

Reforming International Institutions to Promote International Peace and Security

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1 Introduction

This paper considers how to adapt and reform international institutions so as to best promote international peace and security in the present international context. It begins with an identification of the main threats to peace and security in the coming years. The second section provides an analysis of where and why unilateral national strategies will be insufficient to counter these threats. The third, major section identifies and analyzes the problems that multilateral institutions must address to counter these threats effectively, along with proposals for reform. These range from relatively minor adjustments within current institutions to highly ambitious projects that could involve “refoundings” of major institutions like the UN. This section also discusses problems with current arrangements.

To avoid impossibly broadening the task, I will work with a relatively narrow notion of “security,” taking it to refer to *freedom from risk of violent death, injury, or coercion at the hands of some organization*. Other components of the broader concept of “human security” are addressed in other expert studies for the Task Force.

2 The main threats to international peace and security in the coming decades

The authors of the UN Charter proposed that the organization should seek to “save succeeding generations from the scourge of war.” Understandably, they had in mind avoiding world wars and other large interstate conflicts.

Sixty years later, there have been hardly any “hot wars” among the militarily strongest states. This fortunate outcome probably has had less to do with the functioning of the United Nations system than with the perceived costs of interstate war in the nuclear age, and increasing doubts about the economic advantages of conquest.

The major threats to international peace and security are radically different today from those anticipated by the framers of the UN Charter. Today, international institutions must be reformed to address two principal sets of security threats.

1. In “the North,” terrorist use of weapons of mass destruction (and especially nuclear weapons) in major urban areas.
2. In “the South,”

- (a) internal war, state collapse and consequent personal insecurity;
- (b) violently abusive government;
- (c) in some cases, risk of attack by strong states or neighbors.

The destructive power of a technologically advanced military, along with the deepening of democracy and international trade, has made the citizens of the major powers safer from invasion than they have ever been before. Many of the benefits of the major power peace have extended to the smaller and militarily weaker states in the system as well, since they are less subject to annexation or direct control exercised by major powers playing “great games” or fighting wars with each other.

Nonetheless, the same technological advances that have helped bring about major power peace have created a new security threat that will grow worse as technology improves and scientific knowledge spreads. *Interstate* war is generally disfavored by WMD, but the horrific destructive potential of these weapons makes them more attractive for terrorist use by non-state or state-supported actors, and also a vastly greater concern. The risk of nuclear explosions in New York, Paris, London, Moscow and other major cities is a truly existential threat for modern societies and economies. Further, because the knowledge will spread and the technological ease of making WMD will only grow greater over time, the threat is long-run. It will remain long after Al Qaeda has disappeared.

The main security threats in the rest of the world are quite different. Since 1945, at least 18 million people have died as a direct result of civil wars, almost entirely outside the economically most developed countries. This figure does not include the many millions killed in one-sided massacres orchestrated by governments, such as in Argentina, Cambodia, and Uganda under Amin and Obote. By comparison, about 3.3 million people were killed in interstate wars in this period. These three problems – internal war, mass killing by governments, and interstate war – represent the major security risks for much of the developing world, in decreasing order of global severity.¹

These latter problems are indirectly related to one of the early successes of the United Nations system – the promotion and management of mainly peaceful decolonization in Africa, Asia, and the Middle East. The UN Charter was signed by 51 countries in a world with about 60 independent states. Today there are 191 members, half of whom gained independence since 1960. Decolonization filled the international system with new states whose economies and administrative structures were often fragile and underdeveloped. These states have been especially prone to civil war and abusive rule.²

I will argue in the paper that the UN system, or a redesigned parallel or alternative system with some similar basic commitments, is potentially more valuable for promoting peace and security now than it ever was during the Cold War.

¹Numbers of refugees and internally displaced persons, as well as levels of economic devastation, tend to be proportional to numbers killed, so this is a reasonable first-cut indicator.

²Fearon and Laitin (2003).

1. The function of *authorizing the use of force* is more important if more military interventions are to be expected in countries convulsed by civil war, and if the most dangerous cases of WMD proliferation will sometimes require a credible threat of military intervention.
2. The function of *mobilizing and coordinating peace-keeping operations* to civil-war-torn countries is more important now than during the Cold War. Further, the diffuse benefits but concentrated costs typical of intervention in such settings imply that international burden-sharing through a UN-like body makes excellent sense.
3. The function of *legitimizing transitional governance arrangements while undertaking concrete steps to rebuild basic state capacities* in countries that have suffered state collapse due to war or invasion is more important than ever.
4. The function of authorizing and overseeing an international institution empowered to undertake more intrusive inspection and monitoring of possible WMD development within states is increasingly necessary.

Whether the UN in its present form is the best body to perform these functions is an open question. On the one hand, the thrust of what is required to meet the new international security threats runs against two premises of the UN Charter. The Charter sought to regulate interstate relations, but not “internal” matters such as civil war and its effects, or national decisions about armaments programs.³ Second, the Charter conceived of the UN as an organization open to all states irrespective of form of government. I will argue that some of the new security challenges – such as preventing human rights abuses by governments, and authorizing the use of force – might be better met by an organization with membership limited to democracies.

On the other hand, the UN Charter has proven a powerful yet flexible document. It may be possible to innovate effective solutions to the new challenges within its basic structure. The paper will offer suggestions about what might be done both within and outside of the UN system as it stands.

3 Why unilateral national strategies will not be sufficient to counter these threats

Since a large portion of the resources for addressing these threats, both the Northern and Southern variants, will inevitably come from the relatively rich states, it makes sense to start by asking why these countries have any need of multilateral cooperation to confront the threats at all. Why are unilateral policies not up to the task?

³Although Article 26 envisions that the Security Council will, with the help of the still-born Military Staff Committee, formulate “plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.”

Regarding protection from terrorist use of WMD, there clearly are a range of important unilateral strategies that states can and should pursue. These include hardening targets, improving border and port security, putting effective emergency response measures in place, and doing all these while minimally compromising civil liberties. (Of course, international institutions may provide important assistance to states in undertaking such measures; this is a valuable part of the agenda of the UN's Counter Terrorism Committee, to be discussed below.)

But this is clearly not enough, and practically every other sensible response will require active multilateral or at least bilateral cooperation. Extensive coordination among states is required to

1. gather intelligence on people and organizations who might be planning attacks;
2. control and monitor weapons materials; and
3. deal with problems posed by states that might be developing WMD (which might then be passed or lost to individuals or groups intending to use them for terrorism).

The first task plainly requires international cooperation, although it is possible that bilateral exchanges might be a more effective strategy than a multilateral one.

The second and third tasks will require intrusive measures ranging from expert monitoring teams to, in the limiting case, military intervention. A unilateral approach here is likely to be ineffective for several reasons.

First, there is the question of legal authorization. Unauthorized, unilateral action in this sphere signals strongly that it is *sauve qui peut* among states, which heightens incentives for weapons acquisition, which in turns undermines the goal of avoiding terrorist use of WMD. If one state unilaterally demands access to another state's laboratories and reactor projects, or unilaterally attacks a state to prevent its current leadership from developing WMD, then many countries may start to find the option of secretly developing WMD to deter such attacks more attractive. By contrast, if there is a multilateral process for authorizing intervention and intrusive inspections that proceeds according to rules, then there can be greater confidence that one can avoid attack according to the whims of a stronger state. Nor need one worry so much about the threat of neighbors or other states developing WMD.

Second, multilateral cooperation is required to deal effectively with the problems posed by "failed" or "collapsed" states. Among other problems, such states pose obstacles to the effective monitoring of weapons materials and their use. The control and monitoring of weapons materials is much harder if there are parts of the world not governed by any internationally recognized and responsible state apparatus, in which international monitoring and police work are infeasible. While it may be nearly impossible for an organization to actually *develop* WMD (e.g., process uranium) in the chaos of a failed state, the options for trafficking in weapons materials or contraband to finance their purchase

are excellent in these areas. Moreover, as the case of Afghanistan suggests, they may easily serve as recruiting or training grounds for terrorist groups.

Thus, in a world where the know-how to produce WMD is increasingly widespread, zones of anarchy pose a larger international security threat than ever before. Whether state collapse arises from years of destructive civil war, or from an attack on a state perceived to be developing nuclear weapons, the major powers will have incentives to cooperate to help restore internationally responsible and domestically effective political orders.

The central security problem for the major powers may be summarized as follows: WMD imply, over time, a big increase in the “negative externalities” associated with both collapsed states and tyrannical rule in small countries that have some technological capability. The externalities are diffuse, potentially affecting many states, but the costs of dealing with them are concentrated. Unilateral military responses are likely to increase incentives for proliferation and to increase regional insecurities, worsening rather than reducing the problem in the long run.

This is a classic collective action problem, whose natural solution should tend towards multilateral arrangements to share the burden and avoid the escalation of insecurity that would follow from a unilateralist approach. In consequence, for the resource-rich Northern states to effectively confront the threat posed by WMD terrorism, they will need to cooperate in helping to address the central security threats of the developing world – civil war and widespread, government-inflicted human rights abuses.

4 Problems with current arrangements and possible solutions

4.1 Authorizing the use of force

4.1.1 The central dilemma

To a great extent, new thinking and calls for the reform of international institutions concerned with peace and security arise from concerns about the recent U.S.-led interventions in Kosovo, Afghanistan, and Iraq. In his September 2003 speech to the General Assembly, Secretary General Kofi Annan deftly captured the central dilemma. Referring to the Bush administration’s argument that preemptive attack to preclude a “state of concern” from developing WMD is justified by the dire consequences of WMD terrorism, Annan averred that

This [preemptive] logic represents a fundamental challenge to the principles on which, however imperfectly, world peace and stability have rested for the last fifty-eight years.

My concern is that, if it were to be adopted, it could set precedents that resulted in a proliferation of the unilateral and lawless use of force, with or without justification.

But it is not enough to denounce unilateralism, unless we also face up squarely to the concerns that make some States feel uniquely vulnerable, since it is those concerns that drive them to take unilateral action. We must show that those concerns can, and will, be addressed effectively through collective action.

Annan suggests on the one hand that unilateral military efforts to deal with the dangers posed by WMD proliferation and terrorism by strong states (the U.S. in particular) are likely to move the world farther into the “law of the jungle.” If some states see the use of force as a permissible way to resolve regional disputes, then other states will worry about the use of force by neighbors, producing a spiral of arms build ups, WMD proliferation, and military conflict.

But on the other hand, if the strongest states (again, the U.S. in particular) feel that they cannot adequately address their security concerns by working through multilateral institutions, they will go outside them.

It follows that a successful reform must strike a difficult balance. An institution that merely pronounces against actions that the most powerful state views as self-defense risks irrelevance. An institution that merely ratifies whatever the strongest state wants to do will be illegitimate. Either way, we would effectively have “the law of the jungle,” not an approximation to the rule of law.

An international institution for peace and security can foster the rule of law *only if the strongest states see enough benefits to working through the institution in general that they are willing to submit to important collective decisions they don't like on some occasions.*

In particular, the “law of the jungle” scenario suggested by Annan can be avoided only if the strongest states are interested in using international institutions to avoid the use of force, and feel strong pressure to gain collective authorization for the use of force when they see no good alternative. Collective authorization of the use of force in international politics is the linchpin of a working collective security system.

It is worth stressing that the problem here is *how to innovate something new*, not how to preserve something from being lost. During the Cold War, the strongest states frequently used force without Security Council authorization. Indeed, the UNSC was mainly an irrelevant international institution during that period. The problem is not how to preserve an institution that has maintained international peace and security through a legal process for 58 years, but how to adapt or change the institution to play this role for the first time.

What has changed that there is a new demand for a working system of the collective authorization of the use of force? During the Cold War, the superpowers' mutual fears of nuclear war somewhat tempered and restrained their use of force, which had the effect of reducing other states' worries

about attack and control somewhat. In addition, for both technological and political reasons (including the success of the NPT treaty) the major powers had less to fear from WMD proliferation and terrorism during the Cold War than they do now. What has changed is that the U.S. and possibly other major powers have new reasons to intervene abroad militarily, but lack the implicit checks and balances of the Cold War system.⁴

4.1.2 If we could start from scratch ...

Suppose we could start over, and design from scratch a body like the UNSC intended to issue authoritative resolutions concerning the use of force to address threats to international peace and security. What would such a body look like? What principles would determine its membership, and by what procedures would it make decisions?

The results of this exercise are likely to be politically fanciful, since all manner of prior institutional forms, decisions and interests sharply constrain what reforms are possible in practice. As I discuss below, the current draft proposals of the UN High Level Panel are hard to improve on for their combination of political feasibility and constructive change. But a “from scratch” exercise is nonetheless important for grounding our sense of the direction in which specific reform proposals should head, and for evaluating the merits of specific proposals that have been offered.

Following on the discussion above, a successful UNSC-like body needs to be both *effective* and *legitimate*.⁵ To be effective, the institution must satisfy

(A1) Decision-making power within the institution must reflect, to some significant degree, state military, economic, and persuasive power outside the institution.

Otherwise, when there are conflicts over what should be done, the strongest states may ignore the institution’s decisions and it will seem irrelevant. This axiom underlay Roosevelt’s critique of the weakness of the League of Nations and the idea of creating a Security Council of major powers with veto rights in the first place. To the extent that the UN system has been more successful than the League of Nations – for example, it has preserved its structure and authority-in-principle despite stasis during the Cold War – one major reason is that the UN Charter tried to take account of A1.

⁴Not to say that these checks were always effective, especially in Latin America and Eastern Europe. Another important difference is that during the Cold War, states could and did coordinate their positions on the use of force through the Cold War alliance systems. With these gone and no set of sharply divided alliance systems yet formed among the major powers, coordination efforts through the UNSC have become something of the default.

⁵The UN High Level Panel reports discuss related requirements under the headings of “effectiveness”, “efficiency” and “equity” (United Nations 2004, paras. 31-43)

This principle, however, is a necessary but not sufficient condition for efficacy. It was satisfied at least for the first part of the Cold War, but nonetheless intense conflicts of interest among the Permanent Five (P5) prevented the UNSC from playing much of a role in the maintenance of international peace and security. Effectiveness also depends on the perception of common interests among the SC powers, although how much depends on the body's decision rules, as discussed further below.

An immediate and important implication of A1 is that the criteria for membership on an effective UNSC-like body would ideally be *dynamic*. That is, membership and voting criteria need to allow membership and influence in the institution to change as a function of shifts in the international distribution of power and influence. One of the main obstacles to UNSC reform is that the veto power of the P5 reflects the distribution of international influence immediately following World War II better than it does the current distribution. Understandably, there is great reluctance among the P5 to adjust the structure. Thus, a "lesson learned" from the experience of the UNSC is that *if* we could start over, dynamic criteria for membership that build in the potential to adjust to international change would be desirable.

For a UNSC-like body's decisions to be viewed as *legitimate* (that is, there is a widely perceived obligation to follow them), the institution must satisfy

(A2) All members have some non-trivial influence, at least some of the time, on decisions taken, and the membership reflects in a broad sense the wider field of states and people that might be affected the body's decisions.

