

Security Council Reform: The Case for Human Security?

Emma McClean*

Abstract

This article assesses the proposed Security Council (SC) reforms detailed in the High Level Panel report of 2005, in terms of the idea of human security. Indeed, the primary contention of the paper is that the SC, with primary responsibility for international peace and security, has an important, if not pivotal, role to play in the promotion and advancement of human security. While it is acknowledged that human security is an elusive, if not contested, concept, the first part of the article puts forward a conception of human security which sees human security as consisting of human rights, democracy and good governance. This conception of human security provides the framework within which to assess the proposed reforms of the SC. This context of UN reform permeates both parts of the article and, as such, adds a deeper resonance to the ensuing assessment of the proposed reforms of the SC in terms of human security. Upon an analysis of the role of the SC in promoting and advancing human security, it may be possible to argue that the SC should be conceived of as a 'Human Security Council'. This suggestion is supported by the wider UN reforms and the content thereof in relation to the idea of human security as explained in the first part of the article.

1. Introduction

In September 2005 world leaders gathered at the United Nations (UN) World Summit to 'take bold decisions in the areas of development, security, human rights and reform of the United Nations'.¹ The Report of the High-Level Panel on Threats, Challenges and Change informed the deliberations of member states, particularly in respect of the area pertaining to the reform of the UN.² The Report, entitled *A More Secure World: Our Shared Responsibility*, was commissioned by the Secretary-General of the UN, Kofi Annan, to examine the current challenges to international peace and security, to consider the contribution of collective action to address such challenges, and to recommend ways to ensure effective collective action, including review of the principal organs of the UN.³ This three-fold mandate produced 101 recommendations

* Doctoral Candidate, Law School, University of Hull (e-mail: E.McClean@hull.ac.uk). Emma is a graduate of Trinity College Dublin (LL.B) and University College Cork (LL.M) and is currently undertaking doctoral research entitled 'Human Security in International Law: The Role of the United Nations'.

¹ United Nations, 'The 2005 World Summit: An Overview', available at: www.un.org/ga/documents/overview2005summit.pdf.

² The High-Level Panel on Threats, Challenges and Change, *A More Secure World: Our Shared Responsibility* (New York: United Nations, 2004).

³ *A More Secure World*, ibid. at 119. See also UN Secretary-General, 'The Secretary-General Address to the General Assembly', 23 September 2003, available at: www.un.org/webcast/ga/58/statements/sg2eng030923.

spanning the spectrum of security issues from development to international terrorism.⁴ However, it was the proposed reform of the Security Council (SC) of the UN which attracted a flurry of attention, not in the least from academic quarters.⁵ Nevertheless, while the Outcome Document of the World Summit did not contain a concrete agreement as to the way forward in respect of SC reform, it did endorse the reform of the SC in principle.⁶

This article assesses the proposed reforms of the SC detailed in the Report of the High-Level Panel on Threats, Challenges and Changes in terms of the idea of human security. Indeed, the primary contention of the paper is that the SC, with primary responsibility for international peace and security under the UN Charter, has an important, if not pivotal role, to play with regards to human security. It is acknowledged that in order to arrive at such a proposition it is necessary first to offer an understanding of human security which, in turn, provides the framework within which to assess the proposed reforms of the SC. This two-step analysis occurs within the broader context of UN reform generally which, as a result, adds a deeper resonance to the assessment of the proposed reforms of the SC in terms of human security.

Overall the article consists of four sections, the first of which is devoted to offering a coherent understanding of human security by way of a brief overview of the available definitions. The second section situates the primary contention of the paper within the wider context of the reform of the UN, while the third section details the proposed SC reforms articulated in the Report of the High-Level Panel on Threats, Challenges and Change. The fourth and final section contains the assessment of the proposed reforms of the SC in terms of human security. It is this assessment which exposes the role of the SC with respect to human security.

2. Human Security: An Overview of Definitions

There are a plethora of definitions and descriptions of human security emanating from a multitude of different sources such as the UN, governments, and other international, regional and national organisations and institutions of various hues.⁷ Academics, hailing from disparate fields of research, have also joined in the cacophony of voices

⁴ Burgess and Piper observe that the Report ‘unites a wide range of perspectives and presuppositions’ which they continue to identify as global security, the debate regarding the relationship between the nation-state, sovereignty and responsibility, the importance of prevention and finally, the relationship between force, legitimacy and the role of the UN. See Burgess and Piper, ‘Editors’ Introduction to Special Section: Report of the High-Level Panel on Threats, Challenges and Change’, (2005) 36 *Security Dialogue* 361 at 362.

⁵ For example, the journal *Security Dialogue* devoted a Special Section to the Report of the High-Level Panel. The Special Section consisted of 11 articles all of which mention reform of the SC in some guise. See, ‘Special Section: The High-Level Panel on Threats, Challenges and Change’, (2005) 36 *Security Dialogue* 361.

⁶ General Assembly, Draft resolution referred to the High-level Plenary Meeting of the General Assembly at its fifty-ninth session, 20 September 2005, A/60/L.1 at para. 153.

⁷ It is possible to add to this melting pot of definitions and descriptions of human security academics and international and regional organisations which may be said to profess a human security agenda. For example, the UNHCR may be said to profess such an agenda. In this respect see Hammerstad, ‘Whose Security? UNHCR, Refugee Protection and State Security After the Cold War’, (2000) 31 *Security Dialogue* 391.

clamouring around human security.⁸ For example, the UN first alluded to the term ‘human security’ in the 1992 document ‘An Agenda for Peace’.⁹ Buried amongst expressions of renewed opportunity to build peace, stability and security in the aftermath of the cold war, the then Secretary-General, Boutros Boutros Ghali, proclaimed that each organ of the UN has a ‘special and indispensable role to play in an integrated approach to human security’.¹⁰ A similar covert reference to the term is found in the 1995 sister document ‘An Agenda for Development’.¹¹

In keeping with his predecessor, the current Secretary-General, Kofi Annan, similarly sees human security as an idea around which to harmonise and coordinate the efforts of the UN and its members in respect of development and security.¹² Moreover, he has described human security as encompassing ‘economic development, social justice, environmental protection, democratisation, disarmament, and respect for human rights and the rule of law’¹³, as entailing ‘human rights, good governance, access to education and health care’ and as ‘ensuring that each individual has opportunities and choices to fulfil his or her potential’.¹⁴ Furthermore, freedom from fear, freedom from want and the freedom of future generations to inherit a healthy natural environment form the three constituent and interrelated building blocks of human security.¹⁵

The United Nations Development Programme (UNDP) whole-heartedly embraced human security in its 1994 annual publication of the Human Development Report offering a definition of human security which is the most cited and arguably the most authoritative definition of human security.¹⁶ According to the UNDP, human security is founded on the twin components of freedom from fear and freedom from want, both of which are found in the UN Charter,¹⁷ and is comprised of two main aspects. The first aspect is safety from chronic threats, such as hunger, disease, and

⁸ See generally, ‘Special Section: Human Security’, (2004) 35 *Security Dialogue* 345.

