



## International Law

Assignment for Chapter 3\*

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Membership on the Security Council has not been particularly democratic—even at its founding. For instance, it was not until May 2000 that Israel became aligned with any group of nations. While geographically it is part of the Asian States group, Israel was accepted into the Western European and other States group. (Previously, Israel was the only UN member to be barred from any group, because of Arab-nation resistance.) Israel's admission was limited to four years, after which it was subject to reconfirmation. In two years, Israel was able to vie for participation in certain UN bodies for the first time.

Another non-democratic example is that only five States occupy permanent seats on the Council.<sup>†</sup> As of 2006, these five states contain 29% of the world population, 24% of the world's land area, 43% of the world's GDP, and consume 41% of the world's oil each year. Were the five most-populous states chosen to hold the permanent seats (China, India, United States, Indonesia, and Brazil), then they would represent 48% of the world's population. Were the five wealthiest states chosen (United States, China, Japan, India, and Germany), they would represent 51% of the world's GDP. In addition to permanent seats, there are ten rotating seats on the Security Council. As to these rotating seats, the states holding those seats are elected from the General Assembly to serve two-year terms. There are five groupings used for filling the rotating SC seats from among the UN's other 186 nonpermanent members. Brazil and Japan have held an elected position nine times each; Argentina has held it eight times; Germany, only five.

The United States has backed the addition of Germany and Japan as future *permanent* members of the UN Security Council. Many other possible changes would arguably do a better job of making the Council “mirror” the Assembly, by more accurately reflecting the demographic composition of the community of nations. Consider the following options:

1. Should Great Britain and France each continue to occupy a permanent seat?
2. Alternatively, should either nation cede its seat to Germany, or should all three somehow rotate on this particular “permanent” slot on the Council—to be known as the “European Seat” or as the “European Union Seat”?
3. Should Japan be entitled to a permanent seat, given its economic superiority in global affairs (third-highest GDP in the world)?

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\* Much of the additional information presented comes from the United Nations (<http://www.un.org/>) and from the CIA World Factbook (<http://www.cia.gov/cia/publications/factbook/>).

<sup>†</sup> These five are the United States, France, United Kingdom, Russian Federation, and China. The permanent seats also currently hold veto power over the Security Council; the elected seats do not.

4. Should China share (rotate on) the permanent “Asian seat” with India, given the latter’s immense population, which surpasses that of all Council members except China? Should the “Asian Seat” rotate between China, India, and Indonesia?
5. Should Germany, Japan, or any other nation be added as a permanent Security Council member—but *without* the right of veto, thus providing for some status on the Council? This would be permanent status, but without the attendant right of automatic veto which is currently exercisable only by the original five permanent members.
6. Would any of these changes truly influence, in a positive way, the Security Council’s ability to perform, without diminishing its power to act?
7. Should there be some other change?
8. Should there be no change at all?

Your job is to examine and reflect on these various positions and resolve which alternative would best suit the following two goals:

- (a) Better representation of the community of nations on the Security Council.
- (b) More reliable conduct of Council business under its Article 39<sup>‡</sup> (or other) mandate(s).

Your paper should reflect your opinion on the optimal solution.

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<sup>‡</sup> This refers to an article from the UN Charter, which was signed on 26 June 1945 in San Francisco, CA at the conclusion of United Nations Conference on International Organization.

*Article 39 reads as follows:*

“The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.”

Article 41 reads as follows: “The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.”

*Article 42 reads as follows:*

“Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.”