

Kyoto Peacebuilding Center

Presents

Responding to President Zelensky`s Call for Reforming the United Nations Security Council

Part II

Ambassador Tsuneo Nishida Former Senior Deputy Minister of Foreign Affairs and Ambassador to the United Nations

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Report compiled by: Maciej Witek

Part I: Presentation



Ambassador Nishida Tsuneo Former Senior Deputy Minister of Foreign Affairs and Ambassador to the United Nations

Ambassador Tsuneo acknowledged that the situation in Ukraine and the UN reform is a very important and urgent issue. In the history of 75, almost 80 years after the creation of the UN and international liberal order, we have seen so many conflicts and crises of human conditions, almost every day and on every continent. Why we are so overwhelmed by the very latest conflict?

First, it is taking place in the middle of Europe. World War I and II have been repeatedly done by mainly European countries, mainly in Europe. After those two wars, we established the UN. This is not the first time of conflict in Europe, but the time we are observing a failure of a major player like NATO to settle this conflict. This war, the invasion by Russia in Europe, has started by AOP5. P5 as everybody knows, they are in a sense very utmost elite country in the UN, they have privileges and special treatment. At the same time, they are very proud of keeping the position of P5. On every other front, mainly US and Russia have been somehow arguing almost all agendas, but once we are discussing the option of the UN reform, they all of a sudden oppose together, unified.

Second, this invasion is done by not only AOP5 but also a probably top nuclear arsenal possessing country. Not only that, Mr. Putin himself has suggested so many times that Russia might be using nuclear weapons, which is a new dimension.

Third, thanks to the press, and intelligence on both sides – every kind of news is coming 24 hours and 7 days a week. So fresh, so powerful, so tragic. We have to receive so many tragic pictures. This is a new phenomenon. It affects our sense of security, probably for the first time in the last 75 years. In that process, we have witnessed the incompetence of the UN Security Council to end the conflict. That is not only the Security Council, but Secretary General's incompetence is also very clearly presented. He sat at almost every Security Council meeting, and when Russia invaded Ukraine said "I'm sad, this is something we really can't accept." A word from that Secretary General who has repeatedly stressed the importance of mediation, and preventive diplomacy.

The Security Council's incompetence led to the next stage, the Secretary-General and General Assembly's function and authority were replaced by a new combination of reforms and efforts. In the context of the UN reform, member states focused on two things: Major front was always expanding of Security Council membership, especially permanent members, from 5 to 10 or 15. Another focus was on how to curve or control this privilege of veto. Last 10 years we have been so busy to think about, and pay more attention to this agenda. Then we are now not busy? No, we are even busier. Europe is now preoccupied with this war. Realistically speaking this is not a time to discuss the details of reforms, nobody is prepared for that. Nobody is even interested in doing so. What we have to do is to end the war – rescue those poor people. This is a time not to move, but to prepare for the next opportunity. Ambassador Nishida presented the following ideas:

1. Change the focal point from the expansion of the Security Council to the abolishment of permanent membership. We are not talking about 5 or 11, no, we should talk about zero. Permanent membership should be abolished. Then, of course, veto privilege would be abandoned. Security Council will be made up of only non-permanent members. Of course size, terms, lengths, these details must be discussed, but the idea is different. Why do we have to increase the privilege by expanding the permanent members? We are only making the situation more complex.
2. The General Assembly should be strengthened. Some special categories of resolutions must be given legal binding power so that the Assembly could much more easily overtake the Security Council. The General Assembly will be working on the same level as Security Council.
3. We have to change the system of selection of Secretary General. We don't need any more intervention by Security Council. Only General Assembly could choose. Member States are shareholders and let them choose their CEO.

