



DISCUSSION PAPER

Reforming the United Nations Security Council:

Accountability, Effectiveness, and Representation

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Introduction

United Nations Security Council reform is one of the most controversial subjects in the history of the UN. Whenever there is a catalytic event, such as the end of the Cold War or the invasion of Iraq, the subject once again rises to the forefront. With Russia's invasion of Ukraine, and due to the particularities of the UN's response to the invasion, the subject, once again, has taken centre stage.

On February 25, 2022, the UNSC held an emergency special session in response to Russia's invasion. However, because of Russia's veto, the UNSC could not pass a binding resolution that otherwise would have called Russia to cease its use of military force in Ukraine (United Nations, 2022). Upon the UNSC's failure to pass the resolution, the UN General Assembly (UNGA) held an emergency special session on March 2, 2022, and though non-binding for the UN members, passed Resolution A/RES/ES 11/1. The resolution demanded Russia "cease its use of force against Ukraine" and "unconditionally withdraw all of its military forces from the territory of Ukraine" (United Nations General Assembly, 2022a). Yet, so far, the UN's calls did not deter Russia from continuing its violation.

The inefficacy of the UNSC to take a solid step in response to one of its permanent member's breach of the UN Charter and international law led to dissatisfaction and increased calls for UNSC reform. Pro-reform parties, including the Ukrainian President Zelensky, asked for a wide range of reforms ranging from ousting Russia from the UNSC to abolishing UNSC permanent members' (P-5 countries) right to veto. A group of countries led by Liechtenstein and including the UK, the US, and France have already taken action for reforming the UNSC, especially the use of the veto, and accordingly, UNGA, though non-binding, passed Resolution A/RES/76/262. Resolution A/RES/76/262 resolved to hold a UNGA meeting upon the casting

of a veto and to invite UNSC to provide a report on the use of the veto in the UNSC (United Nations General Assembly, 2022b).

The recent reform calls are not the first of their kind. In fact, the history of the UN is replete with calls to reform the UNSC. Throughout the UN's history, reform calls and efforts targeted the number, status, rights, and working methods of the UNSC members. Some efforts have succeeded. For example, in 1965 the number of UNSC members increased from 11 to 15 and 4 non-permanent members were added. However, most of the reforms were not materialized for several reasons such as difficulties in reconciling pro-reform parties' requests. For instance, in 1993, the UNGA adopted Resolution 48/26 and established Open-Ended Working Group regarding UNSC reform. Since then, member states made several reform suggestions. Group of Four (Brazil, Germany, India, and Japan) offered to increase the number of permanent seats by 6 members, whereas Uniting for Consensus suggested maintaining the status quo in permanent seats. But such divergent proposals made it difficult to come up with a common proposal to date.

The current reform calls must be evaluated with this historical background in mind. Considering this, this discussion paper, first, will evaluate the need for UNSC reform. Defining the UNSC's role and assessing its success in fulfilling its role, the paper concludes that reform of the UNSC is necessary. Then, it will discuss the most popular reform proposals, namely the reforms regarding veto rights and UNSC membership structure. Considering the possible procedural obstacles specific to each reform proposal, and the advantages and disadvantages of a specific reform, it will list the reforms that need to be prioritized. Accordingly, the paper concludes that reforms regulating the use of veto as well as reforms increasing the number of non-permanent UNSC members must be prioritized.



Security Council meeting at United Nations HQ in NYC. (Tayfun Coşkun - Anadolu Agency)

Why should the UNSC be reformed?

The first step of a reform process is the assessment of the need for reform. Therefore, before jumping into a discussion about how to reform the UNSC, the necessity of UNSC reform must first be established. If UNSC is fully fulfilling its role, then reform is not needed. However, if the reality is otherwise, reform is needed. Accordingly, by explaining the UNSC's purposes, structure, and the conditions under which the UNSC was established, this section examines the UNSC's role. It will then explain how the UNSC has failed to fulfil its role and will conclude that UNSC reform is necessary.

