill its responsibility of maintaining international peace and security.

Structure of the Security Council

Membership

The Security Council consists of 15 members of the United Nations—5 permanent and 10 non-permanent. The permanent members are: the United States, the United Kingdom, Russia, France, and the People's Republic of China. The other ten members are elected on a rotating basis for non-successive two-year terms. These members are elected by the General Assembly with "due regard being especially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security. . . and also to equitable geographic distribution."⁴ The permanent membership of the Security Council has been changed twice since the inception of the UN. The People's Republic of China replaced Taiwan in 1971. The Soviet Union had pushed for the PRC's inclusion but was stymied by the United States' influence over Council decisions. The second adjustment resulted from the collapse of the Soviet Union. The Soviet seat on the Council was given to Russia without incident. The transfer of the Soviet seat did not

⁴ Article 23

involve a major shift in the political make-up of the Council, but the PRC's inclusion did alter the Council's composition significantly. In practical terms there has really only been one change in the permanent membership of the Security Council in the Council's 50-year history.

The total number of members of the Security Council has also been changed once in the Council's 50-year history. In 1965, in response to the expansion of the UN membership the Council was increased from 11 to 15, with the ten non-permanent members elected by the General Assembly. This provides an incentive for nations to contribute to the maintenance of international peace and security, since most nations desire the chance to make the views and preferences known and to have some influence over the Council. The geographic distribution of the 10 non-permanent Council seats relies on the following formula: 20 percent of the seats are awarded to Western Europe and Other States, including North America, Australia, and New Zealand; 10 percent of the seats goes to Eastern Europe; 50 percent to Africa and Asia; the final 20 percent are awarded to South America.

Voting and Procedure

The Charter gives each member of the Security Council one vote. This follows along the same lines as the General Assembly, where each member has one vote regardless of size or importance. However, the Security Council is not egalitarian. Although each member has only one vote, the five permanent members are given a

special privilege, "Decisions of the Security Council. . .shall be made by an affirmative vote of nine members including the concurring votes of the permanent members."⁵ Concurring votes are non-negative votes including abstentions. Thus, "absence from the Council chamber and 'non-participation in the voting,' . . .are treated as concurring."⁶

Members of the Security Council are expected to have a representative continuously on call in order to respond to situations as they occur. Council meetings are usually held at the seat of the United Nations in New York. However, "Any member of the Security Council or the Secretary-General may propose that the Council should meet in another place" (Provisional Rules of Procedure of the Security Council). Although these meetings are usually held in public, the Council may decide to meet in private, primarily when it feels that the sensitive nature of its deliberations require secrecy.

Participation in Security Council sessions is not strictly limited to Council members. The Charter provides that any state, regardless of whether it is a member of the UN General Assembly or not, will be invited to participate in the Security Council's discussion of a dispute if the state is a party to that dispute.⁷ This helps to insure that the interests of the disputants is not lost in the Council's attempts to solve the dispute.

The president of the Security Council presides over the Council's meetings and deliberations. The order of the presidency is

⁵ Article 27

⁶ Baratta, Joseph Preston, "The Veto: Abolition, Modification, or Preservation," in Ed. Hoffman, Walter, A New World Order, World Federalist Association, Washington, D. C., 1991, pg. 44

⁷ Charter, Article 32

determined by the English alphabetical order of the Council member's names. Each president serves a one-month term, allowing all members to serve as president and to help shape the Council's course of action. The President of the Security Council serves as the Council's official representative and can offer assistance, mediate, and bring conflicts to the attention of both the Security Council and the General Assembly.

Resolution of Disputes

The Council is granted the ability to call on parties in a dispute to "seek solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice."⁸ If it decides it is necessary the Council has the authority to investigate any dispute or situation to determine if allowing the dispute to go unchecked will threaten international peace and security. If the Council perceives a threat to that peace, it is empowered to make recommendations and decisions in order to maintain or restore peace. The Charter lists possible actions, both using and foregoing the use of force, that the Council may take for the maintenance of peace. The measures which do not involve the use of force include "complete or partial interruption of economic relations and of rail, sea, air, postal ... and the severance of diplomatic relations," while measures which involve the use of force include "demonstrations, blockades, and other operations by air, sea, or land forces of

⁸ Article 33

Members of the United Nations.”⁹ To ensure that the Council has the resources to substantiate its actions, the Charter requires Member nations to provide the Council with “armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.”¹⁰ The authority to procure and use military force is one major difference between the Council of the LN and the UN Security Council. The availability of military force enables the Security Council to back up its recommendations and decisions. It is not crippled, like the LN, by the lack of such forces.

The Security Council as envisioned by the 50 framers of the Charter would deal promptly with tensions and aggression as it arose. It would encourage countries to settle disputes peacefully, through a variety of methods and in varying forums; however, if a peaceful settlement was impossible the Council would act as the UN’s policeman. It would impose sanctions, blockades, and if necessary call on Members to provide troops, arms, and assistance in order to stop aggression and maintain and restore international peace and security. The UN, specifically the Security Council, would take the burden, politically speaking, of maintaining peace away from the major powers. They would only have to contribute personnel and equipment, and would be spared the political consequences of that maintenance. The UN would take all the political risks and the Member nations would benefit.

⁹ Articles 41 and 42

¹⁰ Article 43

Shift to Bipolarity

Unfortunately for the global community, in the early phase of the UN's establishment, the state of international affairs took an unforeseen twist. The power distribution of the international community became bipolar, with the two poles being the United States and the Union of Soviet Socialist Republics (U. S. S. R.). These two nations, permanent members of the Security Council, possessed the power, by casting a negative vote, of bringing the Security Council to a standstill. The Cold War between the United States and the U. S. S. R. deadlocked the Security Council for decades. The only notable exception was the UN's involvement in Korea in the 1950's which occurred only because in 1950 the Soviet delegate to the Council happened to be absent as part of a protest against the Council's refusal to replace Taiwan with the People's Republic of China (PRC). His absence from Council meetings prevented him from vetoing any decisions made concerning Korea. Since the "use of military force for enforcement and peacekeeping is essential to world order where international security is dependent on the Security Council,"¹¹ the inability of the Council to exercise its military capacity prevented the UN from ever realizing its potential.

The Cold War has ended and the debilitating deadlock that paralyzed the Council has dissipated with the ameliorating of relations between the United States and the former Soviet Union. The Security Council has therefore been able to begin to involve itself

¹¹ Russet, Bruce and Sutterlin, James, "The U. N. In a New World Order," in Ed. Altschiller, Donald, The United Nations' Role in World Affairs, The H. W. Wilson Company, New York, 1993, pg. 25

more fully in the maintenance of international peace and security.

The Persian Gulf War involved assistance, military or financial, or

both, from 34 countries. The UN presence in Cambodia, and most

recently in the former Yugoslavia, demonstrate that the UN Security

Council has become increasingly more involved in international

conflicts since the end of the Cold War. The Council has taken action

in a greater share of on-going armed conflicts, made more decisions

per month, and sent out more peacekeeping operations than it did

during the height of the Cold War.¹² The actions and decisions of the

Council appear to have shown that it is capable of decisive action and

has the "capacity to initiate collective measures essential for the

maintenance of peace in a new world order."¹³

The Security Council: Past and Present

Over the course of its 50-year history the United Nations has

had limited successes and notable failures. It has brokered cease-

fires and peace agreements in Greece and Afghanistan, and ended

the occupation of Kuwait by Iraq. However, the United Nations has

failed to reconcile the warring factions in Somalia and Rwanda and

has been unsuccessful in its attempt to mediate the Bosnian civil war.

An integral part of those successes and failures has been the fifteen-

member Security Council. Its decisions, or lack thereof, have helped

to determine the course of international security. Recently, proposals

concerning the expansion of the number of permanent members of

¹² Wallensteen, Peter, "Representing the World: A Security Council for the 21st Century," *Security Dialogue*, vol. 25, n.1, 1994, pg. 63

¹³ Russett and Sutterlin pg. 37

the Security Council have surfaced. The proposals are the product of the drive to reevaluate the effectiveness of the UN and its organs, now that the Cold War has finally ended. In order to evaluate the feasibility of reform, careful examinations of the Security Council's history, permanent membership, and the various plans for reform and expansion are necessary. In addition to determining whether or not the Council should be expanded, it is the purpose of this paper to explore the effects the grant of permanent membership will have on Japan: how it will affect Japan's participation in UN operations, domestic obstacles to Japan's assuming permanent membership, and how Japan will reconcile its war-renouncing Constitution with the increased military responsibilities of permanent membership.

Security Council's Marbled History

The Security Council's history has been an unfulfilling one. It was envisioned as the United Nations' mediator, policeman, and if necessary, a disciplinarian. At first, this seemed possible. After the horrors of World War II major nation-states wanted an institution which could prevent another such catastrophe. The whole idea of collective security focused on the community's ability to prevent conflicts from escalating into war and on forestalling aggression. This meant that the Security Council needed to be able to identify areas where conflicts had arisen or were imminent and respond quickly to maintain peace and security. In its infancy the Council was unable to marshal the military force it needed to insure compliance with its directives. However, later, when it could muster military might, the

Council was still unable to resolve conflicts satisfactorily. Two conflicts that the Security Council attempted unsuccessfully to resolve in the early post-war era were the conflict between Jews seeking a homeland in Palestine and the reintegration of North and South Korea. These two conflicts, while not representative of all the Council's actions, demonstrate flaws in the Council's philosophy and operating procedures.