What criteria for membership and what voting rules can plausibly satisfy A1 and A2? I next consider several principles that each has something to recommend it, but all of which fail in various ways. The main conclusion is that a mix of several criteria would be the best way in principle to determine the parameters of an effective and legitimate UNSC-like body.

One state one vote? The principle of sovereign equality enshrined in the UN Charter might be taken to imply "one state one vote," as in the General Assembly (GA). This had a stronger justification when the UN was founded in a world of about 60 states, most of which were at least moderately large.

Since decolonization, however, the rationale for this principle as a basis for allocating influence within a UNSC-like body – or indeed any international organization – has weakened considerably. From the 191 current members of the United Nations, one can form a majority of 96 votes from a group of countries that make up less than 3.6% of the world's population! By sharp contrast, 50% of the world's population resides in the six largest states, an inconsequential fraction of the total UN membership if counted as one vote per state. Using this principle to allocate decision-making influence in an international institution grossly violates A1, the condition for effectiveness. It is also hard to justify on grounds of legitimacy or fairness, since it vastly overrepresents people in very small states.

The GA's reliance on the principle of "one state one vote" is an important factor behind the partly correct perception that it is little more than a forum for empty debate and symbolic posturing. All votes are equal in the General Assembly, but they count for almost nothing. Is it possible that a majority of states in the GA might prefer a system in which votes were weighted by some measure of size, influence, or contribution, but in which as a result GA votes could become consequential and influential?

The preceding suggests that some form of weighted voting is necessary to satisfy the condition for a UNSC-like body to be effective. But weighted how?

One person one vote? It could be argued that legitimacy is maximized by drawing on the democratic principle of "one person one vote," and thus weighting votes by the state's share of world population.

In an assembly of all 191 members, the states with the ten largest vote shares would be as follows:

Table 1. Votes weighted by population

Country	Vote Share
China	20.4
India	16.7
United States	4.6
Indonesia	3.7
Brazil	2.9
Pakistan	2.5
Russia	2.3
Bangladesh	2.2
Nigeria	2.2
Japan	2.0
Total	60.0

Notes: Top ten in an assembly of 191;
P5 in bold.

Thus China and India would control 37% of the votes (based on 2003 population figures), the top ten states would control 60% of the votes, and the remaining 40% would be divided in tiny shares among the remaining 180 states in the assembly.

Though it is clearly better on this score than "one state one vote," this principle also violates A1, the condition for effectiveness. On the dimension of legitimacy, the scheme assumes that all governments are equally good representatives of their citizens. As discussed at length below, there is a strong argument that nondemocratic governments do not merit this assumption and thus the implied levels of representation.

Finally, there is the practical matter of how to allocate vote shares weighted by population in a decision-making body that is much smaller than an assembly of the whole (such as the UNSC). For

example, if the body had the ten largest states as members, how to allocate the remaining 40% of the votes among these ten? Equal distribution? Proportional to size? By regional similarities or cultural ties? If the states on the council are understood as agents acting on behalf of those in states not represented on the council, then it is not clear by what principle to assign agency.

Still, it must be allowed that any formula that does *not* give institutional standing to large segments of humanity would suffer on grounds of legitimacy (A2). Given that a large body, like an assembly, is likely to be ineffective at the crisis management that is central to the tasks of a UNSC-like council, this implies that *at least some non-permanent seats are desirable in principle*. Non-permanent seats chosen by rotation, election, or some other rule allow for representation to be distributed over large populations while retaining the form of an executive committee that can analyze, bargain, and act expeditiously (A1).

Influence as measured by GNP. Though hardly perfect, the size of a state's economy as measured by GNP is the single best measure of power and influence on a broad range of international matters. The states with the largest economies necessarily exercise considerable power to "make things happen" through international collaboration, and they have considerable power to prevent things from happening if they do not agree among themselves or with others. A UNSC-like body cannot be effective if it does not allow significant influence for the economically strongest states in the international system.

The increasing importance and scope of the G8 summits as an international institution illustrates this principle. Though the summits started as a forum for addressing international macroeconomic issues, the G8 are increasingly taking on security affairs. Their most notable security initiative is the G8's Global Partnership against the Spread of Weapons and Materials for Mass Destruction, which is discussed further below. But the G8 have also negotiated agreements, initiatives, and commitments on regional peace processes (Bosnia, Kosovo, the Middle East, central Africa), counterterrorism, landmines, and peacekeeping operations in Africa.⁶ The forum has also served for political negotiations that have led to action in the Security Council. According to David Malone (2003), the Security Council Resolution that ratified and organized the end of hostilities between NATO and Kosovo (SCR 1244 of 10 June 1999) was "actually negotiated within the Group of Eight forum."

If votes were weighted by contribution to the global economy, then in an assembly of 191 members the states with the largest vote shares would be as in the second column of Table 2. Thus the U.S. would control about one third of the votes, the top ten states would control three quarters, and top 15 would control 82%.⁷

⁶See <http://www.g7.utoronto.ca/> for summaries of G8 initiatives and commitments.

⁷I used World Bank GDP figures for 2002 in constant U.S. dollars. Using purchasing power parity adjusted figures gives rather different results, but also makes no sense here since we are trying to measure economic influence rather than to make welfare comparisons.

Table 2. Votes weighted by economic size

Country	Assembly of 191 Vote %	Council of 15 Vote %
United States	32.7	39.8
Japan	12.6	15.3
Germany	6.2	7.6
United Kingdom	4.9	6.0
France	4.5	5.5
China	4.0	4.9
Italy	3.7	4.5
Canada	2.2	2.7
Spain	2.1	2.5
Mexico	2.0	2.4
India	1.6	2.0
South Korea	1.5	1.8
Brazil	1.4	1.7
Netherlands	1.3	1.6
Australia	1.3	1.6
Total	82.0	99.9

Note: P5 in bold.

For an executive committee of 10 to 25 members (rather than an assembly), there is again the issue of how to allocate the remaining vote shares among committee members. In this case, however, if the sole criterion were relative influence, the natural solution is to allocate proportionally. This yields the vote shares shown in the third column for a council of 15. Now the U.S. and Japan control about 55% of the votes on the council. The Western European states together control about 28%.

While such a scheme arguably does well by the necessary condition for council effectiveness (A1), it suffers on the grounds of legitimacy. Only 55% of global population is represented on a council of 15, and Africa, the Middle East, and Eastern Europe go wholly unrepresented.

There is a deeper problem with the rationale behind this scheme. The argument for representing power and influence is pragmatic. Without the major powers, an international institution risks irrelevance. But to produce resolutions on the use of force that have legitimacy, some kind of principled justification for the body is helpful and perhaps even necessary. Could the G8 take votes on whether force was permissible in various international crises? Yes, and perhaps this could help legitimize the use of force by indicating agreement among the major powers. But far better to have an institution established by some kind of initial consent among a broad spectrum of countries, whose founding principles make it more than an explicit major power club.

Influence as measured by military might. Total military spending correlates strongly with total GNP across countries, but the correlation is not perfect. And there can be little doubt that military capabilities are an important factor in determining the influence of a state in matters of international peace of security (for good or for ill). So at least on grounds of effectiveness (A1), one could argue

for putting some weight on relative military capabilities for membership and decision-making power in a UNSC-like body.

The argument is weak, however. This criterion would create a bad incentive, an incentive for militarism, which is contradictory to the very purpose of an international institution aimed at fostering peace and security. It is already a source of great trouble that some states' leaderships believe that becoming a nuclear weapons state is either a necessary condition or a valid claim for becoming a permanent member of the UNSC. (And given that the P5 are exactly the five nuclear weapons states recognized in the Non Proliferation Treaty, they may perhaps be forgiven the confusion.) So not only would this principle suffer on legitimacy grounds for the same reasons as representing economic might alone would, it is also dubious on purely pragmatic grounds.

Contribution to the UN. A principled justification that would have the effect of heavily weighting the major powers is that influence within the council should be related to contribution to the organization. This principle makes influence partly a matter of choice: If you want more influence, contribute more.

A highly attractive feature of this principle is that it provides an incentive for states to support the international institution. Lack of resources has been a persistent problem in the UN system. The UN Charter has provisions to suspend GA voting rights of state that does not pay its dues for two successive years, but these provisions only weakly tie influence within the organization to level of support provided and can be avoided even while a state runs up massive arrears. Imagine, hypothetically, a scheme whereby voting weights within the UNSC-like council are based on states' contributions to the organization, averaged over the preceding three or five years. This could give states a powerful incentive to make financial support of the organization a priority.

What would voting weights look like under this scheme? It is impossible to say since we don't know how much different states would choose to contribute. But we can make some guesses based on current UN dues and voluntary contributions.

UN activities are financed by state payments to three major accounts: the regular budget, the peacekeeping budget, and voluntary contributions (typically to specific agencies, such as UNHCR or UNICEF). "Capacity to pay" has long been the main principle behind the assessments for the regular and peacekeeping budgets, meaning that a country's total GNP is used as the baseline. But since the beginning the argument has been accepted that poorer countries should pay at a lower rate, leading to a "low income offset" scheme that reduces the dues for countries with per capita incomes below the world average. From the beginning there was also an agreement to cap the maximum share of any one state's contribution to the UN budget at 26%; this was reduced to 22% in recent negotiations. The second column of Table 3 shows how voting weights would be allocated in an assembly of 191 based on the official assessment scale for 2003.

Table 3. Votes weighted by UN dues

Country	Vote Share	GDP/World GDP
United States	22	32.7
Japan	19.6	12.6
Germany	9.8	6.2
France	6.5	4.5
United Kingdom	5.6	4.9
Italy	5.1	3.7
Canada	2.6	2.2
Spain	2.5	2.1
Brazil	2.2	1.4
Netherlands	1.7	1.3
South Korea	1.7	1.5
Australia	1.6	1.3
China	1.5	4.0
Russian Federation	1.2	1.1
Argentina	1.2	0.3
Total	84.8	79.8

Note: Top 15 in an assembly of 191

Not surprisingly, given the rule for computing dues, this scheme gives results similar to basing voting power on economic size. However, the United States' voting weight here is quite a bit less than its share of the global economy, due to the budget cap agreement. And because of the low income offset, the relatively rich countries – most of all Japan and Germany – gain more voting weight than their proportion of world GDP. China and India, by contrast, would have markedly less voting power if they chose to contribute at their current assessed levels, due to the low income discount built into the current scheme.

A better estimate of what states would actually choose to contribute might be what they now contribute voluntarily to UN agencies. Table 4 shows the vote shares that reflect states' proportions of total voluntary contributions in 1998 and 1999. Somewhat surprisingly in light of Congressional intransigence on the regular budget, the U.S. is close to its share of global GDP, higher than its budget-capped 22% on regular dues. And we see a large increase in influence for the Nordic countries and the Netherlands, who are big voluntary supporters of the organization.⁸

⁸The data is from Table 8 at <http://ceb.unsystem.org/hlcm/programmes/fb/financial.situation.htm>. It should be noted that the total size of voluntary contributions from the richest states is very large, sometimes greater than their assessed dues. At least in the U.S. case, one reason for greater Congressional willingness to make voluntary contributions is that Congress can negotiate the specifics of the use of money, whereas the regular dues are unrestricted funds. In-kind contributions are also common to some voluntary agencies. The U.S. contributes massive amounts of food to the UN's World Food Program, but this is basically the unloading of subsidized and protected U.S. farm production. For humanitarian purposes, it would be far better to lower first-world agricultural protection and subsidies to "level the playing field" with third-world farmers.

Table 4. Votes weighted by voluntary contributions to UN

Country	Vote Share	GDP/World GDP
United States	31.3	32.7
Japan	10.6	12.6
Netherlands	7.3	1.3
Norway	6.4	0.6
Sweden	5.8	0.8
United Kingdom	5.5	4.9
Denmark	5.4	0.5
Germany	4.1	6.2
Canada	3.7	2.2
Switzerland	2.7	0.8
Italy	2.5	3.7
Australia	2.1	1.3
France	1.7	4.5
Finland	1.7	0.4
Brazil	1.3	1.4
Total	92.1	73.9

Note: Top 15 in an assembly of 190

Basing voting weights on contributions to the organization has two major advantages. First, it provides a principled justification for a rule that is likely to satisfy A1, the condition for effectiveness. It seems fair in this context that those who contribute more should be granted more say. Second, it would provide good incentives for contributing to global public goods.

On the downside, this principle can be criticized on grounds of legitimacy, for not being likely to represent large portions of humanity. There is also the reasonable question of what constitutes a “contribution” to international peace and security that should be weighed in the formula for deciding influence. We take up this question next.

Contribution to international peace and security. The preceding section conceived of contributions narrowly, in terms of payments to the UN (or like body). But states that send their soldiers on peacekeeping missions are surely making a major contribution, even if they are paid. And states and organizations like the U.S. and NATO who supply military planning and logistical services in peacekeeping operations are making a contribution. For that matter, what about the fact that if the U.S. and other major powers suddenly stopped being willing to confront aggressive cross-border attacks, then it is likely that we would see a great deal of regional violence as some minor powers attacked smaller neighbors? Is this not a contribution to international peace and security? What about the protection of international sea lanes by various large navies? We could go on. What about the contribution made by states’ national development agencies? Arguably these contribute indirectly to peace and security.

Even for a hypothetical exercise, it is too fanciful to imagine how any agreement could be reached on an implementable scheme that took into account all such “contributions.” The one measurable

and clearly justifiable element in this list is contribution to peacekeeping forces. Countries that are willing to put their soldiers at risk for international peace should be recognized by more than pay. Indeed, under current circumstances, if they are compensated *only* by pay the arrangement begins to have an unpleasant mercenary flavor – rich countries paying for dangerous peacekeeping jobs undertaken by soldiers from very poor countries.⁹ There is a strong argument on grounds of legitimacy that those who contribute soldiers for peacekeeping missions should gain in representation within the council that decides on deployment.

Type of government. The only plausible principled justification for having states as the basis for organizing a UN-like body is that states are the best and most capable representatives of their citizens, whose welfare is the ultimate end of the institution.¹⁰ If so, then there is a strong argument that a government that does not represent the population it pretends to, in the sense of having been elected out of a free and fair democratic process, *should not have full or perhaps any representation in the international institution.*

The UN Charter begins speaking in the voice of “We the peoples ...” and Article 56 obligates members to promote “universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race sex, language, or religion.” In slight contradiction, the Charter also explicitly conceives of its Members as states, and specifies that “Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state ...” (Article 2.7). Certainly the Charter does not distinguish among domestic political regimes that would be more or less fit for UN membership. Rather, the only question seems to be whether the state is willing to accept the principles of international interaction outlined in the Charter. Thus the above proposal, to make membership or voice in a UNSC-like body conditional on a state’s observance democracy at home, is at odds with the present UN Charter, even if there might be a slight opening for the idea through the door of “human rights” and fundamental freedoms.