These are at least the main, most important components of reforms we are aiming at when the next chance will be coming. In between what we do is to hold those responsible for this disaster accountable. We should bring Putin and his people in front of the court. Of course, again, Security Council will not be a promotor of justice, but hinder the process because of China, Russia, India, and Brazil. They are not accusing Russia at all. This is the real picture of the

member states. Extension of our efforts to the expansion of the Security Council is not an objective for the coming time. We cannot allow another situation where the Secretary-General will be sitting next to the Russian president, and only saying that he is sad, and nobody will be punished. If that will be the next page of our history, then it is ridiculous for us to talk about UN reform. For what do we have to reform the UN? The purpose of the UN is and remains only one: we have to end the conflict and humanitarian crisis.

Part II: Commentators



Mr. Richard Ponzio

Senior Fellow and Director of the Global Governance, Justice & Security Program at the Stimson Center in Washington, D.C.

Mr. Ponzio stated that he could not agree more with ambassador Nishida's assessment of the UN's performance. We expected that Russia leading the aggression, will paralyze the Security Council, and trample over the principles of the charter including more recent principles like Responsibility to Protect. The question of the Secretary General's leadership, it has been disappointing to wait two months for his visit to Kyiv. We should comment on the discussion on the adoption of a Security Council resolution on Friday the 6th of May, the first such statement since the aggression on the 24th of February. The Security Council expressed strong support for Secretary-General Antonio Guterres's efforts to find a peaceful solution to this dispute.

Capitalizing on that momentum should be an important focus of our discussion. On the positive developments, National Security Advisor, Jake Sullivan spoke on how Uniting for Peace resolution from 1950, inspired three different resolutions of the General Assembly that provide some hope for other parts of the UN that can function in times of crisis. March 2nd resolution on the aggression against Ukraine of Russia, 141 in favor, 5 against, 35 abstentions. Then similar voting about humanitarian consequences of the aggression on March 22nd, and of course evicting Russia from the Human Rights Council on April 7th was a historic moment. We still have a functioning Ukrainian government, so providing a supporting role but coordinating extensive international assistance is something that the UN is doing well. On the subject of the UN reform, let's remind ourselves that before Russia's aggression we were building up to a major summit in September 2023 – that can still be our vehicle and our target for catalyzing those overdue discussions. Building on Jake Sullivan's reference to United for Peace, the Liechtenstein proposal to bring matters into the General Assembly in cases of paralysis of the Security Council. What we are seeing now is a war of aggression that can become a frozen conflict for some time. Diplomacy and the main reason why the UN was set up – to end conflicts, especially to avoid World War III, needs to be in minds of all of us. There needs to be a focus on second and third-order conflicts that the Security Council doesn't have the time and ability to focus on. Here what the UN needs is an upgraded Peacebuilding Council with new capabilities and a special focus on prevention.



Mr. Tadamichi Yamamoto
Visiting Professor at Doshisha University, Councilor at the International Peace Building Center of the Kyoto University of Arts

Mr. Yamamoto appreciated the statements, and praised the innovative ideas of participants, then mentioned two types of reforms we have to think about. One is a reform that will change the charter – which is very difficult to realize, but if that is possible, many of the ideas mentioned before would become a reality. There are also possible reforms with the existing charter. If we look at where the UN should be effective, there are 5 areas. Prevention, showcasing of world opinion, helping relieve the humanitarian crisis, holding people accountable, and mediating, facilitating ceasefire. There are three areas that the US is doing quite well even in Ukraine: showcasing the world opinion, reliving the humanitarian crisis, and making sure that human rights are protected and that any kind of violation will be held accountable – it's not yet as effective as the other two, but there is a lot of hope for that. However, the last two, prevention and mediation are really in a bind. For prevention, more is possible even with the current charter. If one re-read the report of 2015 on peace operations, it highlights the need to strengthen the UN efforts on prevention. The problem with the current system is that the UN takes up issues after it happens, not before. But not everything happens suddenly, usually, there is a build-up or you see the signs. Even with the Russian invasion, we saw that Russia had a problem with the UN for a long, long time. The report suggested the creation of an International Prevention Forum to discuss key issues at the highest levels, with not the Security Council members, but some key members of the international community. This is doable, and it should add to the ability of the UN to be more effective. The other issue of mediation, unfortunately, is something structurally in the build which makes it difficult for the Secretary-General to act. A change is possible without altering the charter. Mr. Yamamoto thinks Secretary-General should be empowered with the distinguished members of the international community, and people who might be tasked to do the mediation.