Israel

In its early years the United Nations and the Security Council seemed to be able to react to troublesome situations without the paralysis that would characterize it during the Cold War. The UN's first test came when the United Kingdom surrendered the League of Nations mandate for control of Palestine in May of 1948. Britain had been given control over Palestine and Iraq after the partitioning of the Ottoman Empire in the aftermath of World War I. Thus, as the administrator of the mandate, Britain was responsible for maintaining the peace in Palestine, including mediating between the Palestinians and the influx of displaced Jews who wanted to establish a permanent home for the Jewish people. The problems between the Palestinians and the Jews seemed intractable to the British, so in the global restructuring after World War II, Britain decided it could not maintain the League of Nations mandate. In 1947, Britain turned to the newly formed United Nations for assistance. The UN's deliberations and actions regarding the Palestinian question

demonstrated that the United Nations would have difficulty achieving the grand goals set forth in the Charter.

The United Nations, in response to the British request for assistance, established the United Nations Special Committee on Palestine (UNSCOP) asking the eleven-member committee to prepare a report for the General Assembly and to "submit such proposals as it may consider appropriate for the solution of the problem of Palestine."¹⁴ Although inquiries were conducted into the situation, no unanimous recommendations were submitted by the committee. A majority of the committee members favored partition of Palestine into separate Jewish and Palestinian States, while a minority called for a federal State of Palestine. Although the plan for partition did not have the support of the Arab nations, and presented many problems for other members, it "appeared to be the only plan with the slightest chance for approval."¹⁵ The uncertainty over partition continued until both the Soviet Union and the United States stated their support for it. The United States, while not wanting to offend its Arab allies and endanger its oil interests, recognized the strategic significance of Palestine in the escalating Cold War with the Soviet Union. The Soviets supported creating a Jewish state in order to undermine the United States' close relationships with the Arab states and to extend the Soviet sphere of influence.¹⁶ The General Assembly ultimately voted in favor of partitioning Palestine. While this may seem to be a triumph of the UN system, the divergent interests of the

¹⁴ Pogany, Istvan S., The Security Council and the Arab-Israeli Conflict, St. Martin's Press, New York, 1984, pg 21

¹⁵ Harrelson, Max, Fires All Around the Horizon: The U. N.'s Uphill Battle to Preserve the Peace, Praeger Publishers, New York, 1989, pg. 34

¹⁶ Pogany pp. 20-23

supporters of the partitioning of Palestine and the decades-old conflict that arose from the UN's handling of this crisis overshadow any perceived gains.

The partitioning of Palestine into Jewish and Arab states failed from its inception. The Arabs made it clear from the beginning of the deliberation process that they would not accept any UN decision involving the partitioning of Palestine. Partitioning Palestine angered the Arabs and left the Jewish state vulnerable and likely to be overrun by its neighbors. In addition the plan left a sizable minority of Palestinians in the Jewish state, something that not only created security problems for the fledgling state, but was unacceptable to boot. With neither side supporting the partition of Palestine, it was inevitable that the two sides would clash. Shortly after the creation of the two separate states in 1948, the Israelis and the Arab nations went to war when the Arab nations invaded Israel on May 15, 1948, the day when the British mandate officially ended. The Security Council passed numerous resolutions calling for cease-fires, but stopped short of threatening the use of force. Both sides ignored what they considered unenforceable resolutions by the UN. Eventually a cease-fire was brokered, but it only served to allow the two sides to regroup. The fighting continued until it was clear that the Israelis had gained the upper hand. The Arabs realized that to continue the war would only result in the loss of more territory, while the Israelis were content knowing that they had expanded their borders and secured the autonomy of their nation.

Although the UN brokered cease fires and attempted to supervise truces between Israel and its Arab neighbors, without the

ability to use force to ensure that the cease fires were obeyed, its actions, never made any substantial contributions to the maintenance of peace and security in the Middle East. The Security Council made only a peripheral contribution to the eventual armistice agreements between Israel and Egypt and the other Arab nations instead, it was the success of the Israeli armies that precipitated the ending of the fighting. The partition plan failed. Instead of establishing two independent states, the UN succeeded in creating only one state, Israel, as the territory given to the Palestinian Arabs was captured and incorporated by Israel. The lasting result of UN's actions in the late 1940's was to create a volatile situation between Israel and the Arab nations that has erupted into numerous wars, and is unresolved today. In its first real test the Security Council failed to successfully resolve an armed conflict. It would remain to be seen if it would fare any better in the myriad conflicts that would arise in succeeding years.

Korea

Korea, similar to Palestine, had been occupied and controlled by a foreign country for a number of years.. The yoke of Japanese control had been thrown off during the Second World War. In order to stabilize the region, Korea was split into two zones, one controlled by the Soviet Union, the other by the United States. By the late 40's the Cold War had already pitted the Soviet and Americans against one another ideologically. Consequently, both sides were wary of

surrendering control of their half of Korea, fearing that the other side would add Korea to its sphere of influence.

The United States, as a result of the cost of maintaining its support and control of the Southern part of Korea was looking to pull out. This led the United States to seek UN help in ending its stalemate with the Soviets. After inquiry and debate the UN decided in December 1948— since the United States was the most influential member of the UN, its plan for reunification was accepted—to recognize the Republic of Korea, the government of South Korea, as the legitimate government of Korea. The plan was to eventually incorporate North Korea completing the reunification; however, the UN underestimated the complexities of the situation. The Soviets withdrew their forces in accordance with the plan, but not before outfitting the North Koreans. The result was the June 25, 1950, North Korean invasion of South Korea.

In its first coercive action (its actions during the Palestinian crisis lacked the threat of force) the Security Council passed resolutions condemning North Korean aggression. The United States, acting swiftly, mobilized the Council's support for military actions against North Korea. On June 25, the Security Council "censured North Korea, called on it to withdraw its forces to the thirty-eighth parallel, and appealed to UN members to assist South Korea."¹⁷ The Council, minus the Soviet delegate, who was boycotting Council sessions due to the presence of a delegate from Taiwan instead of mainland China, voted to establish a UN-sponsored military force which would seek to defend South Korea and repel the invasion of the North. Since U. S.

¹⁷ Baehr pg. 70

troops had been present in South Korea and were currently stationed in nearby Japan, the United States was given the primary responsibility of commanding the UN action. The return of the Soviet delegate and subsequent Soviet veto of measures in support of the military actions against North Korea prevented any new resolutions from passing. However, the Council decided that any further decisions concerning the Korean effort were procedural questions, and as such were not subject to the veto. In addition, the General Assembly passed the Uniting for Peace Resolution, allowing the General Assembly to consider matters deadlocked by the veto and make subsequent recommendations. Both these actions allowed the U. S.-led action in Korea to continue.

The original question facing the UN and the Security Council was how to reunite Korea. As a result of its actions, the UN only succeeded in cementing the divisions, prolonging and heightening tensions between the two Koreas. The Council's cooperation and use of force to halt the North Korean aggression showed that when the Council was not caught in a battle between the U. S. and the Soviets, it could respond quickly in response to aggression, as the Charter had envisioned it would. However, it failed to prevent the conflict between the Koreas, demonstrating the trend that would later develop. The UN and the Security Council became reactive rather than active, acting only after military conflicts had already arisen.

Gridlock

One of the biggest factors contributing to the Council's reactive nature was the gridlock that faced the Security Council during the Cold War. The gridlock was caused by the existence of the veto power. The use of the veto by the five permanent members prevented the Council from ameliorating a number of armed conflicts which involved the one or more of the permanent members, directly or indirectly, including the Korean War. Conflicts in Hungary in 1956, Vietnam from 1946-75, and the Sino-Vietnamese war in 1979 all suffered from the effects of the veto. In fact, from 1946-55 there were seventy-eight vetoes cast, seventy-five of which were cast by the Soviet Union, two by France, and one by China. In the following decades the Soviet use of the veto declined, while Britain, France, and the United States all increased the number of times they exercised their veto rights.¹⁸ This increase occurred as the United States' domination of the General Assembly and Security Council diminished. During the Council's earlier years the United States enjoyed the support of the majority of the member nations, as well as the permanent members—excluding the Soviet Union. The rise of the Third World bloc and anti-U. S. sentiments, primarily due to the its Cold War policies concerning developing nations, reduced the United States' control of the United Nations, and forced the U. S. to use its veto power. (See Table 1).