Nonetheless, on grounds of legitimacy the argument is quite compelling.¹¹ Moreover, there are

⁹During the Cold War, when most peacekeeping operations concerned monitoring cease-fire lines between states as opposed to complex operations in civil war torn countries, blue helmets came mainly from middle powers, often with high incomes per capita. Since the end of the Cold War this has changed markedly, as most peacekeeping troops now come from very poor countries. See the Brahimi Report (United Nations 2000) and Fearon and Laitin (2004).

¹⁰The UN Charter begins by saying that the purpose of the organization is to save “succeeding generations,” not states, from “the scourge of war”; to affirm “fundamental human rights” and the “dignity and worth of the human person”; and to promote “social progress and better standards of life” (Preamble). This interpretation of the ends of the institution seems to have become increasingly accepted over time, as evidenced by, for example, International Commission on Intervention and State Sovereignty (2001) and United Nations (2004).

¹¹In defense of an organization open to all states, one might counter that the argument incorrectly assumes electoral democracy to be the only form of government that can properly represent a nation, either because (a) some governments always know better than their citizens what is good for them, or (b) the citizens may approve of nondemocratic government. The first denies the premise of human equality in the UN Charter, and so is even more radical than the

good reasons to believe that limiting membership in the organization to certified democracies could have important practical benefits and advantages for effectiveness as well.

Most of all, making membership or voice contingent on electoral democracy would provide a powerful incentive for states to maintain or move towards to democracy. In recent years compelling examples have emerged in Eastern Europe, where democratic “conditionality” in EU and related institutions have exerted strong and generally very positive effects.

If one thinks democracy is a good form of government, this is a good thing by itself. But for at least three reasons it is also a good thing for the promotion and maintenance of international peace and security.

First, a substantial body of scholarship finds that democracies have been much less likely to fight wars against each other.¹² Second, one of the major security threats of the last 60-odd years, mass killing by governments, is much less likely to occur in democratic regimes. Civil wars are less likely in established democracies, and the levels of violence and killing appear to be lower in the civil wars that do occur in democracies.¹³ Thus, creating an international institutional incentive for democracy and democratic consolidation could be major contribution to reducing all three of the major security threats afflicting most of the world’s population.

Third, democracies are apt to be less secretive and more willing to abide by the international rule of law, and thus with international regimes for the monitoring and control of WMD. In general, stable democracies are much less of an international threat on the WMD front than are narrowly-held dictatorships. The spread of democracy could therefore lessen Annan’s central concern about unilateral preemptive attacks by the U.S. or other major powers worried about WMD proliferation and aid to terrorists.

Indeed, whether or not making democracy a condition for membership or voice in a UN-like body is politically feasible, reforms of existing international institutions should consider ways to promote democracy as a matter of promoting international peace and security. Democratic transitions can be dangerous for various reasons, but in the long run it is a hard to see how the main security threats of the coming century can be well addressed except in a world of stable democracies. We return to the issue of what can be done on this front in section 6 below.

Although the normative and practical arguments for making democracy a condition for membership

proposal for democratic membership. The second can be revealed only by holding free and fair elections at regular intervals.

¹²See Russett and Oneal (2001) for a good recent statement and presentation of the evidence.

¹³Whether electoral democracy causes a state to have a lower civil war risk is not clear; it may be that established democracies tend to be wealthier and high income reduces civil war odds. On democracy and casualties in civil war, see Lacina (2004).

or voice are strong, one can pose reasonable objections on grounds of A1, effectiveness. Under any serious criteria for “democracy,” China would either not be admitted to the organization or would have little voice in the UNSC-like council. Yet China holds 20% of global population and is a major power. And while apart from China the world’s largest economies are all democracies (see Table 2), about 40% of the world’s population lives in countries that are not democratic by standard measures (20% besides China).¹⁴

On the plus side, then, making democracy a condition for membership or voice could provide powerful incentives for democratization and for the consolidation of democratic gains. And as argued, successful democratization may be a necessary condition for the promotion and maintenance of international peace and security in the 21st century. But these advantages could come at a short- or medium-run cost of increased conflict with the dictatorships excluded from the institution.¹⁵

If we could start from scratch: Summary and conclusions.

- States are the most capable and plausibly the best representatives of the people whose welfare is the end of international peace and security. Thus it still makes sense to base an international institution dedicated to this end on *states as members*.
- However states are wildly unequal in terms of population and various capabilities to affect and contribute to international peace and security. Thus basing an international institution like the UN on *the principle of “one state one vote” is a prescription for irrelevance*. Because states vary so radically in population and because so many states comprise such a tiny fraction of world population, “one state one vote” as the main basis for decision-making in an international institution is not only impractical but also unethical.
- Thus, on grounds of both legitimacy and effectiveness, some form of *weighted voting* and/or *elected nonpermanent membership status* are desirable in the institution (and especially in a UNSC-like body).
- *Votes should be weighted by criteria that are dynamic* in the sense of being able to reflect changes in the international distribution of population and influence. Without this, the international institution will not be robust to international change.
- There are several plausible dynamic criteria for weighting influence within an international institution – in particular, *population, economic size, contributions to the institution and to peacekeeping forces, and democracy*. One commonly suggested criterion – military size or nuclear status – creates the wrong incentives and should not be incorporated in any reform scheme.

¹⁴This estimate is derived by coding as “democratic” states that scored over 5 on the Polity IV index for 2002. See <http://www.cidcm.umd.edu/inscr/polity/>.

¹⁵These costs might be mitigated by providing for associate membership, or by retaining a universal membership organization while shifting funding and program action to an international institution for democracies.

- No one of these criteria by itself implies an institution that would perform well on both effectiveness and legitimacy grounds, though all have some advantages for one or the other. Therefore, if we could start from scratch, it would be desirable to base influence and perhaps membership in the UNSC-like body on *a mix of state characteristics, combined by some formula.*

These general considerations can also be turned around and used to identify the major pluses and minuses of the UN's present design.

- Most obviously, the criteria for UNSC membership are not dynamic for the P5. With international change over 50 years, this has led to a situation where some major powers who contribute a great deal to the institution have considerably less formal power than others in the council, or are sometimes not represented there at all. And the veto arguably gives some or all of the P5 more influence than would be optimal in a weighted scheme along the lines suggested above. As a result, the UNSC in its present form is less legitimate and less effective than it might be.
- Outside the central problem of the P5 and the veto, the use of nonpermanent seats chosen by regional groupings has managed, with some success, to spread representation on the SC around a large number of countries. At the same time, the system has managed to give "weight" (in terms of time on the Council) to relatively more influential states who contribute a lot to the institution.

Figure 1 below graphs the percentage of time each member state has spent on the Security Council since 1945 (or since its independence) against country GDP. The P5 are in the upper right corner. Notice that some of the main aspirants for permanent status have done relatively well in terms of time spent on the Council under the system of choice by regional groupings.

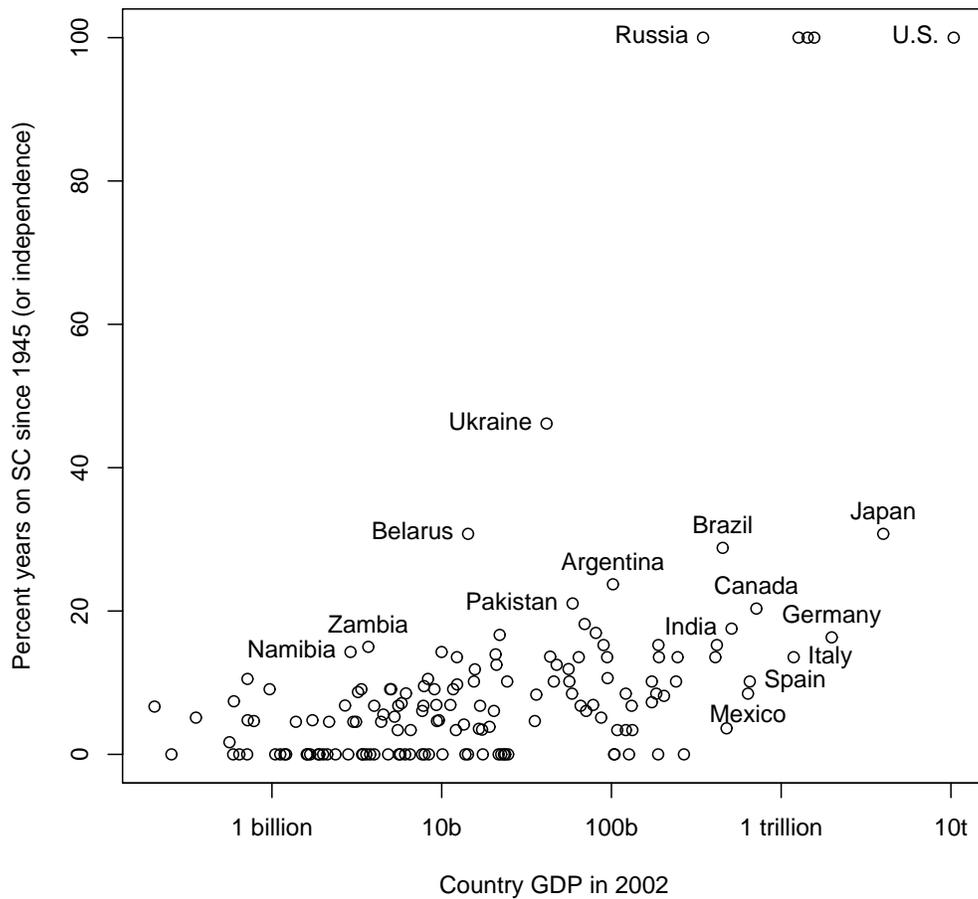
This suggests that greater SC legitimacy and possibly effectiveness could be gained by a reform that: (a) increased the number of nonpermanent seats; (b) increased the length of at least some nonpermanent seat terms; and (c) added dynamic and appropriate criteria that nonpermanent SC members would need to satisfy. One such proposal is developed by the UN High-level Panel Report (United Nations 2004), and is discussed more below.

- Current thinking on UN reform focuses on the Security Council and for the most part ignores the General Assembly. This reflects the largely correct perception that the SC is an important and sometimes effective body, while the GA is not. But ignoring GA reform is a mistake. Making the GA a more effective body by changing its voting rules so that votes are weighted by contribution to the organization should be seriously considered. It is even possible that the GA membership, or a large fraction of it, could come to see such a reform as desirable. What is the use of equal voting power (by state) if votes count for nothing?¹⁶

¹⁶In the mid-1980s the UN faced a financial crisis stemming in a large measure from a U.S. Congressional bill that "stipulated that one-fifth of US dues were to be withheld until the General Assembly and the specialized agencies

- There are strong arguments that making democracy a condition for membership or voice is both ethically desirable and practically important in order to promote international peace and security in 21st century conditions. But the UN as presently conceived cannot accommodate this. The UN can, of course, take various actions to promote democracy when the member states (especially on the SC) are so agreed. They have done so with surprising frequency since the end of the Cold War. But to get the major international benefits of making democracy a condition for membership or voice, a refounding would be necessary.

Figure 1. Percent time on UNSC by country GDP



adopted the practice of financially weighted voting on budget matters” (Luck 2003, 42). The crisis was resolved with an agreement that budgetary decisions would require consensus, thus keeping formally within the “one state one vote” system but reducing the ability to get anything done.

4.1.3 Three scenarios

In this section I consider three scenarios for UN reform intended to make the body more effective, more legitimate, and better able to manage the central dilemma identified in Kofi Annan's September 2003 address to the General Assembly. I begin with the most radical proposal – essentially to disband the current United Nations and found a new and improved version – and proceed with successively more modest and perhaps feasible proposals.

Founding a New United Nations

Though it is doubtless a radical proposal, founding a new United Nations would be easier and more feasible than one might first imagine. As suggested by Tables 3 and 4, a handful of advanced industrial democracies provide almost all the financial support for the current UN system. The top five contributors supply close to two thirds of the total UN budget. If they agreed among themselves to withdraw from the organization, the UN could not survive for lack of resources, reduced effectiveness, and possibly loss of legitimacy as well.

To found a new institution, the set of major powers withdrawing from the old UN would need to convene international conferences to negotiate a new charter and to invite a new membership to join an institution that would take over or adapt many of the central functions of the UN. With broad enough international assent, it would not be necessary to start entirely from scratch. Parts of the UN system, such as various specialized agencies, could be incorporated or adapted wholesale.

The most ambitious departure a new United Nations could make would be to restrict full membership to electoral democracies. As argued above, making democracy a condition for membership or voice may be essential for maintaining international peace and security in the long run. There is also a powerful argument on grounds of legitimacy – that the people of the world merit, for the first time, a United *Nations* rather than a de facto United *Governments*.

The main institutional innovation this would require would be a credible international agency for monitoring and certifying elections. The criteria for deciding who was democratic enough to join (or to gain vote share or representation on the SC-like council) would have to be relatively objective and verifiable. The agency would be empowered to observe and monitor election practices in members and aspiring members, and to report on how they fare relative to a set of agreed on standards. The agency would report to a relevant council or committee of the new institution, which would make membership decisions.

The seeds for such an agency are already planted and growing in international institutions, including in the current UN. The UN's Department of Political Affairs already provides extensive assistance and expertise in setting up electoral systems and elections in new democracies. Several interna-

tional groups provide election monitoring services that increasingly play a role in legitimizing new regimes as democratic or discrediting them as dictatorial.¹⁷ As I discuss further below, whether or not radical restructuring of international institutions is undertaken, the proposal to develop a core international institution for the construction, monitoring, and certification of democratic elections should be seriously considered by the Task Force.

Following the arguments made above, the other major innovation desirable in a new UN would be to ground decision-making influence in dynamic criteria that reflect (1) the diversity of global population, (2) the distribution of economic and political influence, and (3) states' choices about how much to contribute to the organization.

Weighted voting should be the norm in a new General Assembly. Weighting by financial and peace-keeping contributions would be the easiest to implement, most justifiable, and most likely to yield a body with both legitimacy and the potential to matter. With an assurance of greater influence on average, the major powers might be willing to grant more powers to a new GA than the old GA has, which in turn might be attractive to a coalition of the current membership.¹⁸

The design of a new Security Council poses thornier problems. There would be no point to constructing a new UN unless the new UNSC was to be governed by some scheme of weighted voting (as in the World Bank and IMF) and not by the current system of vetoes for the P5. But why would the present P5 (or the democracies among them) agree to give up their vetoes for weighted voting in a new and untested institution? This is where this scenario looks particularly "politically infeasible," at least under current international conditions.

Veto power is desirable because it allows a state to block resolutions condemning its uses of force, to block resolutions in favor of use of force by others that it does not approve of, and to block sundry other resolutions that it might find annoying or unhelpful. Veto power also gives a state enormous leverage in bargaining over the content of resolutions that do pass.

The P5 will be willing to trade veto power for weighted voting only if the costs of losing a vote on the use of force decline, or if weighted voting can make the council so much more productive and useful on average that occasional losses are judged worthwhile. Consider first how the costs of losing a vote on the use of force might be reduced.