Mr. Heung Soon Park
Professor, Sun-Moon University, Korea

Mr. Park praised Interesting and insightful, bold suggestions. He stated that the international community should utilize this crisis as an opportunity for pushing new initiatives in liberalizing the role of the UN, reshaping the Security Council, or the UN as a whole. He agreed with ambassador Nishida, disappointed by the performance of Secretary General Guterres. Expected some secret package he can show to the world but he had only one formal meeting and then didn't do anything specific. For example, he could use some informal line of communication, or utilize the wisdom of the world leaders as he usually does. As we hear from the media, President Putin is in a dilemma about how to get out of this war, with a face-saving strategy. UN Secretary-General can take advantage of this momentum to provide some formula that Putin can use without using his face and show his people some victories. Another point is that in 2005 Kofi

Anan initiated specific models of reporting and many other suggestions, there was a great debate in the General Assembly. Then Ban Ki-Moon introduced the intergovernmental negotiations forum. Mr. Park thinks it is not making much progress so far, and this crisis can provide momentum for discussion about the UN reform. In 2025, celebrating 80 years of the UN will be a good opportunity to discuss a new approach.



Mr. Toshiya Hoshino

Former Ambassador to the United Nations and Professor, Osaka University

Mr. Hoshino suggested that the magnitude of the crisis that we are facing today must make us think about a new way of functioning and structure of the UN. Controlling the veto power, and strengthening the role of the General Assembly. What kind of decision-making system is reasonable and useful? What is a well-balanced way of proper decision-making in a time of crisis? Mr. Hoshino has some reservations to decide everything by the majority rule. There is one bitter memory when he was an ambassador in charge of budgetary affairs, it is about a debate on the expansion, not the Security Council, but the ACABQ. It is an idea prompted by developing countries to seek larger representation in the budget process, but the donor countries like Japan, and the US, do not find any needs or benefits of the expansion. Mr. Hoshino approached the General Assembly president not to add this to the agenda – it was too premature to discuss at the plenary. Finally, it was included in the agenda, and the expansion of ACABQ members was approved on the spot by a simple majority. Mr. Hoshino agreed with the limit of the power of the veto, but at the same time, a simple majority cannot ensure that rights decisions will be made. At the time of this change, we need to find a balanced way of proper decision-making. Regarding the expansion of Security Council members, number 15 is a bit too small in comparison to all 193 members of the UN, to make legitimate and highly representative decisions related to peace and security.

Ms. Li Dongyan

Mr. Dongyan presented four points. First, the veto is the right from the UN charter. Abolishing the veto and enlarging the council, will cause the charter amendment. During the creation of the UN, the veto was opposed by many counties, but without the veto, there would be no UN. Second, at present any reform to abolish the veto is unrealistic. Council reform has been going on for decades, and a lot of progress has been made, but even with the best relations between P5, no substantial progress has been made on the reform of the veto and the enlargement of the council. The current tension between the major powers will make the council reform more difficult. Third, the veto is functionally necessary and important in restricting the abuse of force by P5. We can't yet approve that a council without a veto is much better. Fourth, active and inclusive cooperation between all countries, especially P5 remains the pathway to council reform. The council is imperfect in many places, including the representation, it needs reform, and it should play a more effective role in maintaining world peace and preventing conflict. But

any charter change reform will be a very difficult process of international constitutional negotiations. Member states need to continue discussing and improving the reform proposals that have already been put forward before, including the possibility of creating a category of rotating regional permanent members, as well as the process of election of new permanent members, and the division of the regional election groups.

