The Reform of the United Nations Security Council :
Realities and Feasibility
La réforme du Conseil de sécurité des Nations Unies : réalités et faisabilité

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Abstract :

The question of the United Nations reform, in general, and the Security Council has increasingly become one of the most discussed topics because of the importance, the weight of the Council, as well as the geopolitical changes not only within the UN but also on the global stage. There have been many proposals to modify the structure of the Council and modernize its working methods. However, these attempts remained unsuccessful.

This paper attempts to analyse the international context and determine whether it is likely for the reform to take place. It gives a brief background on the role and the composition of the Security Council and also shows the reasons behind the various calls to renovate the Council, which varies between geopolitical reasons and efficiency-related reasons. The paper also examines the different attempts for reforming the Security Council since 1945, including those initiated by the organs of the United Nations. It is also important to determine the challenges that hinder the reform process.

Keywords: Security Council, permanent members, the UN Charter.

Résumé :

La question de la réforme des Nations Unies dans son ensemble et du Conseil de sécurité en particulier est devenue de plus en plus l'un des sujets les plus débattus en raison de son importance, de son poids ainsi que des changements géopolitiques non seulement au sein de l'ONU

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Mais également sur la scène mondiale. De nombreuses propositions ont été faites pour modifier la structure du Conseil et moderniser ses méthodes de travail. Cependant, ces tentatives restent infructueuses.

Ce document tente d'analyser le contexte international et de déterminer s'il est probable que la réforme ait lieu et donne un bref aperçu du rôle et de la composition du Conseil de sécurité comme il indique également les raisons qui ont motivé les divers appels à la rénovation du Conseil, qui varient entre des raisons géopolitiques et des raisons liées à l'efficacité. Le document examine également les différentes tentatives de réforme du Conseil de sécurité depuis 1945, y compris celles initiées par les organes des Nations Unies. Il est également important de déterminer les défis qui entravent le processus de réforme.

Mots-clés : *Conseil de sécurité, membres permanents, Charte des Nations Unies.*

Introduction:

The United Nations through its body the Security Council has been playing a crucial role internationally to maintain or restore peace and security since the end of the WWII. The Council was provided with extraordinary prerogatives stated in articles 41[1] and 42[2] of Chapter 07 of the UN Charter and only five permanent members have the veto right, but since 1946, the year of its beginning, the Security Council has undergone few changes that were not profound and for the past sixty years, the world has changed and many nations have emerged as regional and global actors financially, politically and economically. In fact, there have been many plans for reforming the composition as well as the working methods of the Council and the most famous was Kofi Annan's Initiative in 2005[3], but due to the reluctance of the competing powers and the deep differences between some countries over the form and prerogatives of the new council, has made all these attempts unsuccessful. For instance, the issue of whether the new permanent members should be provided with the veto and the question of the fair representation were controversial topics.

The study of the question of the Security Council reform is important for many reasons. The first reason is the special prerogatives of the Council in keeping peace and security worldwide. Second, carrying out the reform is becoming increasingly urgent given the international changes occurring since the establishment of the United Nations in 1945.

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Based on that, the following question arises: Given the current international realities, to what extent is the reform of the Security Council feasible?

To answer this question and analyse its implications and dimensions, we are going to do so in the following points:

1- Examination of the background and reasons for reforming the Security Council

- *The historical context and geopolitical background of the Security Council.*
- *The rationale behind the calls for the reform of the Security Council.*

2- Analysis of the various proposals related to the reform of the Security Council

- *The various proposals concerning the reform of the Security Council.*
- *The attempts of the reform of the Security Council: the challenges and prospects.*

1-Examination of the background and reasons for reforming the Security Council:

The composition of the United Nations, its bodies, as well as the agreement on the working methods of the new global organization was not an easy process given the deep political differences between the great powers, particularly between the USSR and China on the one hand, and the United States of America, the United Kingdom, and France on the other. The question of the Security Council and its special prerogatives was undoubtedly the most controversial since the Charter of the United Nations granted only five states an exceptional status in comparison to the other countries. In this part, we first examine the main drivers that lead to the founding of the Security Council and then analyse its background as well as its role at the global level.