⁹ Secretary-General of the United Nations, ‘An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peacekeeping’, 17 June 1992, A/47/277-S/2411.

¹⁰ Ibid. at para. 16.

¹¹ In ‘An Agenda for Development’ peace is seen as the foundation for a revitalised concept of development and recognition is given to the inter-relationship between development and conflict. As such, the Secretary-General stated ‘national budgets which focus directly on development better serve the cause of peace and human security’. Secretary-General of the United Nations, *An Agenda for Development*, 6 May 1994, A/48/935 at para. 16-20.

¹² As noted above the then Secretary-General, Boutros Boutros Ghali, proclaimed in ‘An Agenda for Peace’ that each organ of the UN has a ‘special and indispensable role to play in an integrated approach to human security’. Similarly the current Secretary-General, Kofi Annan, has stated that threats to human security force the UN and its members ‘to adopt a much more coordinated approach to a range of issues’. See Secretary-General, ‘An Agenda for Peace’, *supra* n. 9 at para. 16 and Secretary-General of the United Nations, *Report of the Secretary-General on the Work of the Organisation* (New York: United Nations, 2000) at 4, respectively.

¹³ Secretary-General of the United Nations, ‘Towards a Culture of Peace’, available at: www.unesco.org/opi2/lettres/TextAnglais/AnnanE.html.

¹⁴ UN Press Release, ‘Secretary-General Salutes International Workshop on Human Security in Mongolia’, Two Day Session in Ulaanbaatar, SG/SM/7382, 8 May 2002.

¹⁵ Ibid. The African Union has adopted a remarkably similar understanding of human security in the Draft African Non-Aggression and Common Defence Pact. See African Union, Draft African Non-Aggression and Common Defence Pact, available at: http://www.africanunion.org/News_Events/Calendar_of_%20Events/Pacte%20de%20non-aggression/Aggression%20Pact%20amendment%20by%20the%20Libyan.pdf.

¹⁶ United Nations Development Programme (UNDP), *Human Development Report 1994* (New York/Oxford: Oxford University Press, 1994).

¹⁷ Ibid. at 24.

repression, while the second aspect is ‘protection from sudden and hurtful disruptions in the patterns of daily life’.¹⁸ The UNDP readily acknowledged the broad nature of such a definition and attempted to ascribe a more concrete meaning by enunciating seven non-exhaustive categories of threats to human security. These human security threats are: economic security, food security, health security, environmental security, personal security, community security and political security.¹⁹

The Commission on Human Security was established in response to the Secretary-General’s call to advance ‘freedom from fear, freedom from want and the freedom of future generations to sustain their lives on this planet’.²⁰ Given this genesis it is unsurprising that the definition of human security proffered by the Commission in its final report *Human Security Now* is informed by these components or, to borrow the terminology of the Secretary-General, these building blocks of human security.²¹ The Commission saw human security as the protection of ‘the vital core of all human lives in ways that enhance human freedoms and human fulfilment’,²² and understood the ‘vital core’ to be protected in terms of human freedoms.²³ This definition is heavily indebted to the ‘Working Definition of Human Security’ offered by the academic and member of the Commission on Human Security, Sabina Alkire.²⁴ To Alkire, human security means ‘to safeguard the vital core of all human lives from critical pervasive threats, in a way that is consistent with long-term human fulfilment’, where the vital core may be determined by way of reference to human rights.²⁵

Like the UN, governments have also recognised the value of human security as an idea around which to organise activities. In this respect it is pertinent to recall that the UNDP organised the 1995 Copenhagen UN Conference on Social Development around human security. Further, the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer or Anti-Personnel Mines and on Their Destruction also referred as the Ottawa Convention, and the Rome Statute of the International Criminal Court, are both counted among the many accomplishments of human security. As such it is unsurprising that the governments of Canada and Japan have both adopted the idea of human security to inform their foreign policy. Hence, human security to Canada is a ‘people-centred approach to foreign policy’ which means ‘freedom from pervasive threats to people’s rights, safety or lives’ and is premised upon freedom from fear.²⁶ In contrast, human security to Japan is a key perspective on foreign policy which entails the ‘preservation and

¹⁸ Ibid. at 23.

¹⁹ Ibid. at 24-5. Other commentators have adopted a similar approach to defining human security. See for example, Reed and Tehranian, ‘Evolving Security Regimes’, in Tehranian (ed.), *Worlds Apart: Human Security and Global Governance* (London: I.B. Tauris, 1999).

²⁰ Secretary-General Statement to General Assembly on the presentation of the Millennium Report, 3 April 2000, at para. 13, available at: www.un.org/millennium/sg/report/state.htm. More generally see, Secretary-General of the United Nations, *We the Peoples: The Role of the United Nations in the 21st Century* (New York: United Nations, 2000).

²¹ Commission on Human Security, *Human Security Now* (New York: United Nations, 2003).

²² Ibid. at 4.

²³ Ibid.

²⁴ Alkire, ‘A Conceptual Framework for Human Security’, Working Paper 2, Centre for Research on Inequality, Human Security and Ethnicity, available at: www.crise.ox.ac.uk/pubs/workingpaper2.pdf.

²⁵ Ibid. at 2-8.

²⁶ See Canada’s Human Security Website: www.humansecurity.gc.ca/ and Department of Foreign Affairs and International Trade, *Freedom from Fear: Canada’s Foreign Policy for Human Security*, (Ottawa: Department of Foreign Affairs and International Trade, 2002).

protection of the life and dignity of individual human beings' which can only be achieved when the 'individual is confident of a life free from fear and freed of want'.²⁷

References to and descriptions of human security have not been the sole domain of the UN, governments and their protégée.²⁸ Academics, perhaps attracted by the promise of an integrated and holistic approach to analysis offered by the idea of human security,²⁹ have variously described human security as 'the safety and well-being of individuals',³⁰ as meaning 'freedom from fear',³¹ or as pertaining to the attainment of 'the social, environmental and economic conditions conducive to a life in freedom and dignity for the individual'.³² A particularly recurrent assertion in academic literature is that human security is defined by human rights.³³

This necessarily brief review of definitions of human security may be concluded with three observations. First, there is more convergence than divergence in respect of human security than the profusion of definitions and descriptions would suggest.³⁴ For example, it is clear that human security is human-centred. Moreover, there is a sufficient amount of consensus to suggest tentatively human rights, and possibly democracy and good governance as providing the substance of human security.³⁵ Second, the UN emerges from the review with a clear role in respect of human security, namely as a harmonising and coordinating centre for human security activities. Third, and perhaps most concretely, the review exposes freedom from fear and freedom from want as underpinning and informing human security. Indeed, Don Hubert has observed that: '[a]ll approaches to human security focus on the security and development nexus, and all see improvements in socio-economic conditions as crucial for the prevention of conflict; the differences are not of substance, but of packaging'.³⁶

²⁷ Takasu, 'Toward Effective Cross-Sectorial Partnership to Ensure Human Security in a Globalised World', Third Intellectual Dialogue on Building Asia's Tomorrow, Bangkok, 19 June 2000, available at: <http://www.jcie.or.jp/thinknet/tomorrow/3.html>.