¹⁸ Roberts, Adam and Kingsbury, Benedict, "The UN's Roles in International Society since 1945," in Eds. Roberts, Adam and Kingsbury, Benedict, *United Nations, Divided World*, Oxford University Press Inc., New York, 1993, pp. 10-11

**Table 1: Summary of vetoes in the Security Council,
1946-86¹⁹**

| Members | 1946-55 | 1956-65 | 1966-75 | 1976-85 | 1986-92 | Total |
|-------------|---------|---------|---------|---------|---------|-------|
| China | 1 | 0 | 2 | 0 | 0 | 3 |
| France | 2 | 2 | 2 | 9 | 3 | 18 |
| U. S. S. R. | 75 | 26 | 7 | 6 | 0 | 114 |
| U. K. | 0 | 3 | 8 | 11 | 8 | 30 |
| U. S. | 0 | 0 | 12 | 34 | 23 | 69 |

Even when the Council was not mired in the gridlock caused by the veto, the decisions it did make were usually affected by the possibility of a veto. Although upwards of one thousand decisions were made by the Security Council, many of those decisions "were weaker and more ambiguous because of the threat or use of the veto."²⁰ Joseph Baratta writes that more important than just looking at the total number of decisions verses the number of vetoes, is considering the number of issues which have seized the Security Council. According to Baratta, who quotes the figures in Sidney Bailey's *The Procedure of the UN Security Council*, there have been 186 matters which have engaged the Council: 59 issues received 242 vetoes, 27 of those 59, including the blockade of Berlin, the invasion of Grenada, the civil war in Nicaragua, and others which involved issues of great importance to the permanent members received 62 vetoes and never resulted in a positive decision.²¹

¹⁹ *ibid* pg. 10

²⁰ Baratta pg. 47

²¹ *ibid*

Recently, the use of vetoes has declined dramatically, especially with the end of the Cold War. The period from May 31, 1990 to May 11, 1993 is the longest stretch of time without use of the veto in the history of the Security Council.²² Since May 1993 the veto has not been employed by the permanent members. Changing times and the growing interdependence of the modern world have diminished the political gains of a veto. During the recent crisis in North Korea, China could have exercised its veto power to block any sanctions or decisions made by the Council against North Korea. By abstaining China demonstrated to the Council that it opposed sanctioning the Koreans, but played it safe politically and did not endanger the economic markets and investment it desperately needs. China realized the advantages of refusing to support North Korea. Its policy decision was contrary to its history of supporting North Korea, but was nevertheless a calculated move to retain the support and investment of the Western nations.

The Changing Nature of Conflicts

The nature of contemporary conflicts has changed from the bipolarity of the Cold War. The proxy wars and interstate armed conflicts have given way to intrastate civil wars and ethnic cleansing. UN Secretary-General Boutros Boutros-Ghali in a speech titled, "An Agenda for Peace," describes the contradictory developments in the international community.

²² Roberts pg. 11

“Regional and continental associations of States are evolving ways to deepen cooperation and ease some of the contentious characteristics of sovereign and nationalistic rivalries. National boundaries are blurred by advanced communications and global commerce . . . At the same time, however, fierce new assertions of nationalism and sovereignty spring up, and the cohesion of States is threatened by brutal ethnic, religious, cultural, or linguistic strife.”²³

The Security Council’s response to these conflicts is no longer hampered by the gridlock characteristic of the Cold War era, but rather by its failure to modify its methods to meet the needs of the changing conflicts. Thomas Weiss, in The United Nations and Changing World Politics, writes that the United Nations and the Security Council reflect an institutional structure from a past historical period that is trying to cope with contemporary challenges. Weiss suggests that what is needed is a “balance between state sovereignty and the needs for effective UN security operations in the post-Cold War era.”²⁴

The success of the Persian Gulf War in containing Iraqi aggression and forcing the eventual withdrawal of Hussein’s forces raised hopes that the UN would assume a more decisive role in mediating and preventing conflicts. The new Russian-American cooperation enabled the Council to identify the aggressor and take action. Although the Gulf war was primarily a U. S. led military action, what differentiates it from the Korean War was the acquiescence of the Russians. Where the Soviets vehemently protested the military actions against Korea, they supported the

²³ Boutrous-Ghali, Boutrous, “An Agenda For Peace,” in Eds. Roberts and Kingsbury, pg. 472

²⁴ Weiss, Thomas G., Forsythe, David P. And Coate, Roger A., The United Nations and Changing World Politics, Westview Press, Boulder, CO, 1994, pg. 90

Council's decision to take action against the Iraqis. The resulting military action involved troops from a variety of nations, including the French and the British. The solidarity among the permanent members demonstrated that the Council worked effectively when its members agreed.

The Persian Gulf War, however, was not representative of subsequent conflicts. It was more reminiscent of Cold War struggles than current conflicts. Iraq was a neighboring state that invaded and occupied Kuwait. The Security Council could identify a definite aggressor, and thus could focus its actions against Iraq. The economic sanctions and eventual military actions were all designed to remove the Iraqis from Kuwait and then to chastise Hussein for his aggression. The current problems in Bosnia, Somalia, and Rwanda have no outside aggressor. They are ethnically and religiously motivated intrastate conflicts, whose victim is the nation as a whole. In order to deal effectively with these intrastate conflicts, the UN cannot rely on a outdated system designed to protect nations only from outside invasion and aggression.

The End of Collective Security?

Collective security, designed to protect sovereign states from aggression and invasion by other states, cannot deal effectively with wars that happen wholly within a single state. Article 2 of the UN Charter prevents the UN from intervening in matters which are essentially under a state's domestic jurisdiction and from requiring states to submit such internal matters to settlement by the Security

Council or General Assembly. Keith Hindell argues that it is this outdated notion of state sovereignty that prevents the UN from changing to meet the needs of the international community.²⁵ The respect for the "absolute sovereignty" of states has played a major role in impeding UN efforts to provide aid and safety to the Kurds; has hampered the operations in Bosnia-Herzegovina; and will continue to prevent the international community from dealing effectively with a variety of intrastate conflicts.

The United Nations' concept of collective security must evolve into a security system that protects states from one another as well as from themselves if it is to become a truly useful international body. Hindell claims that the current challenges to collective security and absolute sovereignty lead back to the Security Council. The idea of sovereignty if modified from the traditional "absolute" definition will have to be accepted by the veto-wielding permanent members. Although the challenges faced by the Security Council include whether or not to refurbish the UN's definition of sovereignty, perhaps one of the greatest challenges is how to rework the Council's membership in order to more accurately reflect the changes the world has undergone since its expansion to 15 members in 1961.

Reform of the Council

Changes in the global political structure and shifts in economic power have caused the decline of some former great powers and the

²⁵ Hindell, Keith, "Reform of the Security Council?" *The World Today*, Feb. 1992, v. 48, n. 2, pg. 30

rise of states that were formerly deemed enemies. In a world where the North-South dichotomy threatens to become as powerful an obstacle to peace as the Cold War was, the legitimacy of Security Council decisions weighs heavily on states' compliance with those decisions. Legitimacy is the basis of UN decisions and operations. It ensures that member states follow decisions that have been made by a recognized authority in accordance with recognized practices. Although decisions may be contrary to individual desires or beliefs, the legitimacy of those decisions is what insures compliance. Wallensteen elaborates, commenting that decisions made under a legitimate authority do not have to be forced upon members, since there will be global support for them as well as a reluctance to oppose these decisions on the local level.²⁶

The legitimacy of Security Council decisions has been questioned before. The Soviet delegate, whose absence in 1950 allowed the Council to legitimize the Korean war, boycotted in order to protest the inclusion of Taiwan as a permanent member rather than the PRC. Twenty years later, in 1971, the Council voted to replace Taiwan with the PRC. After the collapse of the Soviet Union, the membership of the Council shifted once again, this time with a Russian delegate taking the Soviet's place as a permanent member. Current friction between the North and South in the UN focuses on the fact that the economically dominant Northern countries control too much of the Council's power. This friction could lead to a diminishing of the Council's legitimacy, since legitimacy is also

²⁶ Wallensteen pg. 64

“dependent on a reasonable geographical or ‘geo-demographic’ distribution of influence.”²⁷

The question of how to reform the current arrangement of permanent and non-permanent members of the Security Council is an important one facing the UN today. Various reform proposals have been discussed over the years, but until recently have not received much attention. Currently, the debate concerns including specific nations as new permanent members—primarily Germany and Japan, but also encompassing Brazil, Nigeria, and India. A number of different proposals have surfaced concerning how to create a more equitable and geographically accurate distribution of seats on the Security Council, including one that abolishes the veto power altogether.

Amendment Procedure

Before discussing the various plans and the feasibility of each, it is necessary to delineate the requirements for an amendment to the Charter of the UN. The question of whether to reform the Security Council or not hinges on the recognition that the Security Council, as established by the Charter, is in need of an infusion of new blood. The political, economic, and demographic changes of the global community have altered the landscape sufficiently to suggest that the current composition of the Council is not representative of the world as a whole. If this inequity is to be corrected the Council’s

²⁷ *ibid*

composition needs to be restructured, and the only way to alter the composition of the Council is to amend the Charter.

The Charter provides for its amendment by requiring an amendment to be adopted by an affirmative vote of two-thirds of the General Assembly and to be ratified by two-thirds of the members of the UN in their respective constitutional processes, including all five permanent members. Thus if even one of the permanent members refuses to vote for an amendment, or fails to ratify it, the proposed amendment dies.²⁸ By requiring both a two-thirds majority of the General Assembly and that two-thirds of member nations ratify a proposed amendment, the framers of the Charter made it exceedingly difficult to rework their creation—difficult, but not impossible. The Charter contains 110 articles, four of which have been amended. Each of the amendments was accomplished in response to the growing membership of the UN. The two amendments with the greatest impact on the Security Council were achieved on August 31, 1965: when the membership of the Security Council was increased from 11 to 15, and Council decisions were required to be supported by nine members, rather than the original seven. The two other amendments to the Charter required nine members of the newly enlarged Security Council, instead of the original seven, to join with two-thirds of the General Assembly when calling for a conference to review the Charter, and increased the size of the Economic and Social Council.