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1-1: The historical context and geopolitical background of the Security Council:

1-1-1 The various historical drivers of the establishment
1-1-2 of the UN Security Council

After the end of World War I, the victorious allied powers created the League of Nations in 1920 to maintain peace and security worldwide and avoid any repetition of the terrible events that occurred during the war period of 1914-1918. Even though the League successfully resolved many conflicts such as the Aaland Island case in 1921, it failed to prevent World War II in 1939, which involved all the great powers divided into two opposing alliances: The Allies and the Axis. The human cost of this war was huge with more than 75 million casualties, many of whom died because of deliberate genocides, massacres, and mass-bombings.

To address the deficiencies of the League of Nations and learn from past failures, the United Nations was established and came into existence officially on 24 October 1945 after the ratification of the UN Charter that was drafted in San Francisco on 25 April 1945 in the presence of fifty Governments. The UN Charter, which includes a preamble and 19 chapters, defines the spirit, principles, and structures of the organization.

The United Nations consists of five main bodies: The General Assembly, the Economic and Social Council, the Trusteeship Council, International Court of Justice, Secretariat, and the Security Council. The latter is seen as a powerful tool to maintain peace and security. Barkin (2006) pointed out that the Council is designed to focus specifically on issues of international security, and is the body charged by the United Nations charter to authorize the use of force to maintain collective security[4]. The main drivers behind the founding of the Security Council can be explained as follows:

- The Council is a response to the failures of the collective security mechanisms of the League of Nations.
- The Council was designed to promote more efficient cooperation.
- The rules and decision-making procedures of the League did not allow for fast detailed responses to threats to international security[5].

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1-1-2: The weight of the Security Council within and outside of the United Nations

The Security Council is considered the most powerful organ of the United Nations because it is provided with strong powers to maintain global peace, safeguard international security, and protect human rights worldwide. The Council has more powers than the General Assembly, particularly the ability to produce resolutions on matters of war and peace. The resolutions of the Security Council are legally binding for all members of the UN[6]. In addition, the Council differs from the General Assembly and ECOSOC in that it has no regular schedule of meetings or agenda[7]. It consists of only five permanent members—Russia, France, China, the United Kingdom, and the United States—known as the P5. It was kept small in order to facilitate more efficient decision making in dealing with threats to international peace and security[8]. The council's ten non-permanent members, which serve two-year, non-consecutive terms, are not granted veto power.

Unlike the General Assembly whose regulations and decisions are legally qualified as recommendations, not binding decisions, the Security Council is the only organ with binding authority. The articles 41 and 42 of chapter 07 of the UN Charter authorize the council to counteract threats to peace and acts of aggression. Vradenburgh (1991) confirmed that article 42 affirmatively vests the Council with the power to take such action '' as may be necessary to maintain or restore international peace and security[9] ''.

Furthermore, the powers of the Security Council to address international disputes are distinctive and almost exclusive (as it has the primary responsibility for the maintenance of peace and security). However, some scholars have different points of view regarding this issue. According to Qerim (2013), the Security Council is subjected to specific constitutional limitations and its powers are not unlimited[10].

In addition to its powers concerning peace and security, the Security Council also has prerogatives inside the United Nations. According to article 97 of the UN Charter[11], the Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council. The Selection of the Secretary is therefore subject to the veto of any of the P-5[12].

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The Security Council has made many successes since it was established in 1945, such as the peacekeeping operations in Angola and Haiti. However, it failed in other cases, among other things, the Korean War in 1950, and the Vietnamese War in 1965. In addition, it could not stop the war between Iraq and Iran between 1980 and 1988. It also failed in some cases related to human rights, such as the genocide in Rwanda in 1994. The failures of the Security Council, the political differences between the P-5, the emergence of powerful countries, the increase of the number of countries after 1945, and the apparition of global challenges that need to be addressed, points to the need for reforming the United Nations in general, and the Security Council in particular.