The charter for a new UN could specify that states have the right to use force in self-defense and that, in the end, states judge what constitutes self-defense in their particular cases. The point of SC resolutions on the use of force would not be to "make international law," but *to offer an authoritative statement of international opinion on the justification for force in particular circumstances*. SC

¹⁷Carter Center, OSCE in Europe, OAS in Latin America, others.

¹⁸It is worth pointing out that weighted voting in GA would pose no barrier to states using it for symbolic politics, which certainly have their place. Nothing would stop members from introducing resolutions destined for defeat, but designed to make opponents embarrassed or uncomfortable in voting them down.

resolutions would then matter by influencing how the international community of states would react and respond to uses of force. States would have an incentive to gain support of the council on the use of force, in so far as this confers a sense of legitimacy and broader international support and assistance.¹⁹ But a resolution saying that the justification for force was weak and that the council did not approve would not have the status of a “binding” obligation.

De facto, this is how the present system already operates, except that SC resolutions are understood to be binding in some hypothetical sense of international law. The proposal here is to formally weaken this hypothetical sense of legal obligation, which has in any event been routinely violated from the Cold War to the present, to the detriment of the UN's legitimacy and authority. This could make the veto less valuable to its possessors, and so make them more willing to contemplate a possibly much more productive SC based on more permissive decision rules.²⁰

The second thing that would make the P5 more willing to consider moving towards a weighted voting scheme would be if the average benefits of international cooperation through the council increased for these states, for whatever reason. Veto power protects a state from resolutions that it dislikes intensely. But the veto system also means that resolutions beneficial for many states will sometimes be blocked by a veto. The more common the latter event – which depends on the average benefits available from international coordination through an SC-like body – the greater the attraction of majority or supramajority rule versus a veto system.

Put differently, vetoes protect their holders from bad outcomes, but at the expense of reducing average council effectiveness. If international change increases the value of international cooperation, or if council members come to learn that on average the advantages of cooperation outweigh the costs of occasional losses, then moving towards majority or supramajority rule becomes more appealing and feasible.²¹ This is arguably part of the story behind the EU's gradual moves towards weighted majority voting in the Council of Ministers.

Despite some signal failures, the UNSC was a much more productive and effective body for organizing international cooperation on security matters in the 1990s than ever before. There are structural reasons for this change. The major powers that dominate the Security Council are less ideologically opposed than during the Cold War, and they share interests in addressing diverse

¹⁹An analogy from international monetary affairs: Private lenders often condition their behavior on whether the IMF has entered into an arrangement with a state experiencing balance of payments problems, even though the IMF does not formally “make law” about who can lend to whom, when and where.

²⁰It is ironic and curious that the politicians and pundits in the U.S. who are most dismissive of UN authority are also the most strongly opposed to considering any plan that would weaken U.S. veto power in the Security Council. If the U.S. “needs no permission slip” to use force, then why insist on having a veto?

²¹When interests are perfectly coincident, the specific decision rule (vetoes, majority rule, weighted majority rule, etc.) does not matter, since cooperation will occur regardless. When state interests are often strongly opposed, a veto system is more desirable. In between, weighted majority rule is more attractive.

bad consequences of terrorism, state collapse and civil war in various regions. It is conceivable – though I would grant, not likely in present circumstances – that a bargain could be struck on weighted voting in a new UNSC based on the combination of downgrading the hypothetical “binding status” of SC resolutions and increased average benefits for international coordination on terrorism, peacekeeping, post-conflict reconstruction, and (perhaps) the control of WMD.

A final class of proposals for how to gain agreement on a veto-free Security Council involves incremental reform intended to allow states to experience the results of weighted voting in one area before extending it to other, more sensitive areas. This idea would apply to reform within the context of the present UN rather than in a radical refounding; it is discussed further below.

The terms of reference for this study encourage the development of ideas and proposals ranging broadly from “outside the box” to more practical and politically feasible suggestions for specific reforms. This section is, of course, in the spirit of thinking “outside the box.” Disbanding the current UN and reconstructing a new international institution for the promotion of international peace and security is a rather ambitious project. At a minimum it would require a major U.S. diplomatic initiative (impossible with the current administration), and strong support from Japan, India, Brazil, and several major European powers, at the least.

But even if such a major project is not feasible, it is important to note that *serious and significant UN reform may be impossible without implicitly threatening a more radical reconstruction*. If member states believe that the status quo is the default option, then 60 years’ growth of myriad interlocking status quo interests will make genuine restructuring to solve the new problems of international security impossible. Potentially one contribution the Task Force could make would be to develop proposals that go outside or around the UN, in the interest of either furthering serious action within the UN or getting serious action outside it.

For example, what about reforms that would have the existing international institutions that help coordinate the activities of the world’s largest democracies undertaking UNSC-like deliberations on the authorization of the use of force? Could the G8 institute a procedure whereby a member could call for a special meeting to discuss the justification for the use of force in some particular situation, with a view to taking a majority vote on a resolution endorsing (or potentially condemning the action)? There would be no pretense that such a resolution would have “the force of international law,” but it could certainly contribute to legitimizing or delegitimizing uses of military force.

Major UN reform

Moving to an organization of democracies for the promotion and maintenance of international peace and security cannot be accomplished within the context of the present UN system. Several of the other ideas discussed above could. In particular:

1. The UNSC could be made more effective and more legitimate by
 - (a) adding nonpermanent members who would have to satisfy certain criteria to be eligible (in terms of contribution to the organization and/or peacekeeping forces, for example);
 - (b) moving to or towards weighted voting rather than the present system of vetoes for the P5;
 - (c) in combination with (b), and as a possible condition for its acceptance, clarifying that SC resolutions on the use of force may express international approval or disapproval in particular cases, but that they do not amount to legal determinations of what constitutes “self defense” by a state.
2. The General Assembly could be made more effective, legitimate, and influential by moving to a system of weighted voting in which weights were determined by contribution to the organization and to peacekeeping forces.

These are still major projects. But it is hard to see how, without reforms along these lines, Annan's goal of an effective UN that makes the pursuit of national security through the institution attractive can be reached.

Adding more veto holders would decrease SC effectiveness by making it yet harder to gain agreement on resolutions that are beneficial on average. Adding permanent members (without vetoes) merely increases the problem of a UNSC that is not responsive to international change (i.e., is not dynamic). It makes more sense to add nonpermanent seats that have renewable terms and criteria to be met by aspirants – in particular, contribution to the organization and to peacekeeping. This would allow some of the major contributors to gain de facto or nearly permanent representation, but without freezing the system. It would in addition retain an important advantage of nonpermanent seats, their ability to spread representation around a larger number of states (and hence, people).

The single most difficult and probably politically impossible reform concerns how to move away from the veto system towards weighted voting. One idea worth exploring is whether the P5 could reach agreement on limiting the veto system to a certain class of issues or resolutions, for instance, those invoking Chapter 7, or those calling on a state or coalition of states to use or not use military force. Other resolutions would be subject to weighted majority rule, or weighted majority rule with a quota greater than 50%. The idea would be to provide the opportunity to experience how the weighted system would perform in less sensitive areas, and to make possible greater average effectiveness in these areas. The expansion of qualified majority voting in the EU system has followed this path, broadly speaking.

A potential problem is that if there were two voting procedures available in the UNSC, there would inevitably be disputes over which ought to be applied; the rules could not specify every contingency in advance. And in contrast to the EU, the UN has no judicial authority empowered to decide such disputes. Nor is it likely to get one, at least before there is major and proven successful reform of

the existing bodies.²²

A minimalist way around this problem would be to let the SC itself decide on which voting procedure to adopt, after submission of a draft resolution. This procedural decision would be taken under the veto system. Of course, this would effectively allow the veto system to cover any issue and any resolution. But it would still provide an opening for decisions made under weighted majority rule, and for the development of informal Council norms on what procedure would apply to what types of questions and problems.

Another idea would be to introduce weighted voting into the *committees* created by the Security Council to oversee sanctions implementation, counterterrorism, and implementation of Resolution 1540 (preventing non-State groups access to WMD). These committees operate under unanimity rule (thus all 15 members have vetoes), which has in some cases greatly undermined effectiveness. Could agreement be reached on allowing majority rule, weighted or not, for some of the committees, or for new SC committees yet to be created?

Minor UN reform: the UN High Level Panel options

The UN High Level Panel on Threats, Challenges, and Change proposes two possible reform schemes for the UN Security Council (United Nations 2004, paras. 244-60). In both, nine seats are added, bringing the total to 24. None of the new seats comes with veto power, and the Panel does not propose to take the veto from the P5.

In Model A, six of the nine new seats are “permanent” – two for the Africa regional grouping, two for Asia and the Pacific, one for Europe, and one for the Americas. Three would be two-year non-renewable seats. One of these would go to Africa, one to Asia/Pacific, and the Americas would gain two (Model A proposes redistributing one existing nonpermanent seat away from Europe). The net effect is to give six total seats to each of the four regional groupings.

In Model B, no new permanent seats are created. Instead, eight of the nine fall in a new category of four-year *renewable* seats, with two allocated to each of the four regional groupings. With the one new two-year nonrenewable seat and some redistributing from the current pattern, Africa and the Americas would each gain one nonrenewable seat, Europe would lose one, and Asia/Pacific would stay the same at three. Again the total effect is to endow each of the four regions with six total seats.

In line with the arguments made above, the High-level Panel stresses that for any SC reform *the*

²²In fact, Article 27 provides for two voting procedures for the UNSC. Decisions “on procedural matters” are to be taken by majority vote, whereas “all other matters” are to be decided under the rule of nine affirmative votes plus concurring votes by the P5. Unfortunately, “procedural matters” is never defined or even fleshed out in the Charter, and the approach has only been used once in the history of the SC.

extent of financial, military, and diplomatic contribution to the United Nations constitutes the most plausible and sensible criterion for SC membership.²³ The Panel argues that “a method of encouraging Members States to contribute more to international peace and security” would be to have the General Assembly elect members to the new permanent or four-year seats giving explicit preference to top three contributors in each region (in terms of regular budget, voluntary contributions, or peacekeeping troops). This is essentially all the Panel says about the specifics of deciding how to allocate the new seats.

It is interesting that the Panel was unable to agree on a single proposal for SC reform. I think it is evident that the Model A is inconsistent with the thrust of the Panel’s arguments, and was probably included due to political considerations more than substantive merit. Permanent seats cannot respond to changes in the international distribution of power and influence, a problem the Panel notes with the present arrangement (para. 246), and a problem noted by those states most active in lobbying for permanent status. Nor do permanent seats provide an incentive to contribute to the organization’s goals and functioning.

Almost openly contradicting the premise of Model A, the report also states that

The Panel was strongly of the view that no change to the composition of the Security Council should itself be regarded as permanent or unchallengeable in the future. *Therefore, there should be a review of the composition of the Security Council in 2020, including, in this context, a review of the contribution ... of permanent and non-permanent members from the point of view of the Council’s effectiveness in taking collective action to prevent and remove new and old threats to international peace and security* (para. 255, emphasis in original).

But if the composition of the SC is to be “reviewed,” then what exactly does “permanent” status mean? And what body would be empowered to undertake the review? And can anyone imagine that a state given “permanent status” on the SC would give it up due to the report of a committee, or even that a committee would be willing to recommend such a thing? This paragraph makes more sense if Model B, the option with renewable four-year terms, is selected. If the Panel feels that the composition of the SC should not be regarded as permanent or unchallengeable (which as argued above is entirely reasonable), this paragraph would seem to argue strongly for Model B.

If the UN were to follow the Panel’s recommendations about making contributions the main criterion for selecting new SC members, what would be the most likely result? Both models would probably

²³Reforms “should, in honouring Article 23 of the Charter of the United Nations, increase the involvement of those who contribute the most to the United Nations financially, militarily, and diplomatically – specifically in terms of contributions to United Nations assessed budgets, participation in mandated peace operations, contributions to voluntary activities of the United Nations in the areas of security and development, and diplomatic activities in support of United Nations objectives and mandates” (United Nations 2004, para. 249).

add the same set of new permanent or renewable members. In Model A, Japan and India would probably get the two new permanent Asian seats; Germany the new European seat; Brazil the new Americas seat; and two of South Africa, Nigeria, and Egypt the African seats. With Model B, the difference is that there are additional renewable seats for Europe and the Americas, which gives Italy, Mexico, and Argentina a strong incentive to prefer Model B.²⁴

Supposing these were the results, how would the SC's legitimacy and effectiveness be affected? Both models do well on increasing SC legitimacy, with Model B clearly superior. As Table 5 shows, both models, but especially Model B, increase the share of world population represented as permanent or semi-permanent members to well over 50%, considerably above the current arrangement. By allowing for change and some degree of sharing of renewable seats over time among major contributors, Model B would do even better on legitimacy and efficacy grounds than is indicated by the figures in the table. (For example, Indonesia, the world's largest Muslim country, might periodically serve in a four-year renewable seat.)

Table 5. Likely permanent/renewable members of "Model A" and "Model B" Security Councils

Country	GDP %	Population %	UN dues %
United States	32.7	4.6	22.0
Japan	12.6	2.0	19.6
Germany	6.2	1.3	9.8
United Kingdom	4.9	0.9	5.6
France	4.5	1.0	6.5
China	4.0	20.4	1.5
<i>Italy</i>	3.7	0.9	5.1
<i>Mexico</i>	2.0	1.7	1.1
India	1.6	16.7	0.3
Brazil	1.4	2.9	2.2
Russia	1.1	2.3	1.2
South Africa	0.3	0.7	0.4
Egypt	0.3	1.2	0.1
P5 total (% of world)	47.2	29.2	36.8
Model A total (% of world)	69.6	54.0	69.2
Model B Total (% of world)	75.3	56.6	75.4

Notes: Italicized countries are Model B only; P5 in bold.

Regarding effectiveness, the most important feature of the Panel's proposals is that they counsel against adding vetoes (para. 256), which would unambiguously reduce effectiveness. The Task Force should certainly support this recommendation, along with the Panel's support for "indicative voting" (SC members could call for public indications of positions on a resolution, to "flush out" the

²⁴There may be a real danger of a log-roll in which the states agree to Model B with permanent seats, thus adding eight permanent seats instead of six as in Model A.

veto), and the call that the veto not be used “in cases of genocide and large-scale human rights abuses.”

Despite the Panel’s conclusion that there is “no practical way of changing the existing member’s veto powers,” it is plausible that adding more major powers will make the body more effective by raising the costs to P5 members of using the veto. It may be harder to stand alone against 24 states covering more than half the world’s population and two-thirds of the world’s economic production than to stand alone against 15. If so, this change may increase effectiveness by increasing the ability to get a majority with no vetoes, although it could simultaneously reduce the incentive of some major powers to “play ball” with the UN in the first place.

A weakness of the High-level Panel Report is its treatment of the other major bodies of the UN besides the Security Council. The lack of credibility and utter lack of effectiveness of the General Assembly is noted (paras. 240-43), but no concrete or serious proposals on GA reform are offered. Similarly, ECOSOC is largely dismissed. The argument of the Panel seems to be that the Security Council is the one working organ of the system, so that reform efforts should be focused there to make sure the institution as a whole remains important and relevant in the 21st century.