Any proposals for a reorganization of the Security Council will necessarily have to consider how both the permanent members of

²⁸ Charter, Articles 108-111

the Council and the General Assembly will respond. The delicate relationship between the industrialized nations and the developing countries will influence the shape of a reorganized Council. Therefore, each proposal must determine how to satisfy the permanent members as well as the Third World lobby.

Plans for Security Council Reform

Basic Requirements for Reform

Since proposals must satisfy both the industrialized and the third-world nations, population, economic power, and the veto are important facets of many proposals. According to Wallensteen, there are three criteria for an effective Security Council: it must be small in size to facilitate agreement; have a reasonable geographic representation; and have a degree of economic representation.²⁹ Currently, plans for the reform of the Security Council deal with each of these issues in various ways. Some plans propose the addition of only a couple of new permanent members. Others recommend a major revision of Council membership, while one plan goes so far as to recommend that the veto power of the permanent members be abolished. In examining each proposal it is of the utmost importance to consider the feasibility of each, including whether it can gain support from the five permanent members.

The Abolition of the Veto Power

²⁹ Wallensteen pg. 67

Perhaps the least likely proposal to clear the amendment hurdles, a movement toward abolishing the veto power of the permanent members has been put forth in the hopes that a more “democratic” Council will alleviate tensions and free the Council from damaging instances of gridlock. Danielle Archibungi writes that the “[e]xistence of the veto power contravenes the supposed principle of the equal sovereignty of states as incorporated in the Charter.”³⁰ Grenville Clark and Louis B. Sohn in World Peace Through World Law present a plan for comprehensive reform of the United Nations, including the abolition of the veto. In place of the current Council, they propose a seventeen-member Executive Council responsible to the General Assembly. Important decisions confronting their Executive Council would require the support of 14 members, while other decisions would require eleven votes. Their differentiation of issues resembles the current Council’s distinction between substantive and procedural matters.³¹ This plan, while ambitious, fails to recognize that all changes must have the support of all five permanent members. Stripping the permanent members of their special privilege is a sure way to force them into the opposition.

The current system with the veto power runs contrary to widely accepted democratic principles, i.e. a system of checks and balances, sovereignty, etc. Archibungi argues that, “In no other constitution or organization founded on democratic principles is it accepted that some few members alone may invalidate the decisions

³⁰ Archibungi, Daniele, “The Reform of the UN and Cosmopolitan Democracy: A Critical Review,” *Journal of Peace Research*, August 1993, v. 30, n. 3, pg. 311

³¹ Baratta pg. 50

of the majority.”³² Although the veto apparently contradicts democratic ideals, the question of its legitimacy cannot be challenged without undermining the entirety of the Charter. Therefore, any attempts to completely abolish the veto power, even though it may be more fair and eliminate the Council’s bias towards the industrialized nations, is doomed to failure. The permanent members will not unanimously vote to diminish their power and prestige. Without the support of all five permanent members, the abolition of the veto is not feasible. Plans to reform the council must therefore work with the existence of the veto power.

Addition of New Permanent Members

“The strength of the United Nations depends on the power that the permanent members are willing to give to the organization.”³³ Without the contributions— monetary, military, and political—of the permanent members the UN would have difficulty functioning and meeting the needs of the international community. If the permanent members refused to contribute to the UN, its operations would have to be put on hold and peacekeeping forces would languish while conflicts erupted. The UN has increased the number of operations it conducts, and, consequently, has begun to turn to non-permanent members, specifically Japan and Germany, for contributions. As these countries contribute greater amount of money, materials, and personnel to UN operations they desire a return on their

³² Archibungi pg. 311

³³ Wallenstein pg. 67

investment—inclusion as permanent members. If, as Wallensteen claims, the Council is dependent on the contributions of its permanent members, and the Council is increasingly dependent on Japan and Germany, it should include Japan and Germany as permanent members.

Japan and Germany

The socio-political structure of the world has changed since the 1940's. Of the five permanent members, the victors of World War II, France and Britain have lost a considerable amount of power and prestige, while the Soviet Union collapsed leaving a politically and financially troubled Russia in its place. In economic terms alone, contributions from Japan and Germany, the "enemy" nations from the second World War, easily outdistance those of France and Britain. Japan is the second largest monetary contributor with its contributions comprising 12.45 percent of total contributions. Germany ranks fourth with 8.93 percent of the total monetary contributions.³⁴ The decline of France and Britain and recent moves by the United States to diminish its monetary contributions to the UN demonstrate that the permanent members are not contributing what they once did. In the wake of smaller U. S. contributions the UN has called upon Japan and Germany to pick up the slack. Since the Council is dependent on member states, especially permanent members, to provide it with the military and financial resources it

³⁴ Nishimura, Kunio, "UN-Representative Japan," Look Japan, November 1993, pg. 6

needs to operate effectively, the current structure, which excludes the second and fourth-largest contributors from a permanent place on the Security Council, is in need of reform.

In addition to the financial reasons for the inclusion of Japan and Germany as permanent members, there are political reasons why Japan and Germany should be made permanent members. Japan and Germany as the aggressor nations were denied a place in the United Nations, however the UN was established just after Japan and Germany had been defeated. They were both destroyed physically and economically. Since the war Japan and Germany have grown into economic giants. The integration of East and West Germany gives Germany a large economic potential. Japan is also an economic giant. Both Japan and Germany have begun to play major economic and political roles in their respective regions. The European Union will include Britain, France, and others, but will be supported by the economic power of Germany. The Asian nations have been following Japan's economic example and will soon control a lion's share of the global economy—Asia already is the fastest growing economic region, and its economic power will only increase. It is in the UN's interests to include Japan and Germany as permanent members, since both will have influence in their regions, something the UN will need if it expects to maintain international peace and security. Asking Japan and Germany to foot the bill for UN operations without providing a return on their investment—permanent seats on the Council—is risky. The UN's legitimacy does not depend on whether or not Japan and Germany become permanent members, but its ability to continue to meet the needs of the international community does. The current

members are no longer contributing what they once did, and an infusion of new permanent members might help to bolster the Council and provide the UN with the money, equipment, and political leverage it needs.

Nigeria, Brazil, and India

In economic and political terms, Japan and Germany clearly make a good case for receiving a permanent seat on the Council. However, including Japan and Germany would only strengthen the grip the industrialized nations have on the Council and therefore the UN as a whole. In order to gain the support of the developing nations any proposal that awards permanent membership to Japan and Germany must also balance out the ascension of two industrialized nations with the inclusion of other developing nations. Currently, China is the only "developing" country with a permanent seat on the Security Council. Brazil, Nigeria, and India make good candidates to counterbalance the ascension of Germany and Japan. K. P. Saksena writes that the Third World countries are seeking the expansion of the Security Council on the basis of a more equitable geographic representation of Security Council membership, and that Brazil, India, and Nigeria, which have the largest populations in their respective regions, should become permanent members.³⁵ Empowering these three nations as permanent members would give the Third World a permanent voice on the Council. It would also

³⁵ Saksena, K. P., Reforming the United Nations, the Challenge of Relevance, Sage Publications, California, 1993, pg. 182

promote regionalism with these three countries leading the way to international peace and security. Strong cases can be made for increased participation for Japan, Germany, India, Brazil, and Nigeria, however, the degree of their increased participation varies in different plans. Proposals that create a new class of Council membership, and that propose expanding not only the number of permanent members but also the total number of Council members are circulating, and deserve attention.

New Class of Membership

The question of whether or not to expand the permanent membership of the Security Council may involve more than simply adding a few veto-wielding permanent members. The veto power can paralyze the council and it is unlikely that the current permanent members would accept the installation of new members with veto privileges. In order to solve the problems presented by the veto, some proposals have suggested that a new class of membership—permanent, non-veto wielding members—be created, while others have advocated the creation of a three-vote veto. Both sets of plans propose a readjustment of the Council that could placate the current permanent members as well as the Third World.

Adding more permanent members with veto powers could place a increasing number of conflicts outside the scope of the Security Council. The permanent members have had 50 years of ideological struggle and changing world politics to reach the point where veto usage is almost non-existent. New members, especially

those in troubled areas may fall victim to the temptation to use the veto to protect their national interests, or bloc interests. This could return the Council to the gridlock it experienced during the course of the Cold War. Therefore, it is logical to examine the desirability of adding new permanent members without giving them the power of the veto. Assuming that between two and five permanent, non-veto wielding members were added to the Council—Japan, Germany, India, Brazil, Nigeria already mentioned as the prime candidates for such positions— that would bring the total membership of the Council to between 17 and 20 members. “In this way, economic and geographical representation could be maintained, the Council would be reasonably small, and the present members would remain.”³⁶ Above and beyond eliminating the problems caused by having more members with vetoes, adding non-veto wielding permanent members could help to strengthen and legitimize the Council. Hindell suggests that the inclusion of the third class of Council members would give developing peoples, “[A] greater identity with the Council’s decisions and might shield the permanent members in the sometimes onerous realities of membership.”³⁷ Including new permanent members who do not have the power to veto Council decisions seems to be a feasible way of pleasing the “big Five” and the developing nations, but for some the continued existence of the veto may still present too many problems. Alternative proposals that involve plans to circumscribe the veto may also merit consideration.