²⁸ For example, the Canadian government has been instrumental in the establishment of the Human Security Network, along with Norway, which is a network of 13 like-minded states which profess a human security agenda in foreign policy. See: www.humansecuritynetwork.org. Canada has also been influential in the institution of the Regional Human Security Centre at the Jordan Institute of Diplomacy, see: www.id.gov.jo/human/index.html.

²⁹ For example, Ellen Lammers, writing on refugees, gender, and human security recognised the advantage of using or 'linking human security to refugee/returnee issues'. See Lammers, *Refugees, Gender and Human Security: A Theoretical Introduction and Annotated Bibliography* (Utrecht: International Books, 1999) at 55.

³⁰ Foong Khong, 'Human Security: A Shotgun Approach to Alleviating Human Misery?', (2001) 7 *Global Governance* 231.

³¹ McRae, 'Human Security in a Globalised World', in McRae and Hubert (eds), *Human Security and the New Diplomacy: Protecting People, Promoting Peace* (Montreal and Kingston/London/Ithaca: McGill-Queen's University Press, 2001) at 4.

³² Hammerstad, *supra* n. 7 395.

³³ As noted above Alkire professes that human rights define human security. See Alkire, *supra* n. 24 at 2-8. Ramcharan states: 'human rights define human security'. Ramcharan, *Human Rights and Human Security* (The Hague: Kluwer Law International, 2002) at 9. Newman also sees a correlation between human rights and human security, see *infra* n. 116.

³⁴ Don Hubert has stated that in the past few years the differences in approaches and therefore the meaning of human security 'have narrowed'. See Hubert, 'An Idea the Works in Practice', (2004) 35 *Security Dialogue* 351 at 351.

³⁵ This suggestion is primarily based on definitions and descriptions emanating from the UN, but finds considerable amount of support in the academic literature. See *supra* n. 33.

³⁶ Hubert, *supra* n. 34 at 351.

Freedom from fear and freedom from want have been equated with the security agenda and the development agenda respectively. This equation is certainly understandable given UN documents such as *We the Peoples: The Role of the United Nations in the 21st Century*, the resultant Millennium Declaration,³⁷ and subsequent *In Larger Freedom: Towards Development, Security and Human Rights for All*.³⁸ However, these documents view human rights, democracy and good governance as broader objectives providing the cocoon within which the agendas in respect of development and security are to be pursued. This is particularly apparent in the Millennium Declaration where UN member states pledged to promote democracy, strengthen the rule of law and to promote and strengthen respect for internationally recognised human rights and fundamental freedoms, including the right to development.³⁹ Unsurprisingly, this was subsequently endorsed by the Secretary-General in the report *In Larger Freedom*.⁴⁰ In this way, the equation of freedom from fear to the security agenda and freedom from want to the development agenda amounts to an unfortunate and perhaps misleading appropriation of freedom from fear and freedom from want. Nevertheless, as will be apparent, the documents buttress the tentative suggestion that human rights, and possibly democracy and good governance provide the substance of human security.

In short, the brief overview of definitions of human security paints a picture of human security as human-centred, with a probable content of human rights, democracy, good governance and concern for addressing the development/security nexus. As such, the concept envisions a role for the UN.

3. UN Reform: The Wider Context

The discovery that freedom from fear and freedom from want underpins and informs human security firmly situates human security within the wider context of efforts to reform the UN. Indeed, in *We the Peoples: The Role of the United Nations in the 21st Century* the Secretary-General declared freedom from fear and freedom from want as ‘founding aims of the UN’.⁴¹ The objective of the Secretary-General in producing the Report was to provide a ‘basic document’ for the UN Millennium Summit in September 2000.⁴² Hence, the Report (also known as the ‘Millennium Report’) may be said to mark the beginning of the present reform efforts.⁴³ The Report identifies a number of ‘pressing challenges’, suggests a ‘number of priorities’ and recommends ‘several immediate steps’ in respect of four broad areas of concern, namely development, security, environment and renewal of the UN.⁴⁴ As such it details the vision of the Secretary-General for the UN in the 21st century.

³⁷ GA Res. 55/2, United Nations Millennium Declaration, 8 September 2000, A/RES/55/2 (‘Millennium Declaration’).

³⁸ Secretary-General of the United Nations, *In Larger Freedom: Towards Development, Security and Human Rights For All* (New York: United Nations, 2005).

³⁹ *Millennium Declaration*, supra n. 38 at para. 24.

⁴⁰ *In Larger Freedom*, supra n. 38 at 34-9.

⁴¹ *We The People*, supra n. 20 at 17. Cf. UNDP, *Human Development Report 1994*, supra n. 16 at 24.

⁴² Secretary-General Statement to the General Assembly, 3 April 2000, New York, available at: www.un.org/millennium/sg/report/state.htm.

⁴³ See generally, Muller (ed.), *Reforming the United Nations: The Quiet Revolution* (The Hague: Kluwer Law International, 2001).

⁴⁴ *We The People*, supra n. 20 at 6.