But why should member states continue to pay for an institution if all but two of its six principal organs (the Security Council and perhaps the Secretariat) are broken or no longer relevant?²⁵ Seen in this light, the Panel may unintentionally imply that the UN needs much more fundamental reform than the Report suggests. Is it really plausible that all hope for the UN as a vital institution in the next century can rest on a renewed Security Council? Can it bear this weight?

The Task Force should consider endorsing the High-level Panel’s Model B recommendation for SC reform, and in my opinion should consider arguing against Model A. The Task Force might also consider arguing for applying the same spirit of serious, significant reform to the General Assembly and ECOSOC that the Panel Report has so capably applied to the Security Council. For example, if ECOSOC plays no critical role at this point, should it be eliminated and greatly streamlined? As suggested above, is there a structural reform proposal for the GA that would increase its powers in exchange for moving away from the consensus and one-state-one-vote system?

Standards for the use of force to prevent genocide or to promote regime change

Despite the UNSC’s failure to confront genocide in Rwanda and systematic ethnic cleansing in Bosnia, veto threats paralyzed the body in early 1999 as evidence of possible genocide by Milosevic’s forces mounted in Kosovo. NATO intervened without UNSC authorization, but subsequently received after-the-fact UNSC endorsement, in UNSCR 1244 (1999) and in the UN peacekeeping

²⁵The other principal organs established by the UN Charter are the General Assembly, ECOSOC, the Trusteeship Council, and the International Court of Justice. The Panel recommends shutting the Trusteeship Council down.

operation UNMIK.

Along with many others, the International Commission on Intervention and State Sovereignty (ICISS) argued that the failure to authorize force in this case of impending genocide reflected badly on the UNSC, and that subsequent failures of the same sort would tend to undermine its authority.²⁶ The ICISS did not offer recommendations for structural reform to lower the odds of SC paralysis or to increase its legitimacy when it does act. Instead, the Commission argued for international acceptance of a new *standard* – that states have a “responsibility to protect” their citizens from harm, and that when a state egregiously fails in this duty the charge should revert to the international community.

To give force to the standard, the Commission recommended that the General Assembly pass resolutions endorsing the idea of a responsibility to protect and defining thresholds that must be reached to justify intervention. They asked the UNSC to develop “Principles for Military Intervention” and to “reach agreement” not to veto interventions “for human protection purposes for which there is otherwise majority support” (8.28-29). The Commission also recommends more decentralized efforts to cultivate an international norm in favor of intervention to end massive human rights abuses.

The Task Force might consider contributing to this norm-in-development by endorsing the Commission’s concept, and calling on the GA and UNSC to take up the matter more formally. In the wake of the latest Iraq war, the Task Force might consider recommending the development of international standards concerning intervention against the governments of states that support international terrorism or illegal nuclear proliferation.

There are, however, reasons to doubt that the “standards approach” is likely to work well to improve the system of collective authorization of the use of force. In the first place, the conditions for particular interventions are too idiosyncratic to be legislated in advance. Generic standards must be interpreted in light of particular instances, and the closest thing to an authoritative interpreter is precisely the UN Security Council. The real problem is to render the UNSC a more effective and legitimate body in its decisions on the use of the force. Second, given the vagaries of particular cases, it is not even clear that it would be wise to try to specify precise “thresholds” or other circumstances such that international intervention would be obligated in some sense.

Third, in political terms, it will be easier to get states to agree on international intervention in *particular* cases of massive human rights violations than to agree to endorse humanitarian intervention in *general*. The reason is that in particular cases states know whose “ox is gored,” whereas in the abstract it could always be your ox. It may be more pragmatic and effective *not* to invest resources in getting verbal endorsements of a responsibility to protect, but instead to devote resources to making it less costly and more effective to intervene collectively when candidate occasions arise.

²⁶ICISS (2001, 6.40). Whether the events of 1998 in Kosovo were “genocide” was debated at the time, although subsequent investigations have tended to support the claim (Independent International Commission on Kosovo 2000). In any event, massive human rights abuses were certainly at issue.

Fourth, it is not as if powerful international standards concerning genocide do not already exist. The UN's Convention on the Prevention and Punishment of the Crime of Genocide came into force in 1951 and has been acceded to by over 130 states. The main obstacle to international intervention to prevent genocide has not been sovereignty norms, but rather lack of political will to bear the costs of intervention or to put aside or manage concerns about precedent. One current proposal in this sphere – to amend the Genocide Convention to *compel* state action to prevent genocide – would probably just make for more bitter hypocrisy.²⁷

The problem of defining and getting international agreement on a broad and abstract set of standards for conditions for *regime change* would seem even more vexed. It might be more productive to stress and promote the following:

- Make it easier for the IAEA to report violations, and to report violations in a manner that makes it clear that enforcement action is warranted. For example, states under investigation should not be allowed to participate in IAEA Board deliberations and votes on their own cases.
- Recommend that the Security Council not make Chapter VII demands unless it has a prior agreement to support enforcement action if the demands are not met. Since the end of the Cold War the UNSC has routinely passed resolutions under Chapter VII that have been ignored by their targets, and then noncompliance is ignored or simply “deplored” by the Council. This tendency undermines the authority and seriousness of the institution.

Alternate platforms for legitimating the use of force

The Task Force could consider recommending that international bodies other than UNSC pronounce on the legitimacy of the use of the force in future cases. NATO's agreement on action in Kosovo is often cited as a positive, multilateral authorization of a sort, justified in part by the SC's failure to act in a case that had a strong moral argument in favor of intervention.

The G8 or the G20 could consider an agreement that any member could call for a special meeting to negotiate a resolution for or against use of force in some particular matter. Any member could, in effect, “veto” the proposal to convene, but in some number of cases the members would see possible advantages to negotiating an agreement and so would be willing to attend. Failure to convene such a meeting would itself be evidence of lack of support, and thus lower legitimacy.

A “community of democracies” – a new international organization admitting only certified democracies as members – might be especially effective with such a procedure (with a large number

²⁷At present, the Convention asserts that persons committing genocide “shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals” (Article IV), and that essentially recommends that the UN take up the question of enforcement (Article VIII).

of members, one could convene the meeting if some threshold number agreed to attend). The point, again, would be to create an alternative international forum for deliberation and endorsement or condemnation of proposals to use force in the name of international peace and security. Such declarations would not have “the force of international law,” for what that is worth, but they would signal degrees of international assent and thus add to or subtract from the legitimacy of various acts.

4.2 Effective international monitoring and control of WMD

In current international circumstances, effective control and monitoring of WMD weapons materials and nuclear proliferation is not simply a “first world” security problem. Nor is it a problem that can be neatly separated from other important threats such as regional conflicts or even civil war. Without an effective international regime controlling or preventing WMD proliferation and access, the U.S. or other major powers may act unilaterally in a manner that will cause a general increase in international insecurity. Increased diversion of resources into arms programs, increased regional conflict and war, and less attention and resources to development and peacekeeping operations are possible consequences.

The major international institutions concerned with peace and security have focused too little on this problem in recent years, although some recent SC resolutions are starting to make up ground. More than in most areas of international security, in this one there are a number of reasonable, actionable proposals for what should be done, and for several of these the “bang for the buck” is likely to be large. Lacking space and specific expertise in this area, I will begin by reviewing some of the major programs and proposals “on the table.” I then address deeper problems with the present regime based on the Nuclear Nonproliferation Treaty (NPT), which I argue is unsustainable in the medium run and requires fundamental reform. For lack of space and because the threat posed by nuclear weapons is orders of magnitude greater than that posed by biological and chemical weapons at this point, I focus on nuclear weapons.

First, however, a few words about policies and institutional reforms to address *the international demand* for WMD. Most of the specific recommendations below appear, on the surface, to be addressing the problem of how to limit or monitor the supply of WMD. However, WMD are an example of “good” that has the unusual feature that, up to a point, reduced supply implies reduced demand. This is recognized in one of the core bargains implicit of the NPT treaty. If states agree not to seek nuclear weapons and to restrict access to nuclear materials, this reassurance reduces the demand for nuclear weapons by reducing the worry that others will get them, putting you at a disadvantage. In other words, making it harder to acquire and keep nuclear weapons (limiting supply), can in this case reduce demand for WMD by making all states less concerned about neighbors “going nuclear.”

Of course, there are other sources of state demand for WMD. One is the fear of being coerced by

an existing nuclear state. This is one of the main reasons that I have stressed the importance of Security Council reform in this paper. If the U.S., fearful of nuclear terrorism, unilaterally attacks suspected proliferators, general demand for covert nuclear weapons programs may go up as states look for security against possible threats and invasion. If, on the other hand, the Security Council is able to balance legitimate concerns about dangers of proliferation against concerns about unilateral, preventive uses of force, then this source of WMD demand may be somewhat curtailed. A central reason we need a reformed and more effective Security Council is to better address the dilemma of demand for WMD.

A final important source of demand for WMD is the idea that a government can gain international and domestic political prestige by building the bomb. I discuss this problem below in discussing the need for fundamental reform of the NPT treaty, which privileges a fixed set of five nuclear powers, thus almost inevitably creating demand for WMD as a prestige item.

As to policy measures to reduce demand for nuclear weapons, one should always note the importance of ameliorating regional security dilemmas, as in the Middle East, Kashmir, and on the Korean peninsula. Easier said than done, however.

4.2.1 Immediate measures

Ratification and generalization of the Additional Protocol on IAEA safeguards. The experiences of Iraq and North Korea in the late 1980s demonstrated that under the NPT regime it was possible for a state seeking to develop nuclear weapons to exploit treaty-guaranteed access to nuclear materials and know-how to surreptitiously develop weapons. This led to development of the so-called Additional Protocol, which the IAEA Board encouraged the IAEA Secretariat to negotiate with all parties to the NPT. The Additional Protocol commits a state to allow monitoring and inspection of both declared and undeclared sites, and to facilitate intrusive IAEA inspections in a variety of ways. Especially since September 11, 2001, there has been considerable progress in states signing Additional Protocol agreements with the IAEA – some 84 agreements have been signed to date and 59 are ratified and in force.²⁸ The NPT has 185 members, however, so many states have yet to sign or ratify.

Giving this issue higher international visibility could help gain higher international participation. Where non-signature is not a matter of technical issues (which are common), publicizing the regional frequency of Additional Protocol compliance and drawing attention to the states that have not signed and ratified could help make this agreement nearly global. Deliberate efforts by various international and nongovernmental institutions could and should be undertaken to cultivate a sense that good citizens of the international community can and must provide open and unfettered access to IAEA monitoring and certification. In the long run there is no hope of preventing the use of nu-

²⁸http://www.iaea.or.at/OurWork/SV/Safeguards/sg_protocol.html.

clear weapons by states or terrorists unless the international community can develop strong norms of participation in and openness to international institutional monitoring of weapons materials and production sites.

Revise the NPT to increase advance notice of withdrawal and to prohibit use of nuclear facilities developed with NPT assistance after withdrawal. These reforms have the same end as generalizing the Additional Protocol – to prevent states from exploiting access to nuclear materials and assistance under the NPT to develop weapons programs. In particular, it should be made clear that facilities and materials acquired under the treaty regime must be returned or dismantled if a state intends to withdraw, and that failure to do so will subject the state to serious sanctions.

Increasing financial support for the IAEA. The IAEA is supported by the voluntary contributions of member states, and had a budget of a mere \$268 million in 2004. Several core IAEA programs have suffered persistent shortfalls and the safeguards program is arguably underfunded. Given the central importance of the IAEA for an effective multilateral approach to the problems posed by WMD, an initiative to put IAEA funding on a more solid and stable foundation would be a significant contribution to international peace and security.

Backing up SCR 1540 in international law and UN organization. On April 28, 2004, the SC passed Resolution 1540, which enjoins states to undertake a broad range of domestic actions and reforms to reduce the likelihood that WMD materials will fall into the hands of non-State actors, particularly those with “terrorist purposes.” The resolution asks states to pass legislation criminalizing possession of or attempts to acquire materials or weapons of mass destruction, and to establish accounting and physical security mechanisms, border and export controls, and appropriate law enforcement regarding WMD materials or devices. Outside of resolution 1373 (2001) on terrorist groups (discussed below), no SC resolution has ever made such sweeping demands on states’ domestic legal and enforcement systems.

Resolutions 1373 (2001) and 1540 (2004) represent pioneering efforts of the UNSC to take the initiative and make an important contribution to reducing major 21st century threats to international peace and security. These efforts should be applauded and supported. However, as with any new approach, there are problems that must be addressed. In this case, both 1373 and 1540 need to be backed up in two major respects if they are to amount more than fine words.

First, international treaties and conventions must be signed and ratified that support the two resolutions’ demands on member states. Some states have raised reasonable questions about whether the UNSC is stepping “out of bounds,” acting as a legislative body rather than an executive for crisis management. They observe correctly that the traditional path in international law to the ends of these resolutions would be through international treaties and conventions negotiated at conferences and ratified domestically. Certainly the latter process is based on a much higher level of active consent.

Given the urgency of the issues and the slow process of negotiation and ratification of broad international conventions, it arguably makes sense for the Security Council to take the initiative as it has.²⁹ But the authority and details of the demands in the two resolutions need to be backed up and fleshed out in international conventions that gain broad international approval. Where existing treaty efforts do not adequately cover the concerns of the resolutions, new conventions should be proposed and negotiated.³⁰ WMD terrorism will pose a persistent danger in the coming decades. It is imperative that the international community work out a well-grounded international and domestic architecture for minimizing the threat, since unilateral responses are likely to be ineffective and to make things worse in the long run.

The second way that resolutions 1540 and 1373 need to be backed up if they are to have good effects is in organizational support. Both resolutions propose that their implementation will be overseen by committees of the Security Council. But this is a wholly inadequate mechanism for resolutions of such broad scope, reach and complexity of requirements.

Indeed, it is difficult to see how either resolution can be implemented – or rather, how the UN can provide effective assistance in implementation to member states – without providing for a small agency in each case. The agenda implied by each resolution parallels that of the IAEA, though focused on domestic laws and institutions rather than of weapons materials and reactor facilities. The Task Force should consider proposals for how to fund and develop deeper institutional backing than SC Committees can provide for these initiatives. For Resolution 1540, potentially the most natural thing would be to incorporate its agenda into a new division of the IAEA. Alternatively, an agency that combined implementation efforts for 1373 and 1540 might make sense, given overlapping issues and demands for information.³¹

Supporting a global HEU clean out and internationalization or Nunn-Lugar programs. Highly enriched uranium (HEU) is the most likely source of bomb materials for terrorist groups, which are unlikely to be able to enrich uranium on their own. Unfortunately, while kilograms of HEU would be sufficient to make a simple “gun type” nuclear device, hundreds of tons of HEU are not accounted for or not adequately safeguarded in Russia and a number of other countries (Swedish Nuclear Power Inspectorate 2004).