Part III: Open Discussion



Mr. Sukehiro Hasegawa
Director, Kyoto Peacebuilding Center

Mr. Hasegawa recalled a proposal that he made during the previous session: Let us move into the new Security Council composition that consists of the combined power of 4: military, economy, social, and political strength that the member states and regional organizations. Transform the G20 at the moment and make a security council of 25 members consisting of nation-states and regional organizations. Maybe we can have 20 member states and 5 regional organizations that may consist of the European Union, ASEAN, African Union, League of Arab States, and the American States. We can start now with 25 members, 5 of them being the current P5, including Russia, for the next 10 years – so that Russia may change, as some think that Russia deserves to stay as a permanent member. Then we have the second tier of 10 countries with 5 years of tenure, who can be reelected. The last tier of 10 countries can remain for 3 years, and then can be reelected. This would reflect its real power of it. Many participants mentioned that the Secretary-General was reluctant, but Mr. Hasegawa thinks that his weakness is not so much his approach, but a lack of using the combined power of the global connection of the coalitions. Russia will not listen to the US or Europe, but if other middle-level countries, Turkey, China, South Africa, and all other countries ask to stop it, Russia might listen more. In other words, we should use the combined power of the major components of the global society. G20 has 90% of military power, 80% of global GDP, and 70% of the population.



Mr. Takahiro Shinyo
Councilor of the Kyoto Peacebuilding Center, Professor of Kwansei Gakuin University, and Former Ambassador to the United Nations and the Federal Republic of Germany

Mr. Shinyo agreed that the suggestion of ambassador Nishida would be some kind of shock therapy like president Zelensky said to the Security Council "please dissolve yourself if you cannot solve this issue". It could be perhaps a fairy tale. The backlash from the P5 might cause any reform like this will not to work and will be crushed. This is reality, and real politics should be the basis upon which we

can work together. The problem is Russia, not the security Council itself. How to cope well with the Russian issue? Russia has to pay the price. There are a couple of things that we can do: not expel Russia, let them stay, but question its legal problem behind the Russian seat – After the dissolution of the USSR Russia has never been accepted as a new country, this has never been discussed. It is said that Russia is the succeeding country of the USSR, but who admitted this? We should reopen this and push Russia into the corner. Peacemaking efforts have not been exhausted, it is not SG's responsibility. The main players are the big members such as US and China, they were the guarantors of Budapest. They guaranteed, but it was a broken promise so it is the turn of the US and China to make a peacemaking process. But why not invite and ask to talk with Russia? They have never done this. The main actors have done nothing in terms of peacemaking yet, those efforts should be strengthened. There is also a total disappointment regarding the issue of a nuclear threat. Nobody will believe the promise of nuclear weapon countries. How to restructure and revitalize the credibility? One thing which could be perhaps feasible is to utilize the mechanism of the Emergency Special Session – ESS. We should use it when the Security Council could not function because of a veto. General Assembly could be used as a second Security Council, we need some continuing mechanism within the framework of the assembly – why not establish a special committee for the Uniting for the Peace process? Utilizing the Peacebuilding Commission? It could be practical.



Mr. Yasushi Akashi
Honorary Chair of the Kyoto Peacebuilding Center and former
USG for Humanitarian and Disarmament Affairs, SRSG for
Cambodia and former Yugoslavia

Mr. Akashi focused not on institutions of mechanism, but on the importance of negotiations. There was a major crisis in 1962 between the US and Cuba. It was resolved peacefully, and at that time the Secretary-General didn't play an important role. In the current crisis, there is an important role that could be played by the Turkish president.

He already provided the venue in his own country for two sides to come together and he has some bright possibilities for a compromise. We should have a place where the freshest ideas can be exchanged between the parties, and where the parties could change positions. Turkey is rather close to Russia and yet it is a member of NATO. Secretary General perhaps did not have good advisors on the wide range of issues. Certainly, he had some ideas, for instance, the humanitarian corridor, but he should do a better job in negotiations. Real negotiations have to take place between two professionals, and a few good advisors.