In articulating the Secretary-General's vision for the UN the Millennium Report acknowledges a change in the understanding of security. The new understanding of security necessitates a 'human-centred approach to security' due to changes in weaponry and warfare, and includes 'the protection of communities and individuals from internal violence'.⁴⁵ At the heart of the human-centred approach to security lies preventive and deterrent strategies, which in turn demand a deeper understanding of the causes of conflict that includes recognition of the relationship between development and security. Hence, the Secretary-General remarked that the strategies detailed in the Millennium Report in respect of development are relevant to the prevention and deterrence of conflict. Moreover, the Report observes that a more integrated approach is required by those involved in conflict prevention and more generally development, such as the UN, the Bretton Woods institutions, governments and civil society.⁴⁶ However, an integrated response must be accompanied by the promotion of human rights, the protection of minority rights and the institution of appropriate representative political arrangements, particularly where ethnic divisions have given rise to conflict. Nevertheless, the Secretary-General recognises that prevention and deterrence are not always a successful combination and thus adds protection of the vulnerable to the proposed strategies, primarily by way of strengthening international human rights and humanitarian law.⁴⁷

The new understanding of security articulated in the Millennium Report clearly resembles the picture of human security painted in the preceding section, not in the least due to its professed 'human-centre', but also due to the endorsement of human rights, democracy and good governance strategies. Indeed, it resembles the picture of human security sufficiently closely to assert that the Millennium Report contains a clear expression of human security. This resemblance is rendered more acute with the proclamation, derived from the purposes of the UN as enunciated in Article 1 of the Charter of the UN, that the UN 'exists for, and must serve, the needs and hopes of people everywhere'.⁴⁸ Moreover, democracy and good governance are emphasised throughout the Report. For example, democracy is hailed as a success for the UN as a purveyor of norms and principles as it 'is now generally seen as the most legitimate and desirable form of government',⁴⁹ while governance is pivotal to meeting the central challenge of globalisation which encapsulates the entire Millennium Report and, as such, governance pervades the Report.⁵⁰ These peppered references to democracy and the pervading context of good governance indicate that the Secretary-General envisions the UN as playing a primarily normative role upon entering the 21st century.⁵¹

As noted, the Millennium Report provided the basis of the considerations of UN member states at the Millennium Summit in September 2000. The document ultimately produced by member states, the Millennium Declaration, endorses the

⁴⁵ *Ibid.* at 43.

⁴⁶ *Ibid.* at 45. The Secretary-General also stresses the role of civil society generally and the social responsibility of global companies and banks in conflict prevention.

⁴⁷ *Ibid.* In this latter respect, the Secretary-General also identifies a number of issues such as intervention, sanctions, and arms reduction as requiring attention.

⁴⁸ *Ibid.* at 6.

⁴⁹ *Ibid.* at 68.

⁵⁰ A whole chapter is devoted to exploring the relationship between globalisation and governance, entitled 'Globalisation and Governance'.

⁵¹ This normative role for the UN is reinforced in the chapter on the renewal of the UN.

vision articulated by the Secretary-General in the Millennium Report.⁵² Nevertheless, the Millennium Declaration elaborates upon the vision of the Millennium Report in two key respects. First, and as previously mentioned, member states pledge to promote democracy, strengthen the rule of law and to promote and strengthen respect for internationally recognised human rights and fundamental freedoms, including the right to development.⁵³ In this way the Millennium Declaration accords a more prominent and coherent position to human rights, democracy and good governance than was forthcoming in the Millennium Report.⁵⁴ In doing so, member states recognise human rights, democracy and good governance as broader objectives to be pursued in order to achieve the objectives of the Millennium Declaration in relation to development, security, environment and strengthening the UN.⁵⁵ As such, human rights, democracy and good governance underpin and inform efforts to reform the UN.

Second, the Millennium Declaration puts forward more concrete and detailed proposals pertaining to the reform of the UN than were evident in the Millennium Report.⁵⁶ The provision of the Millennium Declaration of paramount import in this respect is paragraph 30, which sets out 11 measures by which to achieve a more effective UN.⁵⁷ The first five measures pertain to the role of the General Assembly, the reform of the SC, strengthening the Economic and Social Council and the International Court of Justice, and to the relationships between these principal organs of the UN. The remaining six measures relate to matters as diverse as ensuring effective organisation and resources, including reference to the Secretariat in the latter regard, adherence to the 1994 Convention on the Safety of United Nations and Associated Personnel,⁵⁸ and greater policy coherence and better cooperation generally. The latter measure encompasses a myriad of actors such as the UN, its agencies, Bretton Woods institutions, the World Trade Organisation, and national parliaments, while the private sector, non-governmental organisations and civil society are to be given greater opportunities ‘to contribute to the realisation of the Organisation’s goals and programmes’.⁵⁹

In order to monitor the implementation of the Millennium Declaration, member states asked the Secretary-General to report periodically to the General

⁵² For example, the Millennium Declaration speaks of the resolve of member states to ensure implementation of treaties dealing with arms, humanitarian law and human rights law. See Millennium Declaration, *supra* n. 37 at para. 61.

⁵³ *Ibid.* at para. 24. In order to uphold this pledge, member states have resolved, *inter alia*, to respect and uphold the Universal Declaration of Human Rights along with striving for the protection and promotion of civil, political, economic, social and cultural rights. *Ibid.* at para. 25.

⁵⁴ For example, provision was made for the protection of human rights in conjunction with minority rights along with strengthening international human rights law generally in the chapter detailing the security challenges and the potential remedies thereof. See *supra* n. 20 at 45.

⁵⁵ The objectives laid down in the Millennium Declaration relate to development, security and the environment. They also cover the protection of the vulnerable such as children, and the issue of meeting the special needs of Africa.

⁵⁶ As to the renewal of the UN, the Secretary-General speaks of a UN which draws strength from its unique normative position, exploits the Information Age, and finally steadily advances effective structural reform of the UN. In so doing, the Secretary-General envisions the UN becoming a ‘more effective catalyst for change and coordination’. See *We the Peoples*, *supra* n. 20 at 67.

⁵⁷ The Millennium Declaration also expresses a particular concern as to the effectiveness of the UN in respect of the maintenance of peace and security which results in a specific pledge to make the UN more effective in maintaining peace and security. See Millennium Declaration, *supra* n. 37 at para. 9.

⁵⁸ A/49/49 (1994).

⁵⁹ *Ibid.* at para. 30.

Assembly. These reports would also serve as a basis for further action.⁶⁰ Indeed, the 2005 Report of the Secretary-General, entitled *In Larger Freedom: Towards Development, Security and Human Rights For All* provided the basis for the deliberations of member states at the 2005 World Summit.

Given the origins of *In Larger Freedom* it is unsurprising that it endorses the Millennium Declaration and advances a number of measures, such as a Peacebuilding Commission and a Human Rights Council, in order to implement the objectives therein.⁶¹ Underlying *In Larger Freedom*, and indeed providing the sub-title and structure for the Report, is the recognition of the inter-relationship between human rights, development and security. In the words of the Secretary-General: ‘we will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights’.

Thus, it would appear that human rights constitute the lynch-pin of the ‘comprehensive strategy’ proposed by the Secretary-General in *In Larger Freedom* to implement and achieve the objectives of the Millennium Declaration. This lends credence to the characterisation of the equation of freedom from fear and freedom from want to the security and development agendas as an unfortunate, if not misleading, appropriation. For *In Larger Freedom* advocates a broader understanding of freedom from fear and want, as the foundation stone for the security and development agendas is seen as human rights, and by necessary implication, democracy and good governance.⁶² Hence, in this way, *In Larger Freedom* vindicates the tentative identification of the substance of human security, as underpinned and informed by freedom from fear and freedom from want, as human rights, democracy and good governance.