Programs to account for, secure, and if possible eliminate HEU are probably the single most cost

²⁹Moreover, the present international system has not developed any agency or source of initiative for enforcing international conventions, which in many cases makes the conventions close to “scraps of paper.” There is thus an argument for supporting UNSC interest and efforts to take a more active role in encouraging compliance with broad international agreements.

³⁰For example, we need international convention that criminalizes trafficking in illicit nuclear materials (highly enriched uranium). Also, the Convention on the Physical Protection of Nuclear Material should be amended to apply to civilian nuclear materials.

³¹See Jeremy Greenstock’s report on problems with CTC, S/2004/70, section II.E.

effective way to significantly reduce the risk of nuclear explosions in major cities. Considerable progress on this front was made in the 1990s due to Russian efforts, some with U.S. aid through the Cooperative Threat Reduction Initiative (Nunn-Lugar programs). But vast quantities of unaccounted for or weakly secured HEU remain, much in Russia but also in research reactors and stockpiles in dozens of countries.

Several national and international initiatives seek to globalize the “clean out” of HEU, the conversion of HEU to LEU reactors, and “downblending” of HEU to LEU. Sponsored by the U.S. and Russia and supported by the IAEA, the Global Threat Reduction Initiative seeks to convert HEU to LEU reactors, and to repatriate spent Russian- and US-origin HEU fuel. The G8’s Global Partnership Against the Spread of Weapons of Mass Destruction aims to raise \$20 billion (\$17 billion has been pledged, but very little spent on projects so far) for a broad range of projects aimed at securing, destroying or cleaning out weapons and weapons materials, mainly in Russia.³²

The G8 Global Partnership initiative is promising, but seems stalled. Very little concrete action has been taken, some countries have reduced their initial pledges, and movement to globalize the program (beyond Russia) has been slow and perhaps reluctant. The Task Force should endorse the Global Partnership and consider ways of stimulating real action and global expansion of the initiative.

Developing an international legal basis, standards and possibly organization for WMD interdiction efforts. Announced May 31, 2003, the Proliferation Security Initiative (PSI) is a U.S.-led effort to organize a coalition of countries willing to interdict WMD materials shipments by “states and non-state actors of proliferation concern.” The Initiative has eleven core members and now claims the backing of over 60 states.³³ To this date, the main “state of concern” motivating the initiative has been North Korea.

It should be possible, within the bounds of international law, for states to board and inspect ships at sea for nuclear weapons or weapons materials if they have solid intelligence that suggests illegal trafficking. But international law as it stands may not allow this. The Law of the Sea convention permits violation of freedom of the seas only in cases of piracy, the slave trade, unauthorized broadcasting, and drug trafficking.

If it is possible to permit search and seizure in cases of drug trafficking without crippling international commerce, then surely it should be possible to do the same with regard to nuclear, biological, and chemical weapons materials.³⁴ Providing an international legal basis for WMD interdiction efforts is important because the PSI as it stands will weaken freedom of the seas by tempting states with an

³²A good summary of where the project stands is available at <http://www.sgpproject.org/>.

³³Prosser (2004).

³⁴There are some tricky issues here – for example, concerning dual use technologies – but I think the worries about these may be overstated.

excuse to search and seize for other, more strictly national purposes.

The main problem with this route is that amending or adding a protocol to the United Nations Convention on the Law of the Sea could take many years. The Task Force might consider whether and how a revision or amendment to the Treaty could be accomplished quickly, or if there is another, faster route to the same end. For example, the Security Council could declare concern about the possibility that a particular state may threaten international peace and security by exporting unconventional weapons or weapons materials, and authorize inspection of ships leaving its ports. This route avoids the problems of a blanket license to search and seize, but faces the usual problem of the vagaries of SC performance.

4.2.2 The longer run problem with the NPT regime

Although the NPT regime remains the basis for international collaboration to prevent the spread of nuclear weapons, it has frayed in recent years. Israel, India, and Pakistan opted not to join the treaty and have become nuclear weapons states, with the latter two openly testing bombs in the 1990s and receiving rather weak international condemnation and pressure to reverse course. North Korea and Iraq joined the regime but secretly exploited its Article IV aid to develop weapons, and North Korea now appears to have succeeded in building them. Article VI commits the nuclear weapons states in the regime to seek complete nuclear disarmament, a goal these states recommitted to in the 1995 agreement to extend the NPT indefinitely and reiterated in the 2000 NPT Review Conference. But the nuclear weapons states have not disarmed.

Moreover, the current U.S. administration has threatened to “unsign” (let alone not ratify) the Comprehensive Test Ban Treaty and appears to be proceeding with new nuclear weapons development programs. The 2005 NPT Review Conference (May 2-27, New York) appears headed for stasis or worse. Members have not even been able to agree on an agenda. At the 2000 Review Conference, NPT members had agreed on an ambitious 13 step program towards the disarmament of the existing nuclear states called for in Article VI (including signing the CTBT). In the preparatory conferences leading up to next May’s meeting and especially in the most recent of these (May 2004), the U.S. in particular all but renounced these commitments. U.S. arms control diplomats have instead focused on the problem of noncompliance and possible noncompliance with the treaty in North Korea and Iran. The best guess is that the May 2005 Review conference will see another unproductive split between the U.S. and others who want to focus on improving monitoring and enforcement action against noncompliance, and others who want to focus on the nuclear five and their Article VI requirements.

The NPT regime is based on a dangerous hypocrisy, or at best on highly wishful thinking. In 1968, the five nuclear weapons states agreed in Article VI to “pursue negotiations in good faith ... on a Treaty on general and complete disarmament under strict and effective international control.” In the 1995 extension of the Treaty and at the 2000 Review conference, they agreed to “an unequivocal

undertaking by nuclear weapons states to accomplish the total elimination of their arsenals.”

While in fact the U.S. and Russia have made great progress in nuclear disarmament since the end of the Cold War, it is simply implausible that the U.S., Russia, or China would be willing to completely eliminate their nuclear arsenals by treaty.

Indeed, it is not even clear that international peace and security would be well served if they did. Unless international conflict disappears entirely, the strongest incentives to develop nuclear weapons would obtain in a world where no other state had them. And by far the most dangerous situation occurs between nuclear states when one or both do not have enough weapons that a second strike is assured. In this situation the temptation to exploit a first-strike advantage in a crisis can be powerful. By contrast, “mutual assured destruction” – which can be feasible at quite low levels of armament (perhaps 100 weapons for a large country) – can make for a highly stable, peaceful strategic situation even between intense political adversaries. Paradoxically, then, attempting complete nuclear disarmament could end up increasing the risk of nuclear war, by putting us into a world in which temptations to build and, subsequently, to strike first would be much greater.

Perhaps someday international conflicts will be so few and so mild that no one need worry about another state secretly “going nuclear” to gain or press an advantage. But we are definitely not there yet. As a result, international peace and security may be better served in the medium run if at least some states possess nuclear arsenals that minimally assure a second-strike capability.

The problem, however, is “which states?” Certainly it would be terrible if dozens of countries possessed nuclear weapons, simply on account of risks of accidental detonation, theft by terrorists, and wasted economic resources. But if only a few states are to possess them, why the five states that first developed nuclear weapons and no others? The following “regime” is surely unsustainable: One or more of the five authorized nuclear powers threaten to attack any state that once signed the NPT but subsequently decides to go nuclear, but there is no question that the nuclear five are not going to give up nuclear forces. De facto this is where the NPT “regime” is headed.

What alternative is there? Given the rather paralyzed state of NPT and Conference on Disarmament negotiations, muddling along within the current treaty system is overwhelmingly likely. But in the spirit of looking forward (and “outside the box”), it is worth trying to imagine more sustainable alternatives.

One possibility would be a revision to the NPT regime to allow new nuclear weapons states, *provided* that such states meet a battery of restrictive, difficult, and expensive conditions concerning the nature, size, control and management of the arsenal. The general idea would be to extend IAEA inspections and monitoring into the nuclear weapons states, to begin to develop international surveillance and control not just of nonnuclear states but of nuclear states force postures and force management as well. The implicit deal would be that the nuclear weapons states get to keep minimal second-strike forces for the foreseeable future, but they must submit their programs

to international inspections, monitoring, and standards. They might also be required to make some other costly contribution to international peace and security, such as agreeing to contribute higher percentages to peacekeeping, or international development programs.

4.3 Information sharing for global police work against terrorist organizations

An effective strategy for reducing the international threat posed by WMD terrorism needs to address both the “root causes” of resentment, despair, hatred, and ideology, and the defeat the already-formed groups’ plans for attack.

Root causes. On root causes, social science research has not clarified where the greatest marginal gains are to be found. The following are all plausible ways of addressing possible root causes of terrorism.

- *Development assistance* and (hopefully) more rapid economic growth and reduction of poverty.
- Promotion of *the rule of law* and the control of *organized crime*.
- Support for *primary education*, perhaps especially for young women.
- Support for *international standards for education* that emphasize developing the skills necessary to prosper in the modern world.
- Efforts to resolve *regional conflicts* that generate great anger, the Israeli-Palestinian conflict in particular.
- Policies and aid to promote genuine *democratization*, especially in the Middle East.
- International efforts to reach out to and involve the system of *Islamic charities* in the global system of NGOs concerned with development and education.
- International efforts to develop a stronger norm against what might be called *the ideology of terrorism*, the idea that killing civilians is a legitimate way to draw attention to a grievance.

Several of these are mentioned in passing in the UN High-level Panel’s Report, in a paragraph on root causes of terrorism (para. 148).

In the absence of even very basic research on this question, one can say little more than that perhaps all these things could be helpful, and should be supported. At this point we simply do not know what the most important “root causes” are, or how best to address them. The Task Force might profitably discuss whether it wants to make some general statement on reducing terrorism by focusing international collective action on particular root causes.

Backing up SC Resolution 1373 (2001). On multilateral coordination to defeat the activities of already formed or forming terrorist groups, more concrete multilateral options have been advanced. Most of all, the UNSC's Resolution 1373 (2001) obligates states to undertake a battery of domestic legal and administrative reforms to disable terrorist financing and enable the apprehension and prosecution of terrorists. It also demands that states themselves in no way support or assist terrorists in their own or other states' territories.

As noted above, Resolutions 1373 and 1540 represent ambitious departures for the UNSC, in that they place extensive demands on members states for domestic legislation and often administrative capacity building.³⁵ The traditional international legal approach would be to pursue these ends through international conventions and treaties.

As with Resolution 1540 (2004, on preventing terrorist acquisition of WMD), if the UNSC and member states are serious, they need to back up Resolution 1373 in two main ways: greater institutional commitment, and a systematic effort to gain broad international accession to the several conventions prohibiting terrorism.

On institutional commitment, the SC has already recognized that an SC committee lacks adequate resources to oversee and assist states with implementation of 1373's demands. An "Executive Directorate" for the CTC was recently established, the "CTED," with an Executive Director and a small staff.³⁶ While this is a step in the right direction, it is probably not enough, and there is also a risk of general ineffectiveness due to lack of proliferation of institutional players with closely related mandates – IAEA, the CTED, and presumably another committee for implementation of Resolution 1540. Again, the Task Force might consider whether it would make more sense to have a new UN agency devoted to counterterrorism, or how best to institutional allocate responsibilities for the various ends served by the IAEA, the CTC, and the yet-to-be-formed SC 1540 committee.

In terms of its operations, the CTC needs to develop a publicly available set of standards concerning national legislation and border and export/import controls germane to Resolution 1373. Ideally, states should be publicly graded on their implementation of the standards list, which would provide an impetus for states to take implementation seriously. Under current norms and practices of SC committees (and perhaps general UN customs), this is not done. Without even the rather mild sanction of publicly pointing out poor compliance, the CTC will be toothless and ineffectual. One reform that might make this easier would be an agreement on weighted voting in this committee. Even without this step the SC could direct that one of the CTC's functions is to publicly identify non-

³⁵Some also find 1373 bold in that its central terms – "terrorism" and "terrorists" – are not defined in the resolution or in other UNSC resolutions. A reasonable reply might be that the SC can refer, for an international legal basis for the concept, to the 12 international conventions prohibiting various sorts of acts of terrorism.

³⁶S/RES/1535 (2004).

or weak compliance with the resolution.³⁷

Intelligence and border control. The first line of defense against WMD terrorist attack is national intelligence, police and border control services. Since WMD terrorism will be transnational in some large part, multilateral cooperation in these areas is highly valuable in principle.

In practice, however, it is exceedingly difficult. In intelligence, the value of a piece of information depends on who else knows it, so that sharing information with an unreliable national service can devalue it (if they pass or somehow release the information to the potential targets). Thus, states are typically only willing to share intelligence information with highly trusted partners on narrowly defined issues and cases. While INTERPOL has had many successes and serves a valuable function for the international policing of certain sorts of crime, in general it suffers from a “weakest link” problem. National police and intelligence services are only willing to provide information to INTERPOL databases that they would be willing to provide to the least reliable member of the system.

For this reason, significant intelligence cooperation appears to be overwhelmingly bilateral, based on relationships between national police and intelligence services that develop over many years. It is conceivable that there might be gains from supporting some kind of multilateral forum in which police assigned to counterterrorism could meet with counterparts from other countries to develop new connections. But probably much more positive impact would come from international support for developing national police and judicial investigative capabilities and competence in countries where these are low, and where terrorist groups are currently operating. CIVPOL may be a route for such a program, but a more efficient and effective might be through a G8 initiative.

Border control and monitoring is another international public good whose supply could be easily improved by fairly minor acts of international cooperation. For example, if one country’s passport control does not routinely check for false passports when people enter and leave, all countries are negatively affected.³⁸ Developing and implementing international standards for passport and other basic border control functions should be a relatively easy task, and one that could benefit greatly from international funding to help poorer countries adopt better systems.

³⁷It is not clear that UN is capable of reforming itself into an institution that sets and enforces genuine standards of behavior among its members. A case in point is the UN Commission on Human Rights, which is regularly populated by states that commit major human rights violations and that use the Commission to block any action or publicity of any sort. This is another consideration that makes me wonder if an organization of democracies with serious conditions for membership might better promote international peace and security in the medium run.

³⁸[recent news report on how rare passports are checked for authenticity].

4.4 Ending civil wars and reconstructing collapsed states

Civil war has posed by far the most active security threat to the largest number of people in the world since the end of World War II. Almost one half of all countries with populations greater than 500,000 have had at least one civil conflict that killed at least 1,000 since 1945. In the worst of these conflicts – such as in Afghanistan, Angola, Cambodia, the D.R.C., Ethiopia, Nigeria, Sudan, Rwanda, Burundi, Chad, the Philippines, Bosnia, and Lebanon – hundreds of thousands have been killed and many millions have suffered extreme deprivation and misery. Moreover, massive human rights abuses and in the extreme, genocide, have rarely occurred outside the context of civil war.