³⁶ Wallensteen pg. 68

³⁷ Hindell pg. 32

Three-vote Veto

If adding new permanent members without allowing them the veto power of the current permanent members does not alleviate concerns about the veto's ability to constrain the efficacy of the Council, then maybe what is needed is to change the process by which a veto can be enacted. Since the veto concentrates too much power in the hands of the individual permanent members, it sometimes allows them undue influence over the Council and its decisions. Reforming the veto process to require a few concurrent vetoes may be the answer. Hindell advocates a three-vote veto rule, which requires the vetoes of three permanent members to block, or overturn the decisions of the Council majority.³⁸ This, while making the veto more difficult to use, may serve only to heighten the tensions between the industrialized North and the developing South. Even without the inclusion of new permanent members, could pit the United Kingdom, France, and the United States against China and Russia. The current global tendency towards forming regional economic blocs, while encouraging economic growth in a particular region, can also involve the exclusion of and disassociation from other regional groups. If the United Nations desires to maintain international peace and security, the maintenance of communication and the growth of understanding that the global community is currently achieving must remain the cornerstone of UN policy and the mainstay of any reforms. The three-vote veto would run the risk of further segmenting the political relationships amongst the Council members, weakening the Council's unity.

³⁸ Hindell pg. 32

Qualified Majority

While the drawbacks of the three-vote veto appear to preclude its acceptance, changing the veto process can still be achieved. Instead of a three-vote veto important decisions could be subject to a qualified majority. Wallensteen discusses the implementation of the qualified majority, suggesting that important decisions would require the support of three-quarters of the Council. In this scenario, similar to the three-vote veto, the individual veto would be replaced by a collective veto. In contrast to the three-vote veto, this proposal would allow any member of the council, providing that it was supported by at least one-fourth of the remaining Council members to veto a decision.³⁹ The qualified majority system suffers from the same regionalism that threatens the three-vote veto. The current permanent members would lose their cherished privilege. In order to enact a veto they would have to band together, something that as national interests and concerns pulls France, Britain, the United States, Russia, and the People's Republic of China in different directions is increasingly unlikely.

Although the qualified majority proposal championed by Wallensteen chances increasing regionalism on the Council, the collective veto that is part of the plan is only an extension of a principle already being used by the Council. Currently, a decision supported by all five permanent members can be invalidated if the nine of the remaining ten Council members decide to reject the

³⁹ Wallensteen pg. 69

decision. Requiring the affirmative, non-negative votes of three-fourths of the Council members to enact a resolution or decision, would force the Council to cooperate. It would also relieve a point of contention between permanent and non-permanent members—the veto privileges reserved to the permanent members—while keeping the veto as an integral part of the Council's workings. It also allows for the expansion of the Security Council by requiring that a veto must be supported by at least 25 percent of the Council members. If the Council is expanded by the aforementioned five, then a veto would require the support of any 6 members of the Council, giving the industrialized nations a chance to counterbalance the growing influence of the Third World on the Council. The qualified majority proposal would also allow the developing countries a chance to veto decisions that would affect them adversely. It seems likely that initially there would be an increase in the number of vetoes as the new Council members tested the limits of their power; however, the increased communication and interdependence of today's global community would serve to hamper unwarranted use of the veto, as it has in the workings of the current Council.

Regardless of which reform plan one chooses to support—whether it be simply including new veto-wielding permanent members, creating new classes of membership, or restructuring the use of the veto—the move to increase the size of the Council is underway. The five nations, Japan, Germany, Brazil, Nigeria, and India have legitimate cases for inclusion as new permanent members. Any successful plan will have to incorporate the inclusion of these five countries in one way or another. Exploring the effects of

permanent membership on each of these countries would be an immense task, and although all five nations should be included in any proposal, the country with the strongest case for inclusion is Japan. Its economy has grown tremendously since the end of World War II, and now is the second most powerful economy in the world. It has put aside the imperialistic ambitions that led it to be on the losing side of World War II and it is now the second biggest contributor to the UN, behind the United States. Becoming a permanent member of the Security Council would greatly affect Japan and the Japanese people, however, Japan is not entirely ready to become a permanent member. It faces both foreign and domestic opposition to its assumption of a permanent seat on the Council. If Japan is to become a permanent member, it must overcome these obstacles and achieve political maturity.

Japan's Road to Permanent Membership

In order to become a permanent member of the Security Council Japan faces an uphill battle against several factors: the disputed constitutionality of its self-defense forces, its tendency to allow others to dictate its foreign policy, and a general public that favors monetary contributions to international peacekeeping initiatives over providing personnel and equipment. Only by successfully dealing with each of these impediments will Japan

eventually will be politically ready to assume a place among the permanent members.

Inception of the Constitution of 1947

In 1947, at the urging of Major General Douglas MacArthur, the Japanese Diet ratified the new Constitution. This constitution replaced the earlier Meiji Constitution and provided Japan with many of the benefits of Western democracy. The most obvious change was the replacement of the emperor as the derivation of sovereignty. He was no longer the "son" of the sun goddess, Amaterasu, divinely destined to rule Japan. Instead, the 1947 Constitution proclaimed that sovereignty originated in the people. The people themselves became the holders of the power, and they then delegated that power to their elected representatives, the Diet members. The constitution also established popular elections of the bicameral Diet. Under the Meiji Constitution, members of the upper house of the Diet were appointed by the emperor. Although these were significant changes which helped to shape the character of Japanese society, no one section of the 1947 constitution has had a greater affect on Japan's foreign policy than Article 9.

Article 9 is widely known as the war-renouncing clause of the Japanese constitution. During World War II the world had witnessed the Japanese drive to create its own colonial empire, the Greater East Asian Co-Prosperity Sphere. In order to ensure that Japan would never again vent its imperialistic tendencies on its Asian neighbors, the Allied powers pressed the Japanese politicians and bureaucrats to include a war-renouncing clause in the Constitution. The result of these efforts was the inclusion in the Constitution of 1947 of the following clause:

Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes.⁴⁰

This effectively forbids Japan from ever again resorting to force and violence in order to settle disputes with other nations. Japan renounces war in a way that makes the Kellogg-Briand pact look meaningless in comparison. The inclusion of this clause was a great victory for the allies, or so they thought. What was overlooked was the succeeding clause, the Ashida amendment. The Ashida amendment (named for Ashida Hitoshi, the Chairman of the Diet's Special Committee for Constitutional Amendment) proclaims that:

In order to accomplish the aim of the preceding paragraph [the first part of Article 9] land, sea, and air forces, as well as other

⁴⁰ Article 9 of the Japanese Constitution of 1947, cited in Stockwin, J. A., Japan: Divided Politics in a Growth Economy, W. W. Norton & Company, New York, 1982, pg. 59

war potential will never be maintained. The right of belligerency of the state will not be recognized.⁴¹

This amendment presents a problem for the pacifist nature of the Constitution because it lends itself to two interpretations: the first interpretation contends that forces maintained for self-defense do not violate the spirit of Article 9 and are therefore constitutional, the second denies Japan the use of force and the maintenance of any armed forces.⁴² As if the situation was not confusing enough, United States occupational authorities performed an about face in their demilitarization of Japan. Instead of seeking to prevent Japan from ever acquiring military capabilities again, the United States sought to establish a Japanese military as a deterrent to the Soviet threat. The remilitarization was particularly expedient since the U. S. was involved in the struggle for control of Korea. In order to establish Japanese military forces, the occupational authorities ordered the Japanese government to create an "extraconstitutional ordinance that legalized the formation of the National Police Reserves."⁴³ The creation of the National Police Reserves, which were later renamed the Ground and Air Self-Defense Forces (SDF), propelled the desire of the people to avoid the brutality of war into conflict with the government's desire to safeguard its citizens

Article 9 Controversy

⁴¹ *ibid*

⁴² Seki, Yoshihiko, "Concluding the Debate on the War-renouncing Article 9," *Japan Echo*, Summer 1993, v. 20, n. 2, pg. 20

⁴³ Sasaki, Yoshitaka, "Japan's Undue International Contribution," *Japan Quarterly*, July-September 1993, pg. 260

The disagreement concerning the meaning of Article 9 has plagued Japan for decades. Seki Yoshihiko, professor Emeritus at Tokyo Metropolitan University, claims that the confusion concerning Article 9 results from the ambiguity of the first and second clause and the inclusion of the words “sovereign right of nation.” The relationship between the first and second parts of Article 9 is unclear, a problem which Seki claims leads to opposing interpretations.