In summary this somewhat rudimentary overview of the UN documents pertaining to the reform of the UN confirms the substance of human security as human rights, democracy and good governance. Further, the overview establishes a clear link between human security and UN reform. For, as the Secretary-General acknowledged in the Millennium Report, reform of the UN is necessary so long as the founding aims of the UN, that of freedom from fear and freedom from want, remain elusive.⁶³ This link was reiterated and strengthened in the Millennium Declaration and *In Larger Freedom*.⁶⁴ In this respect, by consistently reaffirming the purposes of the UN, the documents ensure that the link between human security and UN reform is firmly rooted in the UN Charter.⁶⁵ Thus, the primary conclusion to be drawn from the

⁶⁰ Ibid. at para. 31. This paragraph also requests the General Assembly to undertake periodical reviews of the progress made as regards the implementation of the Millennium Declaration.

⁶¹ *In Larger Freedom*, supra n. 38 at para. 114-9 (peacebuilding commission) and para. 181-3 (Human Rights Council).

⁶² ‘No security agenda and no drive for development will be successful unless they are based on the sure foundation of respect for human dignity’. See Secretary-General, *In Larger Freedom*, supra n. 39 at para. 127.

⁶³ *We The People*, supra n. 20 at 17.

⁶⁴ For example, the Millennium Declaration states: ‘We will spare no effort to make the United Nations a more effective instrument for pursuing all these priorities’, including human rights, democracy and good governance. See Millennium Declaration, supra n. 38 at para. 29. Similarly, the Secretary-General asserts that for the UN to respond to the challenges, including human rights, democracy and good governance, ‘it must be fully adapted to the needs and circumstances of the twenty-first century’. See *In Larger Freedom*, supra n. 38 at para. 153.

⁶⁵ For example the Secretary-General reaffirms the purposes and principles of the Charter and indeed the Universal Declaration of Human Rights when putting forward his proposals for consideration by the Millennium Summit. See *We the Peoples*, ibid. at 77. This is unsurprising given that the founding aims of the UN, freedom from fear and want, remain elusive. See, *We the Peoples*, supra n. 20 at 17.

overview is that a symbiotic and mutually reinforcing relationship exists between human security and UN reform. In short, human security provides the impetus for, and the principled direction of, the efforts to reform the UN.⁶⁶

4. Reform of the Security Council: The Proposals

The UN documents canvassed above speak of the reform of the UN SC with increasing intensity and perhaps a growing sense of urgency. For example, *In Larger Freedom* presents reform of the SC as an imperative challenge to be met when the Secretary-General proclaims 'no reform of the United Nations would be complete without reform of the Security Council' and concludes '[t]he Security Council must be broadly representative of the realities of power in today's world'.⁶⁷ This is to be contrasted with the Secretary-General's more muted comment in the earlier Millennium Report, that reform of the SC is critical if the UN is to adapt to the changing times.⁶⁸ The need for reform was recognised in the Millennium Declaration when member states pledged to intensify efforts 'to achieve a comprehensive reform of the Security Council'.⁶⁹

Nevertheless, calls to reform the SC are not new.⁷⁰ Indeed the ills and shortcomings of the SC are well documented, and suffice to say that reform of the body charged with primary responsibility for international peace and security under the UN Charter has been mooted since the inception of the UN and for various reasons.⁷¹ For example, cold war rivalries were long cited as freezing the SC into deadlock, thereby rendering it unavailable to perform its Charter mandate. However, a SC unfettered by the constraints of cold war geopolitics encountered a series of new issues, not in the least in respect of the questionable effectiveness of its operational capacity which was brought into sharp relief courtesy of situations such as Somalia, Rwanda, Yugoslavia and, more recently, Darfur.⁷² In short, as Burgess and Piper observe, the SC possesses an 'inconsistent record' in terms of fulfilling its Charter mandate in respect of international peace and security.⁷³

See also Millennium Declaration, *supra* n. 37 at para. 3 and *In Larger Freedom*, *supra* n. 38 at para. 153.

⁶⁶ This is not a new proposition and will be explored in more depth below.

⁶⁷ *In Larger Freedom*, *supra* n. 38 at para. 169.

⁶⁸ *The Millennium Report*, *supra* n. 20 at 69.

⁶⁹ *The Millennium Declaration*, *supra* n. 37 at para. 30.

⁷⁰ For concise reviews of the calls to reform the SC from different perspectives, see for example, Weiss and Young, 'Compromise and Credibility: Security Council Reform?', (2005) 36 *Security Dialogue* 131; Morris, 'UN Security Council Reform: A Counsel for the 21st Century', (2000) 31 *Security Dialogue* 265; and Blum, 'Proposals for UN Security Council Reform', (2005) 99 *American Journal of International Law* 632.

⁷¹ For a succinct presentation of the 'generic' issues see Kirgis Jr, 'The United Nations at Fifty: The Security Council's First Fifty Years', (1995) 89 *American Journal of International Law* 506. See also Caron, 'The Legitimacy of the Collective Authority of the Security Council', (1993) 87 *American Journal of International Law* 552; and Glennon, 'Why the Security Council Failed', (2003) 82 *Foreign Affairs* 16.

⁷² The High-Level Panel remarked that the UN 'had exchanged the shackles of the cold war for the straitjacket of Member State complacency and great Power indifference' and continued to remark that SC action 'has not always been equitable' nor consistent or effective 'in the face of genocide or other atrocities'. See the High-Level Panel, *A More Secure World*, *supra* n. 2 at paras 13 and 246.

⁷³ Burgess and Piper, *supra* n. 4 at 362.

The immediate ancestry of the current impassioned outbreak of calling for SC reform can be traced back to the Secretary-General's address to the General Assembly in 2003.⁷⁴ Here, the Secretary-General, pointing to the difficulties posed by the unilateral use of force for the UN, declared that the organisation was at 'a fork in the road'.⁷⁵ The Secretary-General consequently identified the role of the SC as pivotal during this 'decisive' time.⁷⁶ In this respect, the Secretary-General noted a number of issues, such as the pre-emptive use of force, terrorism, humanitarian intervention and the composition of the SC as being of pressing concern. Given these decisive issues the Secretary-General announced his intention to establish a High-Level Panel.⁷⁷

The High-Level Panel, with a primary focus on threats to peace and security, was given the appellation of the High Level Panel on Threats, Challenges and Change and entrusted with three tasks. First, to conduct an examination of current challenges to peace and security; second, to consider the contribution of collective action in addressing the challenges; and third, to recommend changes to ensure effective collective action, including a review of the principal organs of the UN.⁷⁸ The Panel delivered its Report, *A More Secure World: Our Shared Responsibility*, in December 2004 which contained 101 recommendations of which 9 directly pertain to the reform of the SC.⁷⁹