1-2- The rationale behind the calls for the reform of the security council

The Security Council has enormous responsibilities regarding security, peace, and human rights worldwide. In this capacity, it aims at the well-being of humanity, but given the geopolitical change of the world as well as the inefficiency of the Council to deal with various threats, there have been many calls to renovate the Council. The reasons can be divided into geopolitical related reasons and efficiency-related ones.

1-2-1 Geopolitical-related reasons

There are many reasons behind the call for reforming the Security Council. First, since 1945, there have been many geopolitical changes at the international scale especially with the increase of the total number of states from 50 to 193 today, but the Council has changed only twice in 1963 and 1965. The Council is also facing the issue of inequitable representation. For example, there is no permanent seat for African countries (54 countries). Secondly, the emergence of new powerful states on a global scale, such as Japan, Germany, and Brazil have many catalysts to be permanent members not only based on the military and economic power but also the population as well as the contribution to the UN budget. The current structure of the United Nations largely represents the constellation of international power sixty years ago and the permanent members of the Council are no longer the only major military powers[13]. Since it represents less than 8 percent of the total UN membership, the Council's composition is obviously outdated, and discussion of equitable representation is a major reform issue[14].

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Ronzitti (2010) summarized the reasons for reforming the Security Council as follows:

- *The SC' increased role after the end of the Cold War;*
- *The SC as a legislator;*
- *The new threats ;*
- *The use of force by states; and*
- *the birth of new States and the transformation of the international community[15].*

The following table shows information about the most important contributors to the United Nation budget for over three years 2015,2016, and 2017.

Top Ten Providers of Assessed Contributions to United Nations Budgets and of Voluntary Contributions to United Nations Funds, Programs, and Agencies, including the standing Peacebuilding Fund

	Total US$/country	3 year average	2015	2016	2017
01	United States of America	10,149,425,929	10,231,008,126	9,719,045,633	10,498,224,028
02	United Kingdom	3,612,617,794	3,632,073,736	3,179,221,355	4,026,558,291
03	Germany	3,370,951,207	2,329,759,924	3,444,571,551	4,338,522,145
04	Japan	2,770,922,907	2,973,439,648	2,833,519,068	2,505,810,006
05	Sweden	1,427,933,063	1,387,238,430	1,374,570,037	1,521,990,721
06	Canada	1,372,904,244	1,376,685,015	1,624,434,246	1,117,593,469
07	China	1,236,248,432	938,576,433	1,346,961,807	1,423,207,056

Source: *The Secretary-General of the United Nations,2018*

As we see from the table, Germany and Japan are among the top contributors and occupy the third and the fourth place consecutively even before China, France, and Russia, which hold permanent seats at the Council. Regarding this point, Runjic (2017) argued that the current membership of the Council was perhaps suitable for the time of Dumbarton Oaks in 1944; however, it is not germane nowadays, adding that the

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geopolitical, military, economic, and demographic picture of the world has changed completely compared with that after WWII[16].

1-2-2- Efficiency-related reasons:

Effectiveness relies on the ability to act quickly and decisively and it is about the capacity of global institutions, including the United Nations to mobilize resources, to address problems of international dimensions, and to deliver tangible, visible results against transparent and measurable benchmarks that are determined in advance[17].

Even though the Security Council has succeeded in resolving many disputes and conflicts worldwide, many critiques have been raised about its inefficiency in other conflicts and its failure to stop many conflicts such as the war in Syria. Furthermore, the use of the veto right for the political interests of the P-5 was universally denounced. The veto from any of the permanent members can stop any possible action the Council may take.

The Security Council is continually held up by the obstinacy of one or two members: for example, in January 2007, China and Russia, with the support of South Africa vetoed a resolution urging Burma to release political prisoners and speed the transition to democracy[18]. In this point, Mearsheimer (2006) argued that Washington provides Israel with consistent diplomatic support. He also added that Since 1982, the United States has vetoed 33 United Nations Security Council resolutions that were critical of Israel, a number greater than the combined total of vetoes cast by all the other Security Council members[19]. It also blocks the attempts of the Arab countries to place Israel's nuclear arsenal on the schedule of the International Atomic Energy Agency. The Syrian war is also a clear example of the failure of the Security Council to put a term for the ongoing devastating conflict with more than a half-million civilians killed and millions of refugees in other countries.

