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THE CURRENT DEBATE ON UNITED NATIONS SECURITY COUNCIL REFORM²

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Abstract. *The Security Council is the only UN body which can legitimately authorize responses to global sceurity threats – including by the use of force. Its outdated structure, though, which was inherited since the aftermath of the Second World War, gives a decisive role of the 5 permanent members - USA, USSR, China, UK, France- by giving them the exclusive right to veto all decisions. Though the years this has made the work of the Security Council more or less ineffective. The war that the Russian Federation started in Ukraine in 2022 triggered this debate again. The paper analyses the current problems in the decision-making system of the Security Council, the proposals made by some states and coalitions of states, and the possible solutions.*

Keywords: *United Nations, Security Council, international relations, war in Ukraine, veto right*

JEL Codes: *F52, F53*

INTRODUCTION

The world is facing a rise in regional conflicts. The major powers which are engaged in the conflicts, are also the main actors in decision-making on security issues at global scale. This creates a deadlock in the powers of the United Nations, namely – the Security Council whose peacekeeping operations are the main instrument for restoring global peace. Its five permanent members – USA, Russian Federation, China, France, United Kingdom – possess the power of the veto which creates a deadlock in the Security Council and paralyses it when it comes to action in regions of the world where these powers are engaged. In particular, we witness this situation in the aggressive war of Russia in Ukraine but also in previous regional conflicts such as the civil war in Syria, or the current civil war in Mali. In the most recent conflict – the one between Israel and Palestine, the USA blocked a resolution for establishment of humanitarian pauses.

The United Nations Charter which regulates the work of the Security Council (SC), does not establish any criteria for joining. The five permanent members (P5) were given the exclusive right to veto decisions only by virtue of their status of winners after the Second World War. Throughout the years, different state coalitions and individual states have offered alternatives for reform. The paper gives an overview of the proposed reforms and offers solutions: joining new permanent members, reforming the decision-making system of the Security Council and removal of the veto right as ineffective.

EXPOSITION

"Multilateralism is in crisis" – this recent acknowledgement was made by Josep Borrell, Vice president of the European Commission and High Representative of the European Union for Foreign Affairs and Security Policy. Undoubtedly, one of the main reasons for this is the less effective activity of the United Nations – especially in the sphere of global security. This ineffectiveness became even more evident after the aggressive war of Russia against Ukraine which escalated in February 2022. International analysts point out that the key reason is the veto right in the Security Council. This is the exclusive right to veto non-procedural decisions which was granted to the five

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permanent members of the Security Council since the creation of the Council in 1945 – namely Russia, the USA, France, China and the United Kingdom. Being the principle victors from the Second World War, they “granted” themselves this right to control world order, and this has not changed since. The last and only reform of the Security Council was done in 1966 and involved increase of the non-permanent members from 6 to 10. *The principle for regional representation* which was adopted in the Charter, was applied only to non-permanent members which are changing on rotation.

There has been criticism that the five permanent members of the United Nations Security Council, who are all nuclear powers, have created an exclusive nuclear club whose powers are unchecked unlike the General Assembly, the United Nations Security Council does not have true international representation. This has led to accusation that UNSC only addresses the strategic interest and political motives of the permanent members (Christopher, 2021)

Functions and Powers of UNSC

The Security Council has the power to determine the existence of a threat to peace or act of aggression and to recommend what action should be taken. If needed, it can take military action against an aggressor. To me more precise, the SC, on which the Big Five have the power of veto, was given “*the primary responsibility for the maintenance of international peace and security*” (Art. 24). In the case of a threat to peace or act of aggression, the SC can *decide on economic sanctions* (Art. 41) or to “*take such action by air, sea or land forces as may be necessary to maintain or restore international peace and security*” (Art. 42). Without prejudice to the right to individual and collective self-defence in the event of an armed attack (Art. 51), the Charter designates the Council as *the sole authority that may legally take military action*, through contingents made available by the UN member states, even on a permanent basis (Art. 43), and led by the Military Staff Committee composed of the Chiefs of Staff of the P5 (Art.47) (Charter of the United Nations, 1945).