In brief, the Panel recommended that reform of the SC should take the form of enlargement which was to meet four principles of reform. The first principle of reform stipulated greater involvement in decision-making by countries which contribute the most to the UN.⁸⁰ These contributions would be seen in financial, military and diplomatic terms in light of Article 23 of the UN Charter which details the membership requirements for the SC.⁸¹ The second principle of reform specified that countries 'representative of the broader membership' should have a role in the decision-making process, especially such countries from the developing world. The third and fourth principles of reform, respectively, stipulated that reform should not impair the effectiveness of the SC and should increase the democratic and accountable nature of the SC.⁸² Given these principles, in conjunction with the prognosis of the Panel that the challenge for SC reform is to increase its effectiveness and credibility in tandem with its capacity and willingness to act, it is unsurprising that the Panel concluded that enlargement of the SC was a necessity.⁸³ To this end, the Panel proposed two models of expansion, conveniently referred to as Model A and Model B.

Put simply, Model A provides for six new permanent seats without the power of the veto, in addition to three new non-permanent and non-renewable seats tenable for a two year period.⁸⁴ Model B provides for one new non-permanent and non-renewable seat tenable for a period of two years. It also creates the new category of

⁷⁴ Secretary-General Address to the General Assembly, 23 September 2003, available at: www.un.org/webcast/ga/58/statements/sg2eng030923.

⁷⁵ Ibid.

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ *A More Secure World*, *supra* n. 2 at 119.

⁷⁹ See *ibid.* at 109-15 for a summary of these recommendations.

⁸⁰ *Ibid.* at para. 249.

⁸¹ Article 23, UN Charter.

⁸² *A More Secure World*, *supra* n. 2 at para. 249.

⁸³ *Ibid.* at para. 250 (necessity of SC enlargement) and para. 248 (challenge of reform).

⁸⁴ *Ibid.* at para. 252.

renewable seats tenable for a four year period, of which it provides for eight.⁸⁵ In both these scenarios the seats are to be distributed across four regions which were designated ‘Africa’, ‘Asia and Pacific’, ‘Europe’ and ‘Americas’ by the Panel⁸⁶ and each region receives a total of six seats, including the existing permanent seats held by the US, Russia, China, France and the UK. Under either scenario the membership of the SC would swell from 15 to 24 states. Further, neither scenario envisions a change in the veto or entails any Charter modification of the SC’s existing powers.⁸⁷

The Panel expressed the hope that the clear presentation of Model A and Model B as options for the enlargement of the SC would resolve the debate on SC reform.⁸⁸ However, and notwithstanding the endorsement of the Panel’s recommendations by the Secretary-General in *In Larger Freedom*,⁸⁹ member states could only muster a re-commitment to reform of the SC in principle at the 2005 World Summit.⁹⁰ This is unsurprising, for as Weiss asserts: ‘[t]he clearest candidate for no action is a reformed Security Council’.⁹¹

In support of this assertion Weiss contends that the Panel recommendations are missing the vital component of ‘performance’, which he characterizes as a ‘perpetual problem’ pervading the reform efforts.⁹² He observes that an enlarged SC would be unable to ‘conduct serious negotiations’ and would inhibit decision-making in respect of, for example, the use of force in Darfur.⁹³ Weiss continues to quizzically ponder how member states will choose between Model A and Model B as propounded by the Panel when the Panel, comprised of 16 experts in the area, cannot. He concludes that the ‘recommendation is a superb illustration of why there will be no movement’ on SC reform.⁹⁴ Notwithstanding, Weiss views this as unfortunate, as reform of the SC was pivotal to the Panel in presenting their ‘grand design’ of 101 recommendations.⁹⁵

In a similar vein, Malone argues that the inclusion of SC reform in the Report of the High-Level Panel undermined the 2005 World Summit.⁹⁶ According to Malone, the Panel’s recommendations have resulted in, amongst others, ‘jockeying for new permanent seats, notably in Africa’ and ‘serious tensions between China and Japan over the latter’s aspirations for a permanent seat’.⁹⁷ Malone attributes this to a misplaced focus on ‘legitimacy in terms of the representativity of the Council’s

⁸⁵ *Ibid.* at para. 253.

⁸⁶ *Ibid.* at para. 251. In respect of these new groupings, the Panel noted that some of its members, particularly the Latin American members ‘expressed a preference for basing any distribution of seats on the current regional groups’. Blum agrees with this minority preference. (Blum, *supra* n. 70 at 640).

⁸⁷ *A More Secure World*, *supra* n. 2 para. 256.

⁸⁸ *Ibid.* at para. 250.

⁸⁹ *In Larger Freedom*, *supra* n. 38 at para. 169. Chesterman observes that *In Larger Freedom* ‘endorses the fence-sitting position of the High-Level Panel, laying out options but not choosing between them, while urging member-states to take a decision on Council expansion even if consensus is not possible’. See Chesterman, ‘Great Expectations: UN Reform and the Role of the Secretary-General’, (2005) 36 *Security Dialogue* 375 at 376.

⁹⁰ Draft resolution referred to the High-level Plenary Meeting of the General Assembly, *supra* n. 6 at para. 153. The Outcome Document which runs to 178 paragraphs contains a mere 3 on SC reform.

⁹¹ Weiss, ‘An Unchanged Security Council: The Sky Ain’t Falling’, (2005) 36 *Security Dialogue* 367 at 368.

⁹² *Ibid.*

⁹³ *Ibid.*

⁹⁴ *Ibid.*

⁹⁵ *Ibid.*

⁹⁶ Malone, ‘The High-Level Panel and the Security Council’, (2005) 36 *Security Council* 370 at 371.