The following table illustrates the number of vetoes for each permanent member from 1946 until 2019:

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Total number of the vetoes from 1946 to 2019 for the permanent members

	1946-1966	1967-1987	1988-2008	2009-2019	Total
Russia (USSR)	79	11	05	18	113
United States of America	0	52	26	03	81
United Kingdom	03	23	3	0	29
France	02	12	02	0	16
China	0	01	04	07	12
Total of vetoes	84	99	40	28	251

Source: *Table prepared by the researcher based on the data of the United Nations*

Drawing on the information in the table, there was an overuse of the veto right by the P-5, especially by both Russia and the United States of America.

For that reason, there have been many initiatives to reform the structure and the working methods of the Council.

2- Analysis of the various proposals related to the reform of the Security Council

As the international and geopolitical facts of the globe have been constantly changing since 1960, especially with the increase of the number of states and the emergence of new powerful nations, reforming the United Nations and the Security Council, in particular, has become even more urgent. Many plans to reform the Council have been put forward, but no proposal has been put into effect for various reasons.

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2-1: The various proposals concerning the reform of the Security Council

2-1-1: The main issues of the Security Council reform

In 2007, the President of the General Assembly Sheikha Al-Khalifa introduced what she termed *'05 key cluster areas',* which are: membership (permanent/no permanent), the veto right for the P-5, regional representation, the size of an enlarged Council and its working methods, and the relationship between the Council and the other bodies of the United Nations[20].

Before going further into the analysis of these proposals, it is preferred to take a short historical overview of the reforms undertaken and the attempts to reforming the Council. Since its beginning in 1946, the Council had undergone only two changes: the first one was in 1963 when the General Assembly (UNGA) voted to expand the UN Security Council from 11 to 15 members[21]. The second modification, which took place in 1965, was the amendment of article 27 to increase the needed number of Security Council votes from 7 to 9. It is worthwhile to note that any reform of the United Nations to be carried out, it requires the agreement of at least two-thirds of the United Nations member states in a vote in the General Assembly, including the P-5 of the Security Council[22].

As far as the reform attempts are concerned, there have been many proposals for reforming the Council; the first attempt was Argentina and Cuba's initiative to examine the right of veto. In 1974, the actions restarted by the creation of a special committee to study the problem and in 1975, this committee was named: *'Special Committee for the United Nations Charter and for Strengthening the Role of the Organization'* [23]. In 1993, the General Assembly passed resolution 48/267 to establish the *'Open-ended working group on the question of equitable representation and increase in the membership of the Security Council and other Security Council matters*. In 2005, the UN Secretary-General Kofi Annan called on the United Nations to reach a consensus on enlarging the Council to 24 members in a plan referred to as *'In Larger Freedom report'* in which the Secretary-General declared that The Security Council must be broadly representative of the realities of power in today's world. According to the report, There are two options :

- *Model A:* provides for six new permanent seats, with no veto being created, and three new two-year term non-permanent seats, divided among the major regional areas as follows:

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- **New permanent seats:** *02 for Africa, 02 for Asia and Pacific, 01 for Europe, and 01 for the Americas.*
- **Two-year seats:** *04 for Africa, 03 for Asia, 02 for Europe, and 04 for the Americas.*
- **Model B:** *Model B provides for no new permanent seats but creates a new category of eight four-year renewable-term seats and one new two-year non-permanent (and non-renewable) seat, divided among the major regional areas as follows:*
  - **Four-year seats:** *02 for Africa, 02 for Asia, 02 for Europe, 02 for the Americas.*
  - **Two-year seats:** *04 for Africa, 03 for Asia, 01 for Europe, and 03 for the Americas[24].*

Kofi Annan appointed a panel of 16 eminent persons to study current threats. The High-Level Panel (HLP)on Threats, Challenges, and Change prepared a report about many issues, including the Security Council reform[25].