Although the total number of civil wars in progress has declined a bit from the high point in the early 1990s, there are still some 25 conflicts ongoing that have killed at least 1000 so far. In part because civil wars in this period have been so persistent, lasting almost nine years on average,³⁹ the international spillover effects of long-running civil wars on peace and security have been large and negative. For example, persistent war in Afghanistan gave birth to the Taliban and a shelter for Al Qaeda's training camps for international terrorism. The process also contributed greatly to heading nuclear Pakistan in the direction of state failure. Yoweri Museveni's successful war against the Obote regime in 1980s Uganda indirectly played into the early 1990s civil war in Rwanda. This led to the Rwandan genocide, which in turn helped cause a holocaust in Eastern Congo that continues today.

International efforts to address this major security challenge may focus on any of the following phases:

1. prevention;
2. ending civil wars by force ("peacemaking") or mediation;
3. peacekeeping operations to help implement peace agreements in civil war countries that reach them;
4. "peacebuilding" interventions to stabilize and reconstruct the political and economic institutions of countries in the aftermath of ruinous civil war.

Prevention. In public health matters, it is often the case that it is more effective to spend money on prevention of a disease than on treatment. It is not clear whether this is true for civil war. Economic development is robustly associated with a lower risk of civil war onset, but when one factors in the slippage between development aid and economic growth, increased development aid does not look like a particularly efficient way to prevent civil wars. (Of course, preventing civil war is far from the only reason for supplying economic development aid.)

³⁹Fearon (2004).

Civil wars in the world's poorest countries often emerge as follows: A tiny guerrilla force starts operating in a poor, remote region that is badly provided with government services. A badly trained and badly disciplined military then responds with indiscriminate, slash-and-burn tactics that destroy whole villages and send more young men into the rebellion.⁴⁰ In other words, inept counterinsurgency tactics drive the escalation of many a poor-country civil war.

It would be a novel approach, but the Task Force might consider recommending the development of *international standards and practices for counterinsurgency operations*. Governments must of course be able to respond to violent challenges, but they should not do so in a highly indiscriminate fashion that is counterproductive in the long run. Standards and information provided by international organizations might help here. Another idea would be to recommend that an existing or new international institution (or possibly an NGO) rate standards of military discipline and justice country by country. A more ambitious project in the same vein would be to recommend the creation of a UN or other agency to advise countries on how to bring their systems of military justice and their counterinsurgency practices into line with internationally acceptable standards.

Mediation services supplied by the UN Secretariat are inexpensive and may be quite effective in some circumstances. What is needed here is (a) more institutional capacity within the UN Secretariat to identify and analyze situations that could profitably use mediation services, and (b) a larger pool of skilled and capable mediators at the disposal of the Secretary-General (in particular, a larger set of skilled and capable Special Representatives, SRSGs). The Task Force might consider recommending the more formal development of an SRSG career track, one in which promotion depends on merit and performance rather than purely political considerations.

Peacekeeping, peacemaking, and state building. There is a powerful case that international support for peacekeeping and post-conflict reconstruction is an important but undersupplied international public good. A growing body of evidence suggests that the regional economic consequences of a civil war in one country are surprisingly large and negative.⁴¹ Much anecdotal evidence suggests that the regional and international political consequences can be large and negative as well. Beyond spillover effects, many now argue that the international community has a humanitarian obligation to help restore peace and order to civil war-devastated countries.

In fact, an impressive amount of international collective action *has* been mobilized in response to this humanitarian and public goods problem. Most significantly, UN peacekeeping operations (PKOs) proliferated rapidly starting around 1988, with the UN Transition Assistance Group to Namibia. From five missions in progress per year between 1960 and 1987, the rate leapt to around 17 per year by 1994, where it has remained to this day (with minor fluctuations). In total, the UN Security Council authorized some 32 distinct PKOs since 1988, as compared to just thirteen total between 1945 and

⁴⁰For a recent example from Darfur, see Somini Sengupta, "Sudan Government's Attacks Stoke Rebels' Fury," *New York Times*, 11 September 2004.

⁴¹Sandler and Murdoch (2004) and Collier and Hoeffler (2005).

1987.⁴² The 1990s also saw an increase in PKOs in which the principal forces came from regional organizations such as NATO or ECOMOG (albeit with UNSC blessings and mandates).

The experience of these missions has been quite mixed, including significant, unheralded success stories (such as UNTAES in Eastern Slavonia, missions in El Salvador and Guatemala, and UN-OMOZ in Mozambique), and some major disasters (such as UNPROFOR in Bosnia, UNAMIR in Rwanda, and UNOSOM II in Somalia). This is not surprising, given that the nature of PKOs also changed radically with the end of the Cold War. Whereas the typical pre-1988 PKO interposed UN “blue helmets” on a cease-fire line between states that had been at war, post-1988 PKOs have almost always inserted blue helmets into civil war-torn countries, and have often given them highly complex and multifaceted missions (including administering territory and conducting elections). The corrosive effects of persistent and widespread civil war on states and regions has posed a new and difficult set of international problems. It is not surprising that the international community is still learning how to deal with these new problems effectively.

The “PKO system” from 1988 to the present has suffered from two major shortcomings: (1) a highly politicized process for deciding which countries get PKOs, in which a key player for initiating and coordinating UN PKOs, the UN Secretariat, lacks the analytical and intelligence resources to plan ahead and to make effective arguments about the merits and demerits of intervention; and (2) inadequate financial and human resources, which has weakened or undermined existing missions or meant that missions have not been undertaken that probably should have been.

On PKO planning and advising, the UN High Level Panel correctly observes that the UN Secretariat lacks the bureaucratic and intelligence capacity to provide real-time analysis of impending conflicts, and as a result UN-sponsored mediation efforts are less effective than they could be. This hinders prevention of civil wars, as noted above. It also makes decision making on involvement in peacekeeping operations (PKOs) more random and prone to failure.

The Brahimi Report (United Nations 2000) recommended an in-house intelligence and analysis unit to assist the SG, a proposal subsequently rejected by member states. The need is still there. At present the Secretariat is highly reactive and completely dependent on the quality of the guesswork of a small number of senior officials for its decisionmaking. Strategic planning and solid analysis about the difficult choices constantly thrown before the organization concerning PKOs remains near impossible. The Task Force should consider endorsing the UN High Level Panel’s recommendation for a new undersecretary to act as a “security advisor” whose team would analyze and present options to the SG.

A more fundamental problem with UN PKOs and post-conflict peacebuilding efforts since the end of Cold War has been inadequate resources, both financial and human. When the “international community” has intervened to help implement or enforce peace agreements in civil-war torn countries,

⁴²Fearon and Laitin (2004, 10).

it has generally done the absolute minimum necessary to prevent a return to major civil war, and nothing more. As a result, PKOs have been much less effective than they could be, and they often tend to drag on with few signs of progress in “peacebuilding.”

The Task Force might consider ways to get the development sector (and especially the World Bank) to bring its resources to bear directly on peacekeeping and peacebuilding, which are after all the central prerequisites for economic development in an increasing number of countries. Could the World Bank or the IMF fund peacekeeping operations through *loans* to be repaid gradually when the country in question gets back on its economic feet? If this is not feasible within these institutions’ mandates, could *a new international institution be set up that would see to both the funding of peacekeeping operations through loan schemes and the development of well-trained, interoperable PKO forces around the world?* Potentially this institution could be developed within the UN Secretariat, out of UNDPKO and UNDP, but it need not be.

The idea here is not to create a standing UN army, or to increase the “tax burden” of PKOs on the major powers (though there is a strong argument that the latter is in the major powers’ interests, given the large negative externalities of civil war in 21st century conditions). Rather, the idea is to fill in gaps in funding PKOs by developing loan mechanisms that pay for short-run post-conflict security with the long-term revenues of a reconstructed economy. In addition, fairly low cost international training programs could raise the average quality and interoperability of peacekeeping forces from different countries, which in turn could make PKOs more effective at lower cost.

In the 1990s, PKOs were typically conceived as relatively short-term operations to help former combatants to implement a peace agreement. Painful experience has since demonstrated that peacekeepers are unable to leave without a return to war unless basic state institutions destroyed by civil war are reconstructed. Unfortunately, neither the U.N., nor any major power, nor any other international institution appears to know how to do this at present. As a result, the world is gradually accumulating what might be called “semiprotectorates,” as in Bosnia, Kosovo, East Timor, Afghanistan, Sierra Leone, and perhaps Iraq.

Until we have better theory and evidence on whether and how international actors can help to reconstruct political authority in a collapsed state, is not clear what to recommend for what the U.N. calls “peacebuilding.” It does seem clear, however, that the timing of the distribution of post conflict aid is typically suboptimal. Large amounts arrive in the immediate peacekeeping phase, when it is hardest to use productively. Less than is optimal arrives four or five years out, when it could be better absorbed and more productively used. In brief, more funding for internationally provided security is needed in a short run after a conflict, while more funding for development aid to stabilize the peace is needed in the medium run.

4.5 Redrawing international boundaries within a framework of international law

One of the most interesting and disturbing features of post-Cold War international politics is the steady increase in unrecognized but de facto sovereign (or nearly sovereign) political entities. These include Northern Somaliland, Puntland in northeast Somalia, Abkhazia, Nagorno Karabagh, Transdniestria, the Croatian and Serbian political units within Bosnia-Herzegovina, most of Kosovo, “Farclandia” in Columbia, and in some respects the West Bank and Gaza.

Sovereign capability without formal sovereign responsibility to the community of nations can be a dangerous combination, a source of major international “public bads.” In a number of these cases, the unrecognized political entity has followed natural pressures to become a hub for organized crime and smuggling, particularly of narcotics. De facto statelets also provide natural centers for black market transactions in WMD materials and weapons.

Short of occupation, the international community has relatively few instruments for obligating “good international behavior” from the rulers of an unrecognized statelet. They cannot be party to most international treaties, and so cannot be bound by them. For the most part they are not eligible for development aid, so that good behavior cannot be conditioned on its provision. (This is also why black markets and drugs are relatively attractive or natural to such entities.)

Some propose that the best solution is simply to recognize these statelets, to bring them into the formal community of nations. For instance, it is argued that the international community should face up to reality in Bosnia and Kosovo – an independent Bosnia is not feasible as a federation nor is Kosovo feasible as a part of Serbia, so the de facto reality should be made de jure.

In some cases there can be powerful considerations in support of this view. However, if a policy of internationally supported partitions is pursued without attention to its implications for the international system, it could be disastrous. International support for partition in civil war-torn countries increases the incentives for violent challenges to state authority in general, in the hope that this will bring in the international community on the side of the would-be rebels.⁴³ Support for partition could also make it harder to resolve existing intra-state disputes, by making it seem that fighting will increase the odds of international intervention that favors partition as a solution. Finally, if “the international community” can decide to impose partition on a reluctant member state of the UN, then most or all states with potential internal challengers will feel much more insecure, and will be inclined to arm to prevent such coercion.⁴⁴

There is a genuine dilemma here. On the one hand, a blanket international refusal to consider redrawing state boundaries can mean that minority groups face horrendous persecution with no good, long-run recourse. This is not only grossly unjust but also favors civil war and its attendant

⁴³Clear examples of this sort of reasoning have been observed with the KLA in Kosovo and the Darfur rebels in Sudan.

⁴⁴For more on the problem of a policy of ad hoc partition to resolve civil wars, see Fearon (2005).

international public bads.⁴⁵ On the other hand, international support for partition as a solution to large-scale civil violence between ethnic or religious groups could make for international anarchy. Statehood is such an attractive prize that states would face no end of violent internal challenges if there is a good prospect of international support for state break up in cases of violent internal conflict. This would not be an “incentive compatible” system, as the economists say.

The only feasible resolution to the dilemma involves *conditioning international support for partition on bad behavior and policies by governments with respect to minorities, and conditioning support for governments on intransigence by rebel groups*. States should be able to protect themselves against international support for domestic rebel groups by adopting and implementing policies of nondiscrimination in government and society. A state that can show that it enforces nondiscriminatory policies should be a candidate for international support *against* domestic challengers. By contrast, a state that significantly discriminates against religious or ethnic minorities, and in the extreme commits major human rights abuses or genocide, should be a candidate for international pressure for partition as a possible resolution.

At the same time, the behavior of rebel groups should matter as well. Rebel groups that deliberately attack and kill large numbers of civilians, and groups that fight for an independent state irrespective of the policies of the current state, merit either international opposition or international indifference.

The argument here is consistent with, but pushes slightly further, the argument of the ICISS report on the “responsibility to protect” (ICISS 2001). According to the report, governments that grossly fail in their responsibility to protect their citizens by committing massive human rights abuses or genocide should be candidates for authorized international intervention. The report does not mention international support for partition as a possible remedy, but this is consistent with the overall thesis of a responsibility to protect. If a state has consistently and systematically failed in this regard with respect to a minority group, then why shouldn’t the international community support a separation, so that the group can attempt to protect itself within international boundaries?

The main objection, as noted above, is the dangerous effect of precedent. It is essential that the international community not simply rush to push for partition whenever a state-minority conflict heats up. This would be disastrous. Instead, the Security Council, a committee of the Security Council, or some other international body should make an assessment of state policies that bear on minority opportunities and representation. Depending on the assessment, this might lead to support for the government against the rebels, recommendations to change government policies, sanctions against the government, or more radical action. Rebel groups who do not publicly accept the prospect of living within current boundaries if nondiscrimination is made real should not be

⁴⁵Indeed, some have suggested that the prevalence of civil war since 1945 is the result of the “frozen international boundaries” regime of this period, itself a reaction to interwar period experiences such as Munich (1938). By this logic, the inability to readjust international boundaries causes intrastate strife. My own research on civil war since 1945 does not support this view, although I think that there are a small number of cases where partition would be a good strategy for conflict resolution if it did not have such bad precedential effects.

supported. A possible model for such an approach is the OSCE's actions in regard to the nascent insurgency in Macedonia in 2001.

The Task Force should consider arguing for the development of institutional means to globalize the approach of the OCSE's High Commissioner on National Minorities, and its response to the Macedonian conflict. Such a body would undertake missions to assess the state of minority rights and government policies in a country with nascent conflict. Its report would then influence the nature of the pressure the international community exerts to try to resolve a simmering dispute. Governments should know that abusive and discriminatory policies may lead to international support for greater autonomy or even independence for a minority group. Would-be rebel groups should know that by fomenting violent conflict they run the risk of generating international opposition rather than support, if they are not willing to negotiate on policies within the framework of the existing state, or if they themselves commit human rights abuses.

4.6 Promotion of effective, responsible, and democratic governments

In addition to failing in its responsibility to protect its citizens, a government that commits massive human rights abuses within its borders poses a variety of serious costs on other states, such as refugee outflows and increased odds of regional armed conflict. Types of government that are more prone to fight wars with neighboring states likewise create international public "bads." "Tinpot" dictatorships that run the economy into the ground and create conditions for state collapse pose all the attendant costs of civil war and local anarchy on the international community. Insecure, secretive and unstable governments that cannot or will not enter into agreements on intrusive monitoring for nuclear materials and weapons pose significant international costs in a world in which nuclear terrorism is a central threat.

These are all reasons why the promotion of responsible, capable democratic governments should be viewed as an important international public good. As argued earlier, the spread of capable democratic governments is likely to reduce all four of the major threats to international peace and security in the coming years – nuclear terrorism, civil war and state collapse, genocide, and interstate war.