⁹⁷ *Ibid.*

composition', ignoring the 'performance legitimacy' of the SC, a term which Malone borrows from Ramesh Thakur.⁹⁸ Further, Malone voices his concern as to whether the dynamics of decision-making in an enlarged SC would bear positively on the 'performance legitimacy' of the SC or, in other words, the effectiveness of the SC to fulfil its Charter mandate.⁹⁹

Nevertheless, the emphasis on the representative composition of the SC in the Panel's recommendations is understandable. Indeed, Blum contends that it is only possible to comprehend the Panel's recommendations on SC reform when viewed from an historical and contemporary perspective.¹⁰⁰ Hence, in his analysis of the reforms of the SC proposed by the Panel, Blum points to the experience of the League of Nations as the predecessor to the UN, and to SC enlargement in 1963-65.¹⁰¹ He concludes that changes in the size and composition of the SC are warranted in order to render the SC representative, both in terms of reflecting the increased number of states and in terms of geopolitics.¹⁰² Yet, Blum is also unsure of whether enhanced effectiveness follows upon enlargement.¹⁰³ This is certainly a less emphatic statement than that of W. Michael Reisman: 'The United Nations has its problems, but a bigger Security Council, far from solving them, will only reduce the Council's effectiveness'.¹⁰⁴

For in the last analysis the current reform efforts were prompted by a concern as to the effectiveness of the SC in fulfilling its Charter mandate.¹⁰⁵ Thus, regardless of the prospects for implementation of the Panel's recommendations regarding reform of the SC, the prognosis in respect of the effectiveness of the SC in fulfilling its Charter mandate remains unchanged. The SC possesses and will continue to possess an 'inconsistent record' in terms of its effectiveness.¹⁰⁶

5. Human Security and Security Council Reform: An Assessment

The findings of the discussions above in respect of human security and UN reform provide the framework for the assessment of the proposals for the reform of the SC promulgated by the High-Level Panel. The overview of definitions of human security painted a picture of human security, whereby and amongst others, the substance of human security was tentatively identified as human rights, democracy and good governance. The review of the UN documents pertaining to the reform of the organisation confirmed the picture of human security, including the substance of human security as human rights, democracy and good governance, in addition to establishing a clear connection between human security and UN reform. Indeed, the review found that a symbiotic and mutually reinforcing relationship exists between human security and UN reform, which is firmly rooted in the UN Charter. It is this

⁹⁸ *Ibid* at 372.

⁹⁹ *Ibid*.

¹⁰⁰ Blum, *supra* n. 74 at 639.

¹⁰¹ *Ibid.* at 634-9.

¹⁰² *Ibid.* at 639.

¹⁰³ *Ibid.* at 644.

¹⁰⁴ Reisman, 'Expanding the Security Council: Much Ado', (2005) 36 *Security Dialogue* 373 at 374.

¹⁰⁵ Secretary-General's Address, *supra* n. 74.

¹⁰⁶ *A More Secure World*, *supra* n. 2 at 362.

finding in particular that grounds the framework for the ensuing assessment of the proposals for SC reform in terms of human security.

Under the UN Charter an avowed, if not the primary, purpose of the UN is the maintenance of international peace and security.¹⁰⁷ To this end the UN Charter bequeaths primary responsibility for the maintenance of international peace and security to the SC.¹⁰⁸ It logically follows that reform of the SC is central to UN reform. Indeed, as indicated above, the Secretary-General adopts the position that reform of the SC is critical to UN reform.¹⁰⁹ Thus, while Weiss and Malone may have a legitimate grievance as to the impact of the Panel's proposals for SC reform upon the success or otherwise of the 2005 World Summit, SC reform remains an essential element of reform of the UN. This is particularly the case when reform efforts, such as the current endeavours, are prompted by human security concerns. In this respect, it will be recalled that the Secretary-General, when establishing the High-Level Panel, spoke of the questionable effectiveness of the SC in the face of mass human rights violations and genocide and the concomitant need to address the seemingly intractable issue of intervention.¹¹⁰

The proposition that reform of the SC should be guided by human security, which is firmly rooted in the Charter, is naturally and logically entailed by the foregoing. The proposition that SC reform should be guided by human security is not new. For example, ul-Haq argues that 'compulsions of human security demand a new framework of global governance' before turning his attention to reform of the SC,¹¹¹ while Newman professes that the 'human security agenda' has much to offer SC reform.¹¹² In a similar vein, Jolly advises the adoption of the 'broader perspective of human security' for 'reform of UN institutions and operations'.¹¹³ Jolly sees a human security perspective as building upon the positive experience of UN achievements, as providing a coherent frame within which to consider high priority security issues and as bringing together a wider range of experience of general UN reform.¹¹⁴ In contrast, ul-Haq's 'compulsions of human security' and Newman's 'human security agenda' both arrive at the final destination of a Human Security Council, albeit on different paths.

Ul-Haq acknowledges the UN Charter roots of human security and bemoans the ineffectiveness of a SC faced with intra-state conflict, arguing that it is an opportune time for the UN 'to adjust to the new imperative of global human security' which requires a Human Security Council.¹¹⁵ Newman sees a clear correlation between human security and human rights, and is particularly aggrieved by a SC constrained by jurisdictional necessity to a determination of a threat to the peace and the uneven evolution thereof. Notwithstanding these different paths, both envision a Human Security Council with a mandate, in the words of ul-Haq, 'to consider the

¹⁰⁷ Article 1 (1), UN Charter.

¹⁰⁸ Article 24(1), UN Charter.

¹⁰⁹ *In Larger Freedom*, *supra* n. 38 at para. 169.

¹¹⁰ Secretary-General's Address, *supra* n. 74.

¹¹¹ Ul-Haq, 'Global Governance for Human Security, in Tehranian (ed.), *Worlds Apart*, *supra* n. 19 at 88.

¹¹² Newman, 'A Human Security Council? Applying A "Human Security" Agenda to Security Council Reform', (1999/2000) 31 *Ottawa Law Review* 213.

¹¹³ Jolly, 'UN Reform and Human Security - The Need for Broad Perspectives', available at: www.un-global-security.org/pdf/Jolly_paper_UN_reform_efforts.pdf.

¹¹⁴ *Ibid.*

¹¹⁵ Ul-Haq, *supra* n. 111 at 90.

nature of global human security issues,¹¹⁶ or, to borrow Newman's terminology, 'a broadening of the Security Council's textual jurisdictional authority'¹¹⁷ to take account of 'all aspects of human security'.¹¹⁸

In a comparable manner, the argument that SC reform should be principled is neither new nor novel.¹¹⁹ Further, on this view, the principles guiding reform are found in the UN Charter when conceived of as a constitutional document. Indeed, Bardo Fassbender's central thesis is to establish, quite convincingly, the UN Charter 'as the constitution of the international community',¹²⁰ from which to elucidate principles which should therefore inform the reform of the SC. The UN Charter roots of human security have been readily acknowledged by the UN and academic commentators alike.¹²¹ Indeed, these origins are manifested in the symbiotic and mutually reinforcing relationship between human security and UN reform which grounds the present assessment of the proposals for SC reform propounded by the High-Level Panel. There are sufficient points of correlation between Fassbender's central thesis and this framework to further support the present proposition that SC reform should be guided by human security which is firmly rooted in the UN Charter. In this way the proposition that reform of the SC should be guided by human security is not merely a practical imperative to remedy what may be termed a human security deficit, but it also finds principled support in the UN Charter.