Unlike all other United Nations bodies, the SC is the only body whose decisions are *legally binding* for all the states who would implement them. Thus the SC has strong legitimizing effect. In spite of this, its *legitimacy* has been recently put on the agenda anew with the war that Russia started in Ukraine, which triggered the debate whether a country which violates the core principle of the United Nations for preserving global peace, is attacking a sovereign state. This is a debate that could be traced back to the period of the Cold War when the Western and the Eastern bloc opposed each other thus bringing the paralysis of the UN and the SC. For more than forty years, the Cold War made peace-enforcement missions impossible, and *peacekeeping became the main UN instrument to ensure peace*. From 1945 to 1989, the military contribution of the P5 was therefore rather marginal, and at present the situation has not changed as expected (MacQueen 1999, 27).

The veto power and its problematic use

In fact, the initial motive to include the veto power in the Charter (although the word “veto” is actually not openly mentioned there), was to prevent the UN to take direct actions against any of its principal founding members (Okhovat, 2011). Instead of doing so, it quickly brought the UN to paralysis because of the rivalry between East and West.

In fact, *the P5 have at their disposal, imbedded in the Charter, four vetoes, not one:*

- a veto over adoption by the UNSC of *any substantive and binding decisions pursuant to Article 25*;
- a veto over the recommendation to the General Assembly of a person to be appointed UN Secretary-General (Article 97);
- a veto over applications for membership of the United Nations (Art. 4);
- a veto over any amendment to the Charter (Art. 198).

As a result, any attempt to change their positions and powers must, itself, be agreed to by all of P5.

Due to so many vetoes cast, during the Cold War the work of the UNSC actually came to a deadlock. As a result of the end of the East-West confrontation, *from 1991 to 1995 the Council was able to authorise more peacekeeping operations than in the previous 40 years*. Its agenda began to broaden to include issues related to human rights, humanitarian intervention as well as issues such as the fight against HIV and environmental protection, once the prerogative of the GA. The gradual reformulation of the concept of security in terms of multidimensional and human security facilitated this process (Finizio, 2013).

Using votes as favours is probably the most obvious example of abuse of permanent privilege (McDonald and Patrick, 2010 cited by Aderito R. Vicente). In this way, the USA has many times vetoed in favour of Israel, and Russia has vetoed for Syria. Since the start of the conflict in Syria in 2011, Russia has vetoed 17 Security Council resolutions on Syria. Throughout this time, Russia has only sought to shield the Assad regime. In the first twenty years after the Cold War (the period 1991-2011), out of a total of 24 vetos, 15 have been used by the USA to protect Israel (Okhovat, 2011).

In September 2022 Russia vetoed a Security Council resolution which described its attempts to unlawfully annex four regions of Ukraine earlier in the day with a formal ceremony in Moscow, as “a threat to international peace and security”, demanding that the decision be immediately and unconditionally reversed (UN meetings coverage and presee releases , 2022). In July 2023 Russia signalled the demise of a long-running United Nations humanitarian operation in Turkey delivering aid to 4 million people in rebel-held northwest Syria after it vetoed a nine-month authorization renewal at the U.N. Security Council. Russia then failed in its own bid for a six-month extension of the operation, which has been delivering aid including food, medicine and shelter since 2014 (Nichols, 2023).

Russia’s Wagner mercenary army operating in Mali, were accused in abusing human rights. In August 2023, Russia has vetoed a UN resolution initiated by France and the Arab Emirates to extend the presence of a team of United Nations experts in the military-run West African country. Thirteen of the UN Security Council’s 15 members backed the proposal (Al Jazeera , 2023).

As a whole, after the start of the military campaign of Russia in Ukraine, the SC is facing a similar situation like the deadlock during the Cold War: as of May 2022, Russia has used its veto 121 times (to compare, the US has used it 82 times, the UK 29 times, China 17 times, and France 16 times).