The UN and the UNSC are products of the Second World War. The desire for a victory against the Axis powers to obtain peace and the motivation to prevent another world war by establishing a forum for resolving disputes by peaceful means other than military confrontation led the way for forming the UN. The Allied powers asked countries to give sole authority to the UN regarding the use of force in return for a world without world wars (Brian Cox, 2009, p. 94). The structure and purposes of the UN, including the UNSC, were shaped around these desires and designation. During the foundation phase of the UN, in 1943, the US, the UK, the USSR, and China, all of which were allies and are permanent UNSC members, adopted a Joint Four-Nation

Declaration and recognized that it is necessary to establish an international organization to maintain international peace and security. In 1945, the same countries met at Dumbarton Oaks to agree on the foundation of a new international organization. In the end, the UN Charter, which was signed in San Francisco in 1945, established the UN and the UNSC and held the UNSC primarily responsible for the maintenance of international peace and security (U.N. Charter art. 24, para. 1). The UN Charter set forth five permanent members, namely China, Russia, the UK, the US, and France, - all victors of the war - for the UNSC and granted veto rights to these members.

The UNSC's purpose and structure were shaped with the lessons learned from the failure of the League of Nations. The League of Nations failed, partly because countries abandoned the organization when their national interests conflicted with those of the League. Considering this, the UN Charter, to prevent a similar scenario, set forth that the decisions of the UNSC, other than those on procedural matters, shall be made nine members' affirmative votes, including concurring votes of the permanent members (U.N. Charter art. 27, para. 3). In other words, the UN Charter paved the way for permanent members to prevent decisions that they consider against their interests. In this

way, the Charter aimed at maintaining and promoting international peace and security by ensuring states' continuing presence in the UNSC, and in the UN in general.

The UNSC's failure in fulfilling its role in conjunction with changes in the world order are key factors that necessitate the reform of the UNSC should be reformed. Regarding the first factor, assessing the UNSC's success in fulfilling its role depends on one's point of view (Hanhimaki, 2008, p.50). If the indicator of success were to be solely to prevent another global war, then the UNSC would be deemed successful. However, maintaining international peace and security is more than just preventing a global war, and therefore, the UNSC is unsuccessful in fulfilling its role. Since 1945, there has not been a single day without a bloody military conflict (Hanhimaki, 2008, p.50), most of the time with the full awareness of the UNSC. Moreover, at times the UNSC either remained inactive or failed to take the necessary steps in the face of these conflicts. This indirectly increased the number of civilian casualties in Rwanda, Darfur, Syria, and recently in Ukraine. In Rwanda, the peacekeeping mission, UNAMIR, did not have enough resources and was pressured by the UNSC to save money, and to cut resources (Independent Inquiry, 1999, p.41). This made it harder to prevent deaths in Rwanda. Similarly, because of the use of the veto, in 2017, the UNSC could not pass the draft Resolution S/2017/172 aimed at sanctioning the use of chemical weapons in Syria. Of course, expecting

a conflict-free world is a utopia and the UNSC is not tasked with dealing with all internal conflicts nor preventing all wars (Brian Cox, 120). On the other hand, the UNSC's inability to properly deal with major conflicts is clear. The UNSC's insufficient response to the genocide in Rwanda as well as to the massacre at Srebrenica are illustrative of this point (Mälksoo, 2010, p. 106). Regarding the second reason, Today's power dynamics, politics, and legal framework are different from 1945 when the UN was founded. The meaning of international peace and security has since evolved to cover terrorism, mass migration, climate change, and pandemics (Trent & Schnurr, 2018, p. 57), and the relationship between international peace and security and development is now recognized. P-5 countries no longer exclusively represent today's superpowers. In addition to the P-5 countries, powers such as the EU, as well as countries such as Germany and Japan, have an important place in today's power dynamics. Moreover, nowadays, none of the superpowers are likely to abandon the UN no matter how fiercely their interests contradict the UNSC decisions, so there is no real concern about the dissolution of the UN in a similar manner to League of Nations' dissolution. In order to reflect the changes international dynamics and to address the UNSC's failures in preventing conflicts, the UNSC should undertake necessary reforms.