The fact that the pledge not to maintain armed forces was left in place even while the first paragraph renounces war only as a means of settling international disputes—and thus condones war for self-defense—has made Article 9 sufficiently equivocal to allow contradictory interpretations.⁴⁴

In addition to the uncertain meaning put forth by the two clauses Seki also states that another problem with Article 9 stems from the inclusion of the phrasing of “the sovereign right of the nation.” In the version presented by the General Headquarters, MacArthur’s team, the phrase was translated as *kokka no saiko no kenri*. In the final version the original Japanese phrase was replaced with *kokken*. *Kokken* is the combination of the Japanese words *koku* and *ken*. The problem arises from the fact that both *koku* and *ken* have a few different meanings. *Koku* means country or state, while *ken* can mean either right or power. So, by varying the reading of *kokken* Seki claims that two meanings are possible: right of the nation or state power. By substituting state power for sovereign right of the nation, Seki claims that Article 9 can be interpreted as denying Japan the right of self-defense or at least prohibiting the exercise of self-

⁴⁴ Seki pg. 21

defense which would then negate Japan's existence. Keeping this in mind Seki contends that Article 9 should be interpreted as renouncing war and the maintenance of armed forces only when those forces would be used to settle international disputes, therefore allowing the forces to be used in self-defense.⁴⁵

In contrast to Seki's stance that Article 9 allows the creation and maintenance of self-defense forces, Professor Yamauchi Toshihiro contends that Article 9 prohibits the formation of armed forces even for self defense. Yamauchi points out that "The war-renouncing Constitution was not unilaterally imposed on Japan by the occupation forces . . . [it] reflects a consensus among the Japanese . . . to renounce war and the military."⁴⁶ If the Constitution and Article 9 are interpreted as prohibiting the maintenance and use of armed forces then it can be recognized that Nishimura Kumao, chief of the Treaties Bureau of the Ministry of Foreign Affairs, was attempting to convince the global community of Japan's pacifist intentions when he told UN authorities in 1956 that "the Japanese government will not be subject to the obligations of the United Nations Charter, which requires military cooperation or participation."⁴⁷

Somewhere in between these two interpretations is the traditional government view of Article 9 and the "peace" Constitution. The Japanese government, mainly, the dominant Liberal Democratic Party, agrees with Seki that Japan has the right to

⁴⁵ *ibid*

⁴⁶ Yamauchi, Toshihiro, "Gunning for Japan's Peace Constitution," *Japan Quarterly*, April-June 1992, pg. 160

⁴⁷ *ibid* pg. 161

maintain armed forces, primarily for self-defense. However, in order to satisfy the desire of the populace for peace, Seki maintains that the government holds that Japan cannot possess anything going beyond the bare minimum force necessary for self-defense. This enacts a nicely wrapped compromise. By allowing self-defense forces the government pleases the hawkish members of the bureaucracy, while the limitation of those forces to the bare minimum needed for self defense comforts Japanese citizens who are concerned that the establishment of armed forces might lead to another bout of Japanese imperialism.

The varied interpretations of Article 9 cloud the legitimacy of the Self Defense Forces. Although the majority of the Japanese public supports the existence of the SDF, the majority of constitutional scholars still maintain that the SDF is unconstitutional.⁴⁸ This confusion could be resolved by amending the Constitution, a step that was favored by the Liberal Democratic Party during its 40-year stint as Japan's ruling party. However, popular opposition coupled with the lack of support from the socialists and other parties forestalled any attempt at revision. At first these groups vehemently protested the creation and existence of the SDF, but overtime they reconciled themselves to its existence as long as the activities of the SDF were limited to the defense of Japan. As long as Japan did not attempt to remilitarize on a large scale the dissenters were fairly quiet and the international community, though ever wary, did not object to the existence of the SDF. Recent deployments of the SDF overseas have once again brought the argument over the constitutionality and

⁴⁸ Yamauchi pg. 161

legitimacy of the SDF into to question. If Japan is ever to take a place among the permanent members it must resolve this conflict.

Japan's *ad hoc* Policymaking?

The Japanese government's history of inaction in foreign affairs is another obstacle to its acceptance as a permanent member. Japanese foreign policy has been characterized as "nothing but *ad hoc* responses to situations . . . bereft of ideals and principles."⁴⁹ In 1951 Japan signed a security treaty with the United States. This treaty allowed the United States to establish and maintain military bases in Japan in return for extending to Japan the protection of its nuclear umbrella. The presence of U. S. troops and the security blanket of the nuclear umbrella allowed Japan to rely on the United States for its security as a nation. Although the United States was responsible for the destruction of Japan and the Japanese economy, it was the United States who was responsible for rebuilding Japan. The United States protected Japan while it grew into a economic superpower. Japan was an over-protected child, whose policy making was influenced by the United States. This was acceptable to Japan because it needed the support of the United States to rebuild its economy and protect it from outside interference. Although protests arose in response to the U. S. military presence in Japan, it was this presence that enabled Japan to expand unabated, recovering its pre-war economic status

⁴⁹ Shinyo, Takahiro, "The Conditions of Permanent Membership in the UN Security Council," *Japan Echo*, Summer 1994, v. 21, n. 3, pg. 57

quickly, and expanding until it has become the second most powerful economy in the world today.

This arrangement also benefited the U. S. because it allowed them to contain Communist expansion, and because one of Japan's three principles of foreign policy, announced immediately after joining the United Nations, included making the United Nations the central focus of its foreign policy and cooperation with the economically advanced Western Nations—just what the United States was advocating. The idea that doing nothing in international politics and security developed in Japan, particularly in light of the fact that it was protected by its “big brother”.⁵⁰ Japan laid back and let the United States and the United Nations take care of keeping and maintaining the peace. Aurelia George, Advanced Research Fellow in the Program on US-Japan Relations, Harvard University, comments that the conventions of Japanese international behavior have “adhered closely to the precepts of the Yoshida Doctrine.”⁵¹ The Yoshida Doctrine advocated the subordination of Japanese international posture to the requirements of economic growth, maintenance of a low profile internationally, and reliance on a small self-defense force in combination with a U. S. security guarantee.⁵² Although the relationship between Japan and the United States has been strained by the protests concerning the U. S. military presence in Japan, and, more recently, by U. S. demands that Japan open its markets to foreign products, the two countries share a bond that

⁵⁰ Shinyo pg. 58

⁵¹ George, Aurelia, “Japan's Participation in U. N. Peacekeeping Operations,” *Asian Survey*, vol. 33, n. 6, June 1993, pg. 560

⁵² *ibid*

transcends these tensions. The image of the U. S. as Japan's "big brother" is now outdated as Japan has taken control over its policymaking; however, Japan still balances US interests with its own interests when it is making foreign policy decisions.

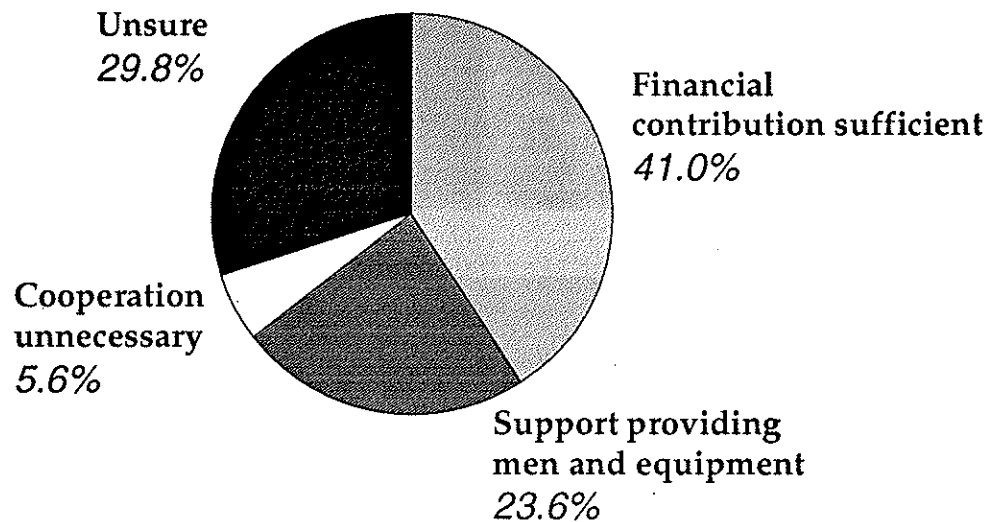
Domestic Obstacles to Becoming a Permanent Member

Public opinion affects the efficacy of the Japanese government's attempts at new foreign policy formation and its implementation. The Japanese people play an important role in determining whether or not the government will be able to contribute personnel and equipment to United Nations Peacekeeping Operations. However, on a more fundamental level, the Japanese people and their perceptions of the UN Peacekeeping Operations (PKO) present the government with a problem. Sasaki noted that while most constitutional scholars consider the SDF unconstitutional, most Japanese citizens believe in the legitimacy of the SDF's existence. It is not the existence of the SDF that causes the problem, it is their use. Domestic usage of SDF resources do not conflict with their self-defense purposes, however, the sending of those forces overseas is a cause for concern.

Instead of sending personnel and military equipment the Japanese public has advocated sending technical and monetary support. The results of a poll conducted in 1986 by the Ministry of Foreign Affairs show that a substantial percentage of those polled believe that financial contributions to international peacekeeping efforts would suffice (See Figure 1).

Figure 1 *Opinion on the United Nations*

Responses to the question: Do you think Japan should cooperate with the U.N. peacekeeping operations in addition to the present financial contribution?