The use of the veto is not always so explicit, and on many occasions permanent members managed to keep an issue off the Council agenda or soften the language of a resolution without actually casting a veto – only by mere threats of using that power. This is the so called “pocket veto” (Okhovat, 2011). For instance, in 2007 and after Russia repeatedly threatened to veto any resolutions that would recognise Kosovo as an independent state and undermine Serbia’s sovereignty. Another example of the use of “pocket veto” by Russia and China is the situation in Syria and the opposition of these two countries to the issuance of any resolutions by the Council despite the bloody crackdown of Syrian military forces on pro-democracy protestors. When the UNSC members gathered to discuss the situation of Syria on 27 April 2011, the British and French delegates hoped they could get the members to agree on a resolution. However, they were faced with strong opposition from the Russians who argued that the situation did not pose a threat to international peace and security.

Although **France** has not cast any vetoes after the end of the Cold War, it has threatened to use that power on several occasions. The most prominent example was the case of 2003 Iraq war when France’s threats to veto any resolution that would automatically lead to a war successfully prevented the United States, the United Kingdom and Spain to present a draft resolution to the Council seeking to authorise military action (although France could not eventually prevent them from attacking Iraq).

However, there are still some countries that support the veto power. Obviously the permanent members are supportive of such a power for self-serving reasons.

Arguments for and against reform in the SC structure and decision-making system

When the Charter went into effect on October, 24 of that year, a global war had just ended. Much of Africa and Asia was still ruled by colonial powers. Effort to expand the permanent members of the Council to include powers that have emerged since 1945 such as India, Japan and Germany—have been stymied. For every country that vies for a seat, rivals seek to block it (Christopher, 2021).

As Josep Borrell point out, recently it is getting increasingly difficult for the Security Council to reach a consensus over global threats. There is no longer a coalition of dominant powers capable of imposing a global order. On the contrary, competing powers tend to neutralise each other. The most recent example of using the veto right is Russia blocking any decision which condemns its action in Ukraine, but also blocking resolutions concerning the crises Syria and Mali (Borrell, 2023).

There is an interesting Article 27(3) in the UN charter. It states that the permanent member of the UN Security Council which is a party to a dispute shall abstain from voting on resolutions dealing with this dispute. This means that Russia should abstain from voting for or against resolutions regarding the war in Ukraine. But the problem is that the permanent member states of the UN Security Council can abstain from voting only voluntarily. Russia will never give up its veto power voluntarily (Institute for War and Peace Reporting , 2022).

Back in the 1990s, 185 Member States criticised the veto as inequitable (Weiss, ‘Overcoming Security Council Reform Impasse’, p.30). Still there are some states supporting the veto, and some arguments.

Some commentators argue that **the P5 are all nuclear countries** They have large nuclear arsenals and the consequent ability to initiate a full-scale nuclear war. Therefore, the veto power has to stay in order to enable them to end measures that are threatening to them diplomatically. In this way, the international community can avoid the dissatisfaction of these nuclear powers which has the potential to result in international tension and the possible waging of a nuclear war.

On the other hand, China and France were not nuclear powers for two decades after becoming permanent members. Also, there are other states who produce nuclear energy – although they are not officially labelled as “nuclear states” – such as India which also claims for permanent membership and supports the existence of the veto. At the same time, India believes that all permanent Security Council members (new and old) should commit to using it only in exceptional circumstances and avoid blocking enforcement action in response to grievous acts such as genocide, crimes against humanity, and war crimes. As a whole, India seeks to make the Security Council more transparent, consultative, and accountable. Some of its proposed reforms include: greater Security Council consultation with non-members.

The veto right of the permanent five is the most contested feature of the SC. The veto itself represents an obstacle to reform, both because of P5’s traditional interests in preserving power and because **no provision in the UN Charter requires them to resign this rights**. However, in theory, the Charter does allow the General Assembly to act, if because of a veto, international peace and security are threatened. But in reality, it is rarely done (Christopher, 2021). According to Article 108 of the United Nations Charter, the Charter can be amended by a General Assembly decision approved by two thirds of General Assembly membership and ratified by two thirds of Member States, including the permanent members of the Security Council.

State coalitions for reform

An open Working Group for reform of UNSC was established more than 25 years ago but it couldn’t come up with a common position due to the divergent opinions of the member states. In 2009 the IGN (Intergovernmental Negotiations) commenced in the General Assembly and majority of the Member States expressed the need for reform through rounds of negotiations. Debates cover the following aspects of the needed reform: *categories of membership; regional representation; question of the veto; size of an enlarged SC and its working methods; relationship between the Council and the General Assembly*.