Notwithstanding, the High-Level Panel recommendations for the reform of the SC are not guided by human security, and may even inhibit human security. Granted the Panel did advocate principled reform of the SC and, as noted above, enunciated four principles of reform to this end. Blum placed these principles into the categories of 'contribution' and 'representation', with the first and third principles falling under first category, while the second and fourth principles reside within the category of 'representation'.¹²² It is plainly apparent that the Panel in stipulating these principles which reform of the SC should meet did not consider human security, as understood as human rights, democracy and good governance as such a principle. Indeed the Panel, in recommending enlargement and thereby proposing two Models for the expansion of the SC, clearly endorse representation as guiding SC reform.

Furthermore, the second principle which speaks of ensuring that the SC is 'representative of the broader membership',¹²³ in conjunction with the fourth which speaks of the democratic and accountable nature of the SC,¹²⁴ begs the question succinctly expressed by Morris 'to what extent the representatives are themselves

¹¹⁶ Ul-Haq, *supra* n. 111 at 90.

¹¹⁷ Newman, *supra* n. 112 at 235.

¹¹⁸ *Ibid.* at 234.

¹¹⁹ For an exposition of the idea of the Charter as a constitution see White, *The United Nations System: Towards International Justice* (Boulder: Lynne Reiner, 2002); Fassbender, 'The United Nations Charter as Constitution of the International Community', (1998) 36 *Columbia Journal of Transnational Law* 529; Fassbender, *UN Security Council Reform and the Right of Veto: A Constitutional Perspective* (Kluwer Law International, London/The Hague 1998); and, more generally, Klabbers, *An Introduction to International Institutional Law* (Cambridge: Cambridge University Press, 2002); and Sands and Klein, *Bowett's Law of International Institutions* (London: Sweet and Maxwell, 2001).

¹²⁰ Fassbender, *supra* n. 123 at 161.

¹²¹ See for example, the Secretary-General's statement that the founding aims of the UN, freedom from fear and freedom from want remain elusive. *We the Peoples*, *supra* n. 20 at 17; and Ul-Haq *supra* n. 111 at 88.

¹²² Blum, *supra* n. 740 at 645.

¹²³ *A More Secure World*, *supra* n. 2 at para. 249.

¹²⁴ *Ibid.* at para. 249.

representative'.¹²⁵ In other words, reform of the SC in being guided by human security should advise caution to guard against the perpetuation of human insecurity, such as human rights violations. In this regard it is pertinent to recall Hicks' observation in respect of the troubled Commission on Human Rights which suffered this 'double-standard' fate that 'improved membership alone is not a panacea'.¹²⁶ The unsurprising recommendation of the Panel in favour of the expansion of the SC serves to compound this potential for 'double-standards' and the perpetuation of human insecurity as the models of enlargement suggested by the Panel merely distribute seats among regions of the world. This is further exacerbated by the uncertainty, as documented above, surrounding the extent of the impact of an enlarged membership upon the effectiveness of an already embattled SC.

This somewhat cursory assessment of the reforms of the SC proposed by the High-Level Panel in terms of human security reveals the potentially debilitating effect of the reforms on human security. This is derived from the janus-faced character of the suggested reform, representation, which potentially may inhibit human security and exacerbate the human security deficit for which the Panel was established to address. In short, the proposed reforms of the SC articulated in the Report of the High-Level Panel fail to meet the three features of human security as identified in the first section. The proposed reforms are decidedly state-centric in focus and do not countenance the importance of human rights, democracy and good governance for a security agenda. They therefore do not envision a role for the SC in respect of human security.

Notwithstanding, the Report of the High-Level Panel offers a glimmer of hope in that the Panel recognises the 'indivisibility of security, economic development and human freedom' in addition to acknowledging the Charter roots of human security.¹²⁷ As Hicks correctly comments this is 'an important step' towards a more secure world.¹²⁸ Nevertheless, it remains a first step and the Panel has not taken the 'bold decision' of recommending reform of the SC as guided by human security.¹²⁹ If the Panel had not faltered, the Report would have advocated the expansion of the mandate of the SC as a necessity, to include human rights, democracy and good governance, instead of the expansion of the membership of the SC. Moreover, the Panel could have drawn on existing SC practice in respect of the evolution of the meaning of 'threat to the peace' and the concomitant development in the understanding of security, seen in documents such as the Millennium Report, as the basis for the expansion of the SC mandate.¹³⁰ In addition, the expansion of the SC mandate would be understood in terms of the development/security nexus and as such would require an acknowledgement of the pivotal role of the SC in respect of human security due to its unique Charter mandate. In short, the Panel would have recommended a Security Council not unlike ul-Haq's and Newman's visions of a Human Security Council, and perhaps one fitting of the vision for the UN in the 21st century articulated by the Secretary-General in the Millennium Report.

¹²⁵ Morris, *supra* n. 70 at 274.

¹²⁶ Hicks, 'Correct Diagnosis, Wrong Prescription: The Human Rights Component of Security', (2005) 36 *Security Dialogue* 378 at 379.

¹²⁷ *A More Secure World*, *supra* n. 2 at 9.

¹²⁸ Hicks, *supra* n. 126 at 380.

¹²⁹ 'The 2005 World Summit: An Overview', *supra* n. 1.

¹³⁰ See Morris, *supra* n. 70; and Newman, *supra* n. 112.

6. Concluding Remarks

This article assessed the proposed reforms of the SC detailed in the Report of the High-Level Panel on Threats, Challenges and Changes in terms of human security in order to illustrate that the SC has an important, if not pivotal, role in respect of human security. To this end, the first section of the article painted a picture of human security which had three chief features, namely, a human-centred focus, a content provided by human rights, democracy and good governance, and finally a clear role for the UN in respect of human security. In addition, the overview of definitions of human security situated human security within the current endeavours to reform the UN. The consequent review of the UN documents pertaining to the reform of the UN uncovered the existence of a symbiotic and mutually reinforcing relationship between human security and UN reform. This in turn produced the proposition that SC reform should be guided by human security, which is firmly rooted in the Charter. This proposition grounded the framework for the assessment of the High-Level Panel's recommendations in respect of SC reform, which comprised of the three main features of human security.

The assessment concluded that the proposed SC reform is not guided by human security and may in fact inhibit the realisation and advancement of human security. Furthermore, an analysis of the proposition that SC reform should be guided by human security which is firmly rooted in the Charter, revealed that reform of the SC guided by human security is not merely a practical imperative to remedy a human security deficit but is amply supported by the UN Charter. This added a deeper resonance to the assessment of the Panel's proposals for SC reform as it clearly envisions a role for the SC in respect of human security. As such, it is possible to argue that the SC should be conceived of as a 'Human Security Council'. Nevertheless, in the last analysis, to paraphrase the High-Level Panel, while the UN gave birth to the notion of human security, it has proved, and still proves, to be poorly equipped to provide it.¹³¹

¹³¹ *A More Secure World*, supra n. 2 at para. 13.