Mr. Motohide Yoshikawa
Former Ambassador of Japan to Spain, OECD, and UN

Mr. Yoshikawa stated that amending the charter is very difficult, but is not impossible. If we look back at what happened in 1963-65, the charter was amended and the number of members of the Security Council was increased from 11 to 15. It tells us a couple of important lessons. In 1963, the draft resolution prepared by many Asian and African countries that gained independence in the 1960s was approved

by a 2/3 majority. If we look at the P5, there was no agreement, only the Republic of China voted in favor. USSR and France opposed, and US and UK abstained. There was no cooperation or agreement, but no veto. When it came to the ratification, the first permanent member who ratified was USSR – opposed at the GA but was the first to ratify. There is no veto at the stage of making an amendment, we don't have to pay attention to the P5, their veto comes later. After 1965, there was never an amendment, only proposals. Why? It never gained a 2/3 majority in the General Assembly. The key is for the majority of developing countries to be on board. If there is an agreement, P5 will follow.



Mr. Vesselin Popovski
Vice Dean and Professor, Center for the UN Studies, Jindal University, Dehli, India

Mr. Popovski mentioned that while speaking about proposals, often we are criticized because we are not realistic, but what is not realistic is to expect Russia and China to agree on any changes to the UN charter. That is not realistic, it will never happen. Probably the most realistic is to try to convene a revision of the UN charter conference, the majority of the General Assembly, but if that does not work, the only remaining option will be what Zelensky said – dissolve this UN and create another one. No veto, no permanent members, General Assembly much more enforceable. This is the realistic option. Of course, some countries may stay out for some time, like Germany and Japan who were not members of the UN between 1945 and 1955, so everybody is welcome, but if Russia and China want to stay out, let them stay out. The 140+ members of the new organization will go ahead and establish new rules, and at one point Russia and China will be welcome to join – or else they will be isolated.



Mr. Ken Inoue
Vice-President, Global Peacebuilding Association of Japan

Mr. Inoue stated that his comment might be very provocative and maybe even inappropriate. He wonders even if some of the ideas are realized tomorrow, can we stop the war? Mr. Inoue does not think so. That's why he believes what Mr. Akashi mentioned is important, we have to negotiate. The problem is president Putin, how to convince him? If the situation continues like that and escalates and if we are facing a possible nuclear war, then what should we do? On the other side, can't we say to Ukraine to give up the Donbas region? This is what Putin wants. Should we continue supplying the weapon to Ukraine and escalating the war? Or if we negotiate with president Putin, we have to compromise. In Donbas, there is a majority of Russian people want to be separated. This possibility is not the best solution, but probably the only solution to negotiate and save the world from World War III.

Mr. Sukehiro Hasegawa
Director, Kyoto Peacebuilding Center

Mr. Hasegawa recalled the situation when he talked to the ambassador of Ukraine, and suggested to him that maybe president Zelensky should propose that the UN will supervise or conduct any referendum in Donbas. His response was no, this is still Ukraine.

Ambassador Nishida Tsuneo
Former Senior Deputy Minister of Foreign Affairs and Ambassador to the United Nations

Ambassador Tsuneo stated that it is not the stage where we are just discussing very small details. Why? Because we should not be unrealistic. Are the US, Russia, and China so different? No, they are not different. For example, the democratic US government said that war criminals must be punished. At the same time, the US was not a member of the ICC. We need a special tribunal if we want to punish those who are responsible for these atrocities. Once you have already killed so many people, negotiations are always needed, but we should pursue justice. Do you place Mr. Putin and welcome new permanent members with nuclear power and veto in the next 10 years? This is not acceptable. How people can believe in a reform of the UN with Putin and nuclear weapons there? We are talking about the realistic approach, but these realistic options are not realistic at all. Only to make an extension of what we have agreed upon immediately after World War II. What we are experiencing is not a second Cold War, this is a hot war, a total invasion by a big country into the neighboring country. Are we supposed to agree on some small compromise and say thank you, welcome again? That is not a reform. We are not talking about the past, but the coming generations.