Five major coalitions of states stand out with their draft proposals for reform (some states are members of more than one coalition).

In September 2004, Japan, Brazil, Germany and India launched the **G4 group** after meeting on the fringes of the UN General Assembly in New York. Its *Draft Resolution (A/59/L.64)* proposes a Council expanded to a total of 25 members, with 6 new permanent seats assigned to Africa (2), Asia (2), Western Europe (1), Latin America and the Caribbean (1) and 4 new non-permanent seats to Africa (1), Asia (1), Eastern Europe (1) and Latin America and the Caribbean (1). Regarding the veto right, according to the group the new permanent members shall not exercise the veto-right until a decision has been taken during a review (15 years after the reform. As for each of the members of the group individually, Germany and Japan support abolition of the veto, India thinks it should stay and be extended to new permanent members, and Brazil has not developed a clear position of its own.

The second bloc is the **Uniting for Consensus (UFC)** coalition, led by the G4's regional rivals (including Argentina, Mexico, Italy, Poland, Pakistan, South Korea, and Türkiye, among others). The UFC advocates *expanding the council's elected membership from ten to twenty*—a strategy that would allow more nations to serve on an egalitarian, globally representative council, rather than reinforcing great power hierarchy. In addition, they support **creation of new category of membership** based on longer term non-permanent seats. As for the number of the permanent members, they think it should stay the same. As regards the veto, the coalition is ready to consider **formulas on how to limit its use**.

The third major bloc is **the African Union (AU)**. Its fifty-four members remain committed to the 2005 Ezulwini Consensus, which insists that the continent be granted **two permanent seats**, with full veto rights, as well as at **least three additional non-permanent seats** (Patrick, 2023).

The forth block is the **CARICOM (Caribbean Community)** – it includes 14 states from the Caribbean region. According to the group, the veto should be abolished but so long as it exists, it should be extended to all members including the new permanent members. In addition, efforts must be made to limit its use.

The **L-69 group**, which derives its name from the draft document number "L.69" that the Group had tabled in 2007-08, which led to the initiation of the Intergovernmental Negotiation (IGN) process. At that time, the Group's membership was of 22 member states, which has since increased to 42 developing countries from different regions of the world: Africa, Latin America and the Caribbean, Asia and the Pacific. Some of the countries in the group include: St. Lucia, St. Vincent and the Grenadines, India, Brazil, South Africa, Nigeria, Rwanda, Burundi, Papua New Guinea, Palau, Fiji, Ethiopia, Bhutan, Venezuela, Mongolia, Nicaragua, Bahamas and Seychelles.

The position on new permanent seats of all coalitions except for the Uniting for Consensus is that **6 new seats have to be added, including 2 for Africa**. The major argument is that most peacekeeping operations of the United Nations take place on the continent, and the states don't even have a voice on that.

CONCLUSION

In a world of turbulent events where regional conflicts occur so often that they threaten the global balance and peace on a daily basis, it is very essential to upgrade the composition and decision-making system of international organizations. Being the largest intergovernmental organization involving a body which deals with international security, it is essential that the structure reflects the current geopolitical balance.

The first needed reform would be that of the **UN Charter** – the only document that regulates the work of the Council. It is important to introduce criteria for permanent membership and criteria for exclusion of members who violate the Charter.

The next reform would be **the increase in permanent membership**. On the one hand, it is essential that the SC stays comparatively small in size – this will keep the advantage of being reactive in a situation of a global security threat. On the other hand, its current composition is not representative of the world neither geopolitically, nor geographically. So the second reform would be the inclusion of at least one country from South America and at least one country from Africa.

The third urgent reform would be **reconsidering the use of the veto right** in the decision-making system of the Council. Indeed there are states which are more powerful and should have some larger voice over the others. But the veto right has proven to be ineffective not only during the Cold War but even today. Most countries (apart from the current permanent members) consider it should be removed. Probably most effective would be a system which keeps the power in the most powerful but does not allow a single state to block a decision. A system which involves voting weights based on population or on GDP, would be an option.

The above reforms would give the Security Council more representativeness, effectiveness and will reduce democratic deficits of the UN body.

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