Interview Survey conducted by the Ministry of Foreign Affairs as cited in Ogata, Sadako, "Japan's United Nations Policy in the 1980s" *Asian Survey*, vol. XXVII, no. 9, September 1987, pg. 964

The Persian Gulf War provided the perfect illustration of this mentality. When the coalition led by the United States pressured Japan to contribute more than money to the Gulf War effort the Kaifu administration unsuccessfully attempted passage of the UN Peace Cooperation Bill, which would have allowed members of the SDF to participate in the UN sponsored actions in the Persian Gulf. Instead of striding forward to take a more active role in international affairs by sending troops to the Gulf, Japan contributed between \$11-13 billion to the multinational forces.⁵³

Law on Cooperation for UN PKO

⁵³ Yamauchi pg. 160

In 1992, in an attempt to overcome its reliance on monetary contributions to UN PKO, the Japanese government passed the “Law on Cooperation for United Nations Peacekeeping Operations and Related Activities” (PKO Law). The PKO law allowed members of the SDF to be sent overseas providing that certain conditions were met. First, Japanese participation in UN PKO would be limited to those operations conducted under the control of the United Nations, which were based on resolutions by the General Assembly or the Security Council. Second, the host countries and the parties to the conflict must consent to allow UN intervention. The PKO Law also delineated the other types of functions in which the SDF was permitted to participate: Humanitarian International Relief Operations—designed to rescue inhabitants from imminent conflicts likely to endanger international peace and security, and to restore areas which suffered damage in such conflicts; and a list of 17 tasks including the monitoring of cease-fires, handling of abandoned weapons, and the repairing of facilities and equipment damaged in the conflict.⁵⁴ The passage of the PKO Law did not assuage the public’s concern. In fact, strong opposition [to the PKO Bill] by citizen’s groups and organized labor caused the bill to fail in its first attempt at passage. It was reintroduced in its present form in 1992.⁵⁵

⁵⁴ Law Concerning Cooperation for United Nations Peacekeeping Operations and Other Operations, unofficial translation of the Embassy of Japan, cited in *International Legal Materials*, vol. 32, Jan 1993, pp. 217-220

⁵⁵ Yamauchi pg. 160

Uncertainty over SDF Participation in UN Operations in Cambodia

Domestic uncertainty concerning the overseas deployment of SDF forces found another focal point when, in May of 1993, some Japanese civilian police officers participating in the UN Transitional Authority in Cambodia were attacked. One policeman was killed and four injured. The United Nations had entered Cambodia to broker a cease-fire between the warring factions, who, after years of inconclusive fighting were ready to allow outside intervention. After achieving the cease-fire the UNTAC mission was to supervise Cambodia's transition to a democratically governed society by overseeing the election process. The attack and subsequent deaths happened one month after the death of a Japanese election monitor with the UN Volunteers Programme. The total Japanese contingent in Cambodia included 70 civilian police officers, 600 SDF engineering corps and 41 election monitors.⁵⁶ The death of two Japanese members of the UN PKO concerned the Japanese people. Major newspapers and the Minister of Posts and Telecommunications called for the withdrawal of the forces due to the danger. Although the government went ahead and sent more troops to Cambodia, it did not resolve the issue that faces the Japanese public—whether or not overseas deployment of the Self-Defense Forces are constitutional and legitimate. In order to become a permanent member and make the requisite contributions of men and equipment, Japan needs to clarify where, how, and why SDF troops can be sent overseas, and

⁵⁶ Sasaki pg. 259

that such deployment does not conflict with the "Peace Constitution" and the will of the people.

Obstacles to Diplomatic Relations

Becoming a permanent member not only will affect Japan domestically, but it will also force Japan to assume greater responsibility and control of its foreign affairs. Although Japan has maintained close ties with the United States, it is no longer dependent on the United States to determine Japanese foreign policy. In the early post-war era, Japan inevitably followed the United States' policy directives. The Security Treaty served to strengthen ties between Japan and the United States, but gradually Japan began to forge its own foreign policy, a policy that while accommodating U. S. desires also established bilateral relations with other Asian nations. The creation of ASEAN and APEC has allowed Japan to enter into leadership roles in the Asian community. Japan now works closely with the nations that it occupied and persecuted during the tenure of the Greater East Asian Co-Prosperity Sphere, however, the rifts between Japan and these countries have not healed completely, and among the other Asian nations there remain resentment and mistrust of Japan. If Japan is to be accepted as a permanent member it must strengthen its relationships with its neighbors, especially the People's Republic of China. Mistrust between two permanent members has already paralyzed the Council once—the U. S. and the U. S. S. R.—it cannot be allowed to do so again.

Imperialist Legacy

The first obstacle to improving its relationships to other Asian nations lies in the troubled record of Japanese atrocities during the Second World War. Japan's occupation of Manchuria and Korea has produced lasting enmities. The memories of the brutal treatment of both the Koreans and the Chinese by the Japanese during the occupations still haunt many Asian peoples today. Korea was occupied by Japan from 1910-1945 and it took 14 years to normalize relations between the two countries. Manchuria was invaded and occupied by the Japanese in 1931 on the way to further Japanese occupation of China. Resentment of Japanese brutality—typified by the enslavement of many Korean females as “comfort” women, and the rape of Nanking—continue to hamper Japan's efforts to improve diplomatic relations with its neighbors. The Japanese government did decide to pay reparations to the Korean women, the ones they could find, but the women and their descendants maintain that this is not enough. Japan's treatment of the conquered Chinese was even more brutal than its actions in Korea. After manufacturing a pretext to invade China, “The Manchurian Incident” the Japanese used Manchuria as a base from which they invaded China, raping and murdering the Chinese they encountered. The official expression of regret for the sorrow of World War II never acknowledges that Japanese forces raped and murdered thousands of innocent Chinese and Korean civilians, just sorrow that the horrors of war occurred. Although former prime minister Hosokawa apologized for Japan's actions during the war, many officials were angered by his admission

of wrongdoing. An undercurrent of support for Japan's actions and grand designs for Asia still exists, and was evidenced when a high-ranking foreign ministry official stated that there was no aggression on Japan's part during the war. His comments resulted in his expulsion from the Foreign Ministry, but his public expression of these comments only served to remind the other Asian nations that their fears of an aggressive, imperialistic Japan are not unfounded. Official apologies and reassurances aside, many other Asian countries still fear that the attitude of superiority that formed the basis of Japan's actions during World War II, and are wary of granting Japan more political and military power.

Undercurrent of Racial Superiority

Edwin O. Reischauer, former U. S. ambassador to Japan, contends that Japan's problems in foreign relations stem from its "largely self-created psychological problem of their own self-image and the attitude of other nations toward them."⁵⁷ Japan is one of the most racially homogenous countries, and has never been extremely open and trusting of foreigners. Reischauer writes that "Race looms large in self-image of Japanese . . . It is almost as if they regarded themselves as a different species from the rest of humanity."⁵⁸ Although Reischauer exaggerates slightly, there is definitely an undercurrent of racial superiority permeating Japanese society and Japan's interactions with foreign countries. The Japanese word for

⁵⁷ Reischauer, Edwin O., *The Japanese Today*, The Belknap Press of Harvard University, Cambridge, Massachusetts, 1988, pg. 408

⁵⁸ *ibid* pg. 397

foreigner, *gaikokujin*, or in its simplified form, *gaijin*, means outsider, and foreigners who live in Japan must accept that they will forever be on the outskirts of Japanese society, even if they are long-term residents or naturalized Japanese citizens. The feelings of racial superiority, whether overt or hidden, color Japan's dealings with other peoples, and can create friction which may prejudice Japan's policy decisions. If Japan wishes to become a permanent member it must attempt to overcome its inherent racism and work with others as political and social equals.

Political Limbo

Japan is admired for its economic success, but not widely respected or trusted. Reischauer attributes this to the fact that Japan's low political posture is often viewed, not as resulting from Japan's Peace Constitution and pacifistic approach to international actions, but as an attempt to "avoid responsibilities and concentrate on its narrow advantages."⁵⁹ Japan exists in a type of political limbo. It is not entirely a part of the economically advanced Western nations, and it cannot claim complete kinship with the developing countries of Asia. As such Japan is expected by the developing nations to be sympathetic to their plights and more generous in aid and investment, while Western nations expect Japan to follow their lead. Balancing its desire to join the Western nations as an economic and political power with the concerns of its Asian neighbors make it difficult for Japan to formulate policies consistent with the desires of

⁵⁹ Reischauer pg. 408

either group. In light of the expectations of the developing Asian nations, Japan has increased its contributions of Official Development Assistance (ODA) to the point where it is the largest donor of ODA; however, this "aid" is most often given with strings attached. In return for its generosity Japan usually takes a significant percentage of market share, requiring access to foreign markets to offset its "assistance." Checkbook diplomacy, giving grants and other types of financial assistance to a country in order to help initiate and strengthen diplomatic relations between countries, has been a mainstay of Japanese foreign policy making. The developing nations that Japan has been helping appreciate the assistance but resent the attachments that are a prerequisite. The stronger relationships that Japan must seek with other Asian countries can be established by grants of "aid", but cannot be sustained solely on the basis of such monetary assistance.

Importance of South Korea, China, and the Former Soviet Union

Japan's diplomatic relations with the developing nations of Southeast Asia are important to the overall foreign policy strategy; however, South Korea, China, and the former Soviet Union must remain the focus of any initiatives to bolster Japan's relations with the Asian community. Japan's history of turbulent relations with Korea and China definitely will play a role in its relationships with the two countries, but the growing regionalism is forcing these nations closer together. China, Japan, and South Korea are the three

most dominant nations in Asia, and as such would form the basis of any regional organization.