2-1-2: the various proposals regarding the membership, the veto, and relation with the General Assembly:

***A)- the membership and representation proposals:** There have been many proposals for each area. First, with regards to the size of an enlarged Council, the low-twenties (20-23 members) to mid-twenties (23-26 members) are preferred by a large number of the proposals because the current composition lacks democracy and regional representation[26]. Second, as far the membership categories are concerned, the question of the types of the membership remains controversial, although the request to enlarge the Security Council has been accepted unanimously[27].*

***African Union:** according to the Ezulwini Consensus, two permanent seats with all the prerogatives, including the veto right, five non-permanent for the African groups[28].*

***G04:** 06 permanents (2 for Africa, 2 for Asia, 01 for Latin America and the Caribbean and 01 for Western Europe and other states) and 04 non-permanent.*

***The Uniting for Consensus (UfC)[29]:** The Security Council would consist of 20 elected members, serving for a two-year term, in addition to the five*

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permanent members, according to a draft resolution presented to the General Assembly[30].

It should be mentioned that some regional blocks claim seats in the Security Council, and the Arab League wants a permanent place for Arab countries. The Organization of the Islamic Conference suggests that any future expansion should include a state from the block containing 57 countries. The African Union declared in 2005 that at the time of the formation of the United Nations in 1945, most of African was not represented and that in 1993, the first reform was represented but not in a strong position.

B)- The veto right proposals: *the veto is one of the most discussed issues when it comes to the question of the reform of the Security Council:*

- African Union: *opposes in principle the veto, but so long as it exists, and as a matter of common justice, it should be made available to all permanent members of the Security Council.*

*- **G04:** it called for the expansion of the Security Council to equip the new members with all the prerogatives like the P-5. While India and Brazil reaffirm their right to be fully accepted in the control room as powerful nations, Japan and Germany are more prudent[31].*

-The Uniting for Consensus Group: *it opposes the enlargement of permanent category and has two options: the complete abolition or limitation of veto only to few cases.*

C)- The relations between the Security Council and the General Assembly proposals:

The consultations between the Council and the Assembly General must be strengthened by scheduling regular and formalized meetings between their chairpersons to share information and improve cooperation[32].

But the implementation of these proposals is not an easy task, and there are some challenges that may hinder it.

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2-2: The attempts of the reform of the Security Council: the challenges and prospects:

While there are many proposals regarding the Security Council reform to encourage greater representation and equity, many difficulties may hinder this process. Firstly, the P-5 members of the Security Council are not ready to give up their veto rights and could not be forced to do so under Charter provisions[33]. Secondly, the political differences between the members of the UN in general and the Council could jeopardize the plan of the reform of the Security Council. Also, there are deep differences between the members over the identity of states that should get a permanent seat and whether the new permanent members benefit from the same prerogatives. Furthermore, one of the challenges is the absence of the real willingness of the great powers to carry out the reform.

Resolving the representation and permanent member issues have proven impossible thus far. There is no agreement on what formula should be used to determine who would get new permanent seats. With respect to increasing the transparency and efficiency of the Security Council's work, however, there have been a few changes, such as consultation with countries that contribute troops and material to peacekeeping operations[34]

Although it is difficult to carry out the reform of the Security Council because of the political differences between the P-5 members, it is possible that the reform will take place given the global challenges facing the United Nations, which need a real consensus and cooperation to make it happen.

Conclusion:

Drawing on the analysis undertaken in this paper, it is worthwhile to note the necessity for reforming the Security Council for various reasons. First, the world has drastically changed politically, economically, and military since the founding of the UN Security Council with the appearance of new powers that play an important role in the global stage namely: Germany, Japan, India, and Brazil. Second, there is a lack of African and Latin American, and Asian representation, which is offset by overrepresentation from the European continent. Third, the overuse of the veto right and the utilization of outdated working methods. All these elements drive us to believe that it is time for the Security Council to be changed to fit the current global realities and to make it more efficient, even though there are some difficulties that make this process achievable.