How should the UNSC be reformed?

Previous UNSC reform efforts covered a broad range of areas, including increasing the number of permanent members. Although many of the reform efforts were ultimately not realized due to conflicting interests. The motivations of past reform initiatives and reasons for their failures should be considered while designing future reforms. Accordingly, any reform efforts should aim at mitigating the impacts of UNSC member states prioritizing their national interests. Of course, as long as governments aim at promoting their citizens' well-being, it is impossible to fully prevent countries to prioritize their national interests (Hanhimaki, 2008, p.147). However, the prioritization of national interests is a major obstacle to maintaining international peace and security. For example, the UNSC was unable to effectively act in Syria and Ukraine because of Russian vetoes. Therefore, UNSC reforms should be designed to force countries so as to make the highest level of compromise with regard to their national

interests, for example, by limiting the use of veto and increasing transparency in the exercise of the veto right.

Reforms should also focus on ensuring credibility, accountability, effectiveness, and representativeness of the UNSC. First, most countries doubt the UNSC's credibility since P-5 countries manage to manipulate the system to put their interests first. For example, while the UNSC paid significant attention to the 9/11 attacks, it neglected the Rwandan Genocide (Wilson, 2018, p. 499) and Russia consistently vetoed resolutions related to the Syrian war. As a result of these and countless other similar examples, countries sometimes bypassed the UNSC in order to avoid the prospect of a veto (Gould & Rablen, 2017, p. 147). NATO's intervention in Kosovo is a case in point. Second, the UNSC lacks full accountability because the use of veto without any compulsory explanation and justification overshadows the UNSC's decisions. Because countries



130 Chinese peacekeepers arrive in South Sudan. (Samir Bol - Anadolu Agency)

do not have to provide any political or legal justification when exercising their veto rights. This situation makes it difficult to question and challenge the use of the veto right. Third, the UNSC does not operate effectively. For instance, in critical situations such as use of chemical weapons during Syrian war, or the Russian invasion of Ukraine, P-5 countries' exercise of their veto rights prevents passing resolutions. Similarly, with the threat of veto, resolutions often suggest rather smooth and uncontroversial solutions. Subsequently, offering a solution against threats to international peace and security becomes more difficult. Lastly, as a product of the post-Second World War world order, the UNSC's composition does not reflect today's realities, nor does it represent all regions. Establishing peace and security internationally requires taking into consideration all stakeholders' concerns. However, currently, many important stakeholders find it difficult to make their voices heard in the UNSC. At the end of the day, this affects the UNSC's credibility and effectiveness. Considering all these, all reforms should be formulated to prevent a lack of credibility, accountability, effectiveness, and representativeness.

The veto: Is it all bad?

The veto right was granted to the P-5 countries, all of which are the Second World War victors, to prevent them from leaving the UN and to ensure their involvement in the UNSC by allowing them to veto decisions they deemed to be against their national interests (Hanhimaki, 2008, p.136). This right has a critical importance and gives great power to the right holders. As per UN Charter art. 27, paragraph 3, a UN resolution on matters other than the procedural ones can be passed with an affirmative vote of nine members including the concurring votes, i.e., yes or abstention, of the five permanent members. Accordingly, permanent members, by casting a negative vote, can prevent passing a binding resolution on all the UN members. In fact, this right has been exercised many times in the past by P-5 countries, generally on critical and sensitive issues including the Syrian Civil War and the Russian invasion of Ukraine, and blocked passing binding resolutions.

There are various discussions regarding the veto right. Moreover, the fact that the veto rights reflect the 1945 world

order generates further discussions. Such discussions and the fact that the veto is arguably largely responsible for the UNSC's ineffectiveness (Kreykes, 2008) has triggered various reform initiatives in the past. Some countries proposed to grant more members with the veto rights, some offered to abandon the veto (