Thus, stable relations between these three countries is beneficial, and if Japan wishes to gather support for its bid for a permanent seat on the Council, is essential. In addition to the political capital of obtaining the support and friendship of China and Korea, Japan needs the Korean and Chinese markets for its exports, as South Korea is Japan's second largest market. Although competition for market share causes friction between South Korea and Japan, South Korea is an indispensable partner for Japan's stability and for maintaining Asian stability.⁶⁰ China is the world's third-largest economy in terms of purchasing power, and is on its way to becoming the largest. It definitely is in Japan's best interests to ensure that Sino-Japanese relations remain positive, especially since China's vote is absolutely necessary for Japan to become a permanent member. Japan's relationship with the Soviet Union have been uncertain since the end of World War II. The Soviets joined the United States in the defeat of the Japanese only after victory had been assured. In doing so the Soviets claimed some northern Japanese islands. These islands have been a point of contention between the two countries for decades, preventing the normalization of relations. Although the Japanese and Soviets never fought one another after the end of World War II, Japan and the U. S. S. R. did not officially sign a peace treaty. Thus, the two countries were technically still at war. The absence of a peace treaty never affected

⁶⁰ Ahn, Byung-joon, "Japanese Policy Toward Korea," in Ed. Curtis, Gerald L., *Japan's Foreign Policy After the Cold War*, M. E. Sharpe Inc., New York, 1993, pg. 267

Russo-Japanese relations, but the change in ownership of the northern islands have hindered attempts on both sides to reestablish positive relations with each other. The collapse of the Soviet Union has not brought about a return of the islands, which continue to be a barrier to the reconciliation process, but Russia's internal problems are more pressing than its foreign policy, and a return of the islands may await Japan if it continues to be supportive of the democratic governments of Russia.

North Korean Problem

North Korea presents a difficult challenge for Japan. The North Korean government under Kim Jong Il appears unpredictable. The ongoing squabbling over UN inspection of North Korean nuclear power facilities raised tensions in Asia, especially in South Korea and Japan. Although no military actions were taken by North Korea, the crisis served to remind its neighbors that North Korea's actions cannot be accurately predicted, thus, North Korea must be handled with tact and extreme caution. In light of this, the Japanese move toward normalizing relations with the North should help to reduce tension between the two countries and give Japan a measure of political influence in North Korea. Furthermore, by normalizing relations with the North and strengthening its ties with the South Japan is increasing its diplomatic maneuverability.⁶¹ In the long-term Japan is set to play a major role in any possible attempts at the reunification of Korea, thus showing its ability to be capable of

⁶¹ Ahn pg. 217

effective interaction on both political and economic levels with its Asian neighbors.

All the Answers are not Necessary

Japan's relationships with its neighbors have been tumultuous, and the resentments and grudges that arose will continue to affect Japan's dealings with other Asian countries. However, recent attempts by the Japanese government to acknowledge Japan's aggression and oppression of its neighbors during the first half of the twentieth century demonstrates that Japan has publicly acknowledged its faults and is attempting to strengthen its ties to other Asian nations. The process of reestablishing full diplomatic relations and treating other nations as political and social equals will occupy Japan for decades, but Japan is moving forward and attempting to assist its lesser-developed neighbors. When Japan is able to overcome the attitude of racial superiority fed by centuries of isolation, it will truly be an economic, social, and political superpower. However, solving all of its problems is not a prerequisite to becoming a permanent member of the Security Council. Japan has demonstrated that it is willing to accept the challenge to work closely with other Asian nations, something that should be a prerequisite to admission as a permanent member.

Since permanent representation on the Security Council will continue to be a coveted goal for Japan in the United Nations, the Japanese government has been working to overcome the obstacles that have been preventing it from joining the international elite in

their maintenance of peace and security.⁶² If the Security Council expands its permanent membership, as it is clear that the Japanese hope it will, to include Japan and other nations, what implications will inclusion as a permanent member have for Japan and its role in the international community? In order to be selected a permanent member, Japan will have to alter its four-decade old Peace Constitution and commit the SDF to missions throughout the world. The government will have to convince the Japanese people that increased participation in UN operations does not signify a return to the imperialism of the Second World War, but rather an attempt to join with the other global powers to safeguard international peace and security. As Asia continues to grow economically Japan must cultivate relations with its neighbors through bilateral means as well as through existing regional organizations. Japan does not possess the political influence and military might of some current permanent members, but its presence on the Security Council will help the UN meet the changing needs of the international community and bolster the "Big Five". Refusing to include Japan will only demonstrate that the five current permanent members cannot meet the needs of the international community, but are too stubborn or too jealous to publicly acknowledge that they are flagging.

Conclusion

⁶² Ogata, Sadako, "Japan's United Nations Policy in the 1980s," *Asian Survey*, vol. 27, n. 9, September 1987, pg. 962

The United Nations faces serious challenges in the conflicts of Bosnia-Herzegovina, Rwanda, and Somalia that it has not been able to deal with effectively. The UN's operating principle, collective security, is outdated. The conflicts that collective security was designed to prevent, invasion and aggression from outside, occur infrequently, if ever. The Persian Gulf war may well have been the last hurrah for collective security. Contemporary conflicts are intrastate, ethnic and religious civil wars. UN attempts to resolve these conflicts are based on the questionable precept that if the fighting can be halted and the two sides brought together the conflict will be resolved peacefully. Although the UN successfully mediated and resolved some conflicts during the Cold War era, its successes occurred when both sides recognized the futility of continuing their struggle, in essence, the UN just mopped up after the two sides had exhausted one another. Today's ethnic and religious conflicts present the same types of problems the UN has faced in the past but on an intrastate level. If the UN could not prevent the Arabs and Israelis from going to war, it surely is not going to be successful with the same operating procedures when the combatants live across the street from one another. Richard Betts writes that the limited impartial interventions that have been the mainstay of UN peacekeeping operations only prolong conflicts by keeping the belligerents from destroying one another, but not from trying.⁶³ Betts suggests that the UN needs to change its tactics and either act impartially with overwhelming force, or if the UN desires limited

⁶³ Betts, Richard, "The Delusion of Impartial Intervention," *Foreign Affairs*, November-December 1994, vol. 73, n. 6, pg. 21

involvement to pick one side or the other to support.⁶⁴ The UN needs to change to meet the needs of the global community, including the changing nature of conflicts. It must change if it expects to remain the bastion of peace and security for the world.

Change all the way from the top is the only way the UN can successfully continue to fulfill its international role. The UN, long without any forces of its own, has been dependent on contributions of its member states. As long as the major powers, the permanent members, were willing to support UN actions, paid their dues, and contributed men and equipment to the larger UN operations the UN was able to function; however recent trends in the United States and the internal problems facing Russia may reduce the support given to the UN. In an attempt to garner the financial and material support it needs, the UN has begun looking to other powerful nations to foot its bills. Japan and Germany have been called upon to contribute increasing sums of money to UN PKO, while the smaller nations have been asked to contribute manpower. The shifts in economic, social, and political power have seen power slowly ebb from the former colonial powers of Britain and France and move to Japan, Germany, and the developing nations with large economies, China, India, Nigeria, etc. The post World War II power structure has faded and evolved into a structure that is multi-lateral, one which is quickly moving toward regionalism. In order to correct the geo-political inequalities of the Security Council's permanent membership, new members must be introduced. Their input and activity may help the

⁶⁴ *ibid*

UN evolve into an organization that adequately meets the needs of the international community.

The Council's greatest challenge may not be in resolving specific conflicts, but in finding a way to include the "new" powers and adjust the structure of the Council to meet the needs of the international community. Of the plans described in this paper the qualified majority system offers the best chance for Council reform. It keeps the veto power, something the "big five" consider a prerequisite. However, under the qualified majority plan, a single will not be able to block the actions of the Council, something that paralyzed the Council during the Cold War. If a nation feels that the Council is not making the correct decision it will have to find at least four other members who agree in order to block the Council's decision. This allows for a degree of control. In the UN's early years the United States had little trouble finding Council members who supported U. S. Policies and proposals. Today, however, finding such support is not such a constant. Council members will have to work closely with one another if they expect to find support for an attempt to veto the Council's actions. This plan allows the permanent members a degree of control over the Council's actions while allowing the smaller nations a chance to influence the Council as well. The support of the developing nations is important if the Council is to be reformed, as two-thirds of the General Assembly must accept and ratify any proposal.

Any reform of the Council's structure must include new permanent members as well as a reform of the veto system. Japan is at the top of the list for the inclusion of new permanent members. It

is the second largest financial contributor to UN operations. It is the world's largest contributor of ODA. Recent administrations have officially admitted that Japan was at fault and was the aggressor in the Second World War. They are attempting to mend the damage done by past brutality. Japan plays a leading role in the Asian community. It bridges the Group of Seven and ASEAN. Japan is not risk free. It still must cope with a populace that does not favor overseas military deployment, even if it is part of a UN PKO. Its attitude toward other nationalities raises doubts as to how Japan will relate with other countries.; however Japan is working to overcome these problems. No country can be perfect. The current permanent members are proof enough of that. Japan would be a welcome addition to the Council as a permanent member, not only for its financial contributions, but also for its ties with Asia and the insights it has into the problems facing the international community.

Reforming a system that has not always worked well in the past, without changing the underlying principle can be seen as nothing more than propping up an outdated paradigm. Collective security has had its glorified moments. It stopped the fighting in the Suez and in the Persian Gulf, but it has failed as well. It only served to prolong and exacerbate the Arab-Israeli situation, as well as, preventing the reunification of Korea. Changing the Council's structure and procedure will not drastically affect its effectiveness. Conflicts will still arise, which the UN, using the principle of collective security, will be unable to resolve. Does this mean that the global community should abandon collective security and the UN altogether? No. The system has flaws but it is the only one the world

has. If the UN is robbed of its legitimacy the world will fall back on the balance of power system that was so effective in preventing the horrors of the two World Wars. Until such time as the international community can devise a third-generation world organization, it needs the United Nations, and it should try to make the UN as effective and representative as possible.