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[1] *The article 41 of Chapter 07 of the UN Charter stipulates: "The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations."*

[2] *The article 42 of Chapter 07 of the UN Charter states: "Should the Security Council consider that measures provided for in Article 41would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations."*

[3] *In his statement to the General Assembly, Kofi Annan, General Secretary of the United Nations declared: ' I urge member states to make the Security Council more broadly representative of the international community as a whole, as well as of the geopolitical realities of today', 21 March 2005, retrieved from https://www.un.org/sg/en/content/sg/speeches/2005-03-21/kofi-annans-statement-general-assembly.*

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[5] *Ibid., p60*

[6] *Ian Goldin,Divided nations; why global governance is failing , and what can we do about it, Oxford University Press, United Kingdom, 1st edition,P69.*

[7] *Margaret P.Karns&Karen A.Mingst, International Organizations, Lynne Rienner Publishers, the United States of America, 2nd edition, 2010, p 110.*

[8] *Ibid.*

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[11] *The article 97 of the United Nations Charter stipulates: "The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council. He shall be the chief administrative officer of the Organization."*

[12] *The procedures followed to elect the UN Secretary-General can be found here http://ask.un.org/faq/97048*

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[13] *Ian Goldin, op cit, P72.*

[14] *Margaret P. Karns, op cit, p 110*

[15] *Natalino Ronzitti, The Reform of the UN Security Council, Istituto Affari Internazionali, Rome, Italy, DOCUMENTI IAI 10 / 13 – July 2010, P06 http://www.iai.it/sites/default/files/iai1013.pdf*

[16] *Ljubo Runjic, Reform Of The United Nations Security Council: The Emperor Has No Clothes, Brazilian Journal of International Law, Revista de Direito Internacional, Brasília, v. 14, n. 2, 2017, p 274 available on https://www.publicacoesacademicas.uniceub.br/rdi/article/view/4587/pdf*

[17] *Ian Goldin, op cit, P106.*

[18] *Ibid., P108.*

[19] *John J. Mearsheimer& Stephen M. Walt, THE ISRAEL LOBBY AND U.S. FOREIGN POLICY, MIDDLE EAST POLICY, VOL. XIII, NO. 3, University of Chicago, 2006, p31 retrieved from mearsheimer.uchicago.edu/pdfs/IsraelLobby.pdf*

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[21] *This amendment came into effect in 1965.*

[22] *Article 108, Chapter 18 of the UN charter stipulates: 'Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations, including all the permanent members of the Security Council'.*

[23] *Natalino Ronzitti, op cit, p 08.*

[24]*In larger Freedom: towards development, security and human rights for all, Report of the Secretary-General, p43 ,Fifty-ninth session of the General Assembly, retrieved from https://undocs.org/A/59/2005*

[25] *Natalino Ronzitti, op cit, p08*

[26] *Jakob Silas Lund,Pros and cons of Security Council Reform, Center for UN Reform Education, 2010 retrieved from http://www.centerforunreform.org/?q=node/414*

[27] *Natalino Ronzitti, op cit, P11*

[28] *The Algerian representative, Assia Jazairy reiterated, in the 73th sessions of the General Assembly of the United Nations, in 2018, the continent's common position that it should be represented in both categories of the Security Council. The veto should be extended to all new permanent members unless it is abolished. Despite having the largest number of Member States in the United Nations and being in three quarters of the agenda of the Security Council, Africa continues to be undermined, retrieved from https://www.un.org/press/en/2018/ga12091.doc.htm.*

[29] *'The Uniting for Consensus claims to be a group of 40 like-minded countries, created at the end of 1990s as a "negotiating group" 90 focused on the reform of the Security Council. At that time, the group of countries was called the Coffee Club and was already led by Italy', definition given by Magalhaes Barreto Silva, Marina, Spoiler of Reformer? The Uniting for Consensus group and UN Security Council reform, A*

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