Making political democracy a condition for membership in a reformed UN or UNSC, or innovating a new international institution or group limited to genuine democracies (in parallel to the UN), could provide a powerful stimulus to political democracy. But even if these options are infeasible or undesirable due to other effects they might have, minor reforms of international institutions could do a great deal to further transitions to and consolidations of democracy.

New democracies often fail when elected leaders gradually become authoritarian, undermining electoral institutions and practices bit by bit. The "salami tactics" of creeping authoritarianism make it difficult for publics to coordinate to oppose dictatorship, as there is no clear signal that democracy has ended and dictatorship begun.

An international institution dedicated to monitoring and certifying election practices and results could facilitate opposition coordination to oppose creeping dictatorship. (And for that reason such an institution could make rulers less like to commit electoral fraud in the first place.) Good effects of this sort are already evident in the increasing use of unofficial and semiofficial election monitoring services and groups.⁴⁶ The Task Force might consider recommending the development of a more authoritative international institution specializing in this function. Or it might consider endorsing the idea that all states that claim to be democratic should make it a practice to invite international observers and monitors for their elections. Such a norm and institutional backing could make it much more difficult for governments to slip into authoritarianism, or to run a sham democracy.

Another relatively low cost international reform that could powerfully stimulate democracy would be to tie development aid more explicitly to political reform and political practices. This might be infeasible for universal institutions like the World Bank, but it should not be OECD governments' aid agencies. The effects of EU "democratic policy conditionality" on reducing ethnic and other intrastate conflicts in Eastern Europe in the last ten years appears to have been large.

5 Summary of recommendations

In the coming years, the most important international public goods in the area of peace and security will involve redressing "negative externalities" that stem from problems within states, and from technological change that exacerbates these externalities. In particular, major international public "bads" will increasingly emerge from three major sources:

1. *Civil War.* Civil wars cause costly and destabilizing refugee flows, create zones of anarchy that favor drug trafficking, terrorist finance and training, and in addition can increase interstate conflict within a region. These are all international public bads. In many cases states may be able to make themselves all better off by organizing collective action to prevent civil wars, bring ongoing wars to a close, and to help stabilize and reconstruct post-conflict states. (Of course, civil wars also cause massive suffering for citizens of the afflicted countries – including genocide in some cases – which some might consider an international public bad in itself.)
2. *Nuclear proliferation and terrorism with weapons of mass destruction.* The growing international black-market for WMD materials and the increasing availability of weapons technology are international public bads. So is nuclear proliferation to non-nuclear states, as this heightens regional security dilemmas, raises the global risk of nuclear terrorism, and raises the risk of destabilizing unilateral interventions by major powers.

⁴⁶Carter Center, OAS, other regional bodies.

3. *Unilateral military interventions.* Without some form of collective international authorization, unilateral military interventions against neighbors or states thought to be threatening can create an international public bad, even when the action is plausibly justifiable, for example, for humanitarian reasons. The problem is that unilateral interventions create general incentives for states to acquire more weapons (particularly nuclear weapons), and to see the unilateral use of force in their own cases as more justified and permissible. States may be able to reduce the international public bads of arms racing, regional wars, and nuclear proliferation if they can coordinate on mechanisms of global governance that will work to authorize the use of force when it favors international peace and security on average, but not otherwise.

Summary of Recommendations

1. **On nuclear proliferation and WMD terrorism.** The task force should consider recommending:
 - (a) *NPT reform:*
 - i. Efforts and international pressure to gain universal accession to the Additional Protocol to the NPT, under which states agree to allow snap IAEA inspections and various other measures for improved monitoring.
 - ii. Extend the lead time necessary to legally withdraw from the NPT treaty from three months to at least one year.
 - iii. Revise the NPT, or add a protocol to it, so that it is illegal to use materials or facilities acquired under the treaty after a state has withdrawn from the treaty.
 - (b) *Global cleanout of highly enriched uranium (HEU) and global accounting for all nuclear materials.* The Task Force should consider measures to reinvigorate the G8's Global Partnership against Weapons and Materials of Mass Destruction, for example, by identifying new sources of funding or by identifying the political logjams impeding progress at present. The Task Force should also consider supporting the extension of the Partnership outside of the Russian Federation, working towards a complete and correct global registry of nuclear materials.
 - (c) *Building institutional capacity within the UN to implement Security Council resolutions 1373 and 1540.* These resolutions put extensive demands on the reform of member states' domestic laws and administrative procedures relevant to identifying and undermining terrorist efforts to acquire and use weapons of mass destruction. The Security Council committees presently charged with overseeing implementation of these resolutions are inadequate to the task, in terms of resources and possibly their ability to publicly identify noncompliant states. The Task Force should consider recommending the creation of a small new UN agency, or the incorporation of the 1373 and 1540 mandates into the IAEA.

- (d) *Putting interdiction of WMD on more solid international legal footing.* The Task Force should consider recommending development of a protocol to the Law of the Sea treaty that would legalize search and seizure of nuclear weapons or materials being shipped illegally.
- (e) *Better financial support for the IAEA.* Given the direction of international political and technological change, the IAEA provides essential international public goods that are increasing in their importance. Further, it provides them at relatively low cost. The Task Force should consider recommending improved funding mechanisms for the IAEA.
- (f) *Fundamental NPT reform.* In the long run the NPT regime is probably not sustainable, as there is little chance that the nuclear states will ever fully comply with Article VI. The Task Force might consider recommending conditions that aspiring and present nuclear states would have to satisfy to be considered in compliance with a revised NPT regime that would conditionally permit nuclear status. Currently, non-nuclear states agree to submit to international monitoring. Under a revised regime, nuclear weapons states would have to agree to submit their command and control systems to some form of international standards and monitoring as well.

2. On civil war, peacekeeping, and state reconstruction.

Peacekeeping operations in the 1990s consistently underperformed because they were under-financed, undermanned and understaffed. The Task Force should consider recommending:

- (a) *Ways to allocate development assistance to peacekeeping and post-conflict state building.* For example, either the World Bank, the IMF, or a new international institution could be authorized to provide loans to pay for peacekeeping operations in a post-conflict country, to be repaid after the economy had sufficiently recovered. Alternatively, a new loan authority and institution for this purpose could be established within the UN, or another international organization, such as the G8 or the G20. (This institution might also develop and provide a variety of post-conflict reconstruction services.)
- (b) *Programs to standardize the training and capabilities of international peacekeeping forces.* The Brahimi Report (UN, August 2000) made a number of recommendations on how to standardize and improve the training of UN peacekeeping forces, many of which were not implemented. These should be reconsidered and reemphasized. In addition, the Task Force should consider recommending that the major powers should develop and fund more extensive training programs, possibly through a G8 initiative in conjunction with the UN.⁴⁷
- (c) *UNDPKO/UN Secretariat reform to improve analytic capabilities.* At present, the UNSG must rely on the hunches and guesswork of a small number of senior aides in deciding

⁴⁷Even Donald Rumsfeld has floated the idea of standing, trained forces from a large number of countries that could be assembled for international peacekeeping operations on short notice. Bradley Graham, "Pentagon Considers Creating Postwar Peacekeeping Forces," *Washington Post*, 24 November 2003, Page A16.

whether to recommend UN intervention in conflict or post conflict zones. The Secretariat lacks an analytic "shop" for analyzing the prospective costs and potentials of proposed missions, or for planning for possible missions on the horizon. The Task Force should consider strongly endorsing the UN High Level Panel report's recommendation for a new undersecretary position advising the SG on security matters. Alternatively or in addition, the Task Force should consider making the argument for why improving the analytic and intelligence capabilities of the UN Secretariat would provide a public good for all states in the long run (for one thing, this would allow the Secretariat to depend less on the analytic and intelligence inputs of the major powers on the Council).

- (d) *Improve the timing of post-conflict aid.* Possibly too much development aid flows to a post-peace agreement civil-war-torn state in the first two years, on average, for it to be usefully absorbed and used. By contrast, too little aid and peacekeeping support continue in the next five years, when the aid can be better used and continued assurance of security is necessary to avoid a return to conflict. The Task Force should consider mechanisms to rationalize the timing of aid to post-conflict countries.

It should also consider ways to make the medium-run involvement of international peace-keeping forces in a reconstructing country less offensive to international norms on sovereignty. For example, the Task Force could recommend the development of standardized templates or "contracts" for "security partnerships" between international or regional organizations and the new authorities of post-conflict states.

- (e) *International standards for, and/or information about, counterinsurgency operations.* The Task Force should consider recommending the development of international standards and practices for counterinsurgency operations that are not counterproductive and likely to escalate rather than resolve nascent rebellions. The Task Force might also consider recommending that an existing or new international institution (or possibly an NGO) rate standards of military discipline and justice country by country. A more ambitious project in the same vein would be to recommend the creation of a UN or other agency to advise countries on how to bring their systems of military justice and their counterinsurgency practices into line with internationally acceptable standards.
- (f) *Formal development of a meritocratic SRSG track within the UN.* The UNSG needs a larger pool of skilled mediators and conflict managers, and needs to be more free from political pressures in his or her ability to promote and appoint SRSGs on the basis of performance.

3. **On global governance and unilateral military intervention.** The Task Force should consider endorsing the UN High Level Panel report's recommendations on Security Council reform as the most politically feasible way to increase the Council's legitimacy and effectiveness at the same time. The Task Force should consider opposing the addition of new permanent seats on the Council, as this is likely to exacerbate serious problems already evident in the current construction. The Task Force should consider proposing a formula for the new set of renewable seats that would favor states that make a greater contribution to the institution in terms

of finance and soldiers for peacekeeping missions. Tying influence explicitly to contributions is a promising way to improve UN finances, and to promote the general standard that authority within the organization requires investment and responsibility (a standard the permanent five should feel obligated to meet as well).

The Task Force might also consider a set of successively more ambitious recommendations concerning authorization of the use of force and structural reform of the UN:

- (a) Support the ICISS's recommendation that the General Assembly and the Security Council endorse the concept of the responsibility to protect and its standards for humanitarian intervention.
- (b) That committees created by the Security Council should operate under majority rule or weighted majority rule.
- (c) That the members of the Security Council should agree to "indicative" voting. In this system, any member may request an "indicative" vote on a resolution, meaning a nonbinding show of hands. This procedure could slightly increase the costs of threatening a veto on matters not directly linked to a state's national security interests.
- (d) That the permanent members of the Security Council should publicly agree not to use the veto on resolutions concerning humanitarian intervention that does not affect their own vital interests.
- (e) That the permanent members of the Security Council should publicly agree not to use the veto on resolutions that do not invoke Chapter 7 of the UN Charter.
- (f) That the Security Council consider ways to introduce weighted voting into their deliberations, at least for some classes of issues.
- (g) That a coalition of states interested in making the General Assembly a more effective and influential body work to change the General Assembly's voting procedures in the direction of weighted majority rule.
- (h) Outside the UN system: The Task Force could consider recommending that other international organizations – such as the G8, regional organizations, or a new international organization with membership limited to democracies – formally introduce the possibility of deliberating and pronouncing on possible uses of force for the sake of international security. Such votes and pronouncements would not have the "force of international law," but might help mitigate the international public bad of fully unilateral interventions. At the same time, the existence of alternative fora might lower the odds of paralysis on the UN Security Council.

4. Additional recommendations.

- (a) *Norms and practices on redrawing state boundaries to resolve civil conflicts.* The Task Force should consider arguing for the development of institutional means to globalize the approach of the OCSE's High Commissioner on National Minorities. Such a body or office

would undertake missions to assess the state of minority rights and government policies in a country with nascent conflict, and then issue a report. Governments should know that abusive and discriminatory policies may lead to international support for greater autonomy or even independence for a minority group. Would-be rebel groups should know that by fomenting violent conflict they run the risk of generating international opposition rather than support, if they are not willing to negotiate on policies within the framework of the existing state, or if they themselves commit human rights abuses.

- (b) *Measures to promote responsible, stable, democratic government.* The Task Force should consider recommending the development of an authoritative international institution or body dedicated to monitoring and certifying elections. It should also consider endorsing the idea that all states that claim to be democratic should invite international observers and monitors for their elections, and that OECD countries should be prepared to condition development aid on democratic practices in states receiving aid.

References

- Collier, Paul and Anke Hoeffler. 2005. The Challenge of Reducing the Global Incidence of Civil War. In *Global Crises, Global Solutions*, ed. Bjorn Lomborg.
- Fearon, James D. 2004. "Why Do Some Civil Wars Last So Much Longer Than Others?" *Journal of Peace Research* 41(3):275–301.
- Fearon, James D. 2005. "Separatist Wars, Partition, and World Order." *Security Studies* forthcoming.
- Fearon, James D. and David D. Laitin. 2003. "Ethnicity, Insurgency, and Civil War." *American Political Science Review* 97(1):75–90.
- Fearon, James D. and David D. Laitin. 2004. "Neotrusteeship and the Problem of Weak States." *International Security* 28(4):5–43.
- Independent International Commission on Kosovo. 2000. *The Kosovo Report: Conflict, International Response, Lessons Learned*. New York: Oxford University Press.
- International Commission on Intervention and State Sovereignty. 2001. *The Responsibility to Protect*. Ottawa: International Development Research Centre.
URL: <http://www.dfait-maeci.gc.ca/iciss-ciise/>
- Lacina, Bethany. 2004. "Why Civil Wars Come in Different Sizes." Mimeo, PRIO, Oslo, Norway.
- Luck, Edward C. 2003. American Exceptionalism and International Organization: Lessons from the 1990s. In *US Hegemony and International Organizations*, ed. Rosemary Foot, S. Neil McFarlane and Michael Mastanduno. New York: Oxford University Press pp. 25–48.
- Malone, David M. 2003. US-UN Relations in the UN Security Council in the Post-Cold War Era. In *US Hegemony and International Organizations*, ed. Rosemary Foot, S. Neil McFarlane and Michael Mastanduno. New York: Oxford University Press pp. 73–91.
- Prosser, Andrew. 2004. "The Proliferation Security Initiative in Perspective." Center for Defense Information, June 16, 2004.
URL: <http://www.cdi.org/>
- Russett, Bruce and John Oneal. 2001. *Triangulating Peace: Democracy, Interdependence, and International Organizations*. New York: W. W. Norton.
- Sandler, Todd and James C. Murdoch. 2004. "Civil Wars and Economic Growth: Spatial Dispersion." *American Journal of Political Science* 48(1):138–151.
- Swedish Nuclear Power Inspectorate. 2004. "Eliminating Stockpiles of Highly Enriched Uranium: Options for an Action Agenda in Co-operation with the Russian Federation." SKI Report 2004:15, submitted to the Swedish Ministry for Foreign Affairs.
URL: <http://www.pugwash.org/reports/nw/heu-200415.pdf>

United Nations. 2000. "Report of the Panel on Peace Operations (Brahimi Report)." A/55/305-S/2000/809. August 21.

United Nations. 2004. "Report of the High-level Panel on Threats, Challenges, and Change." A/59/565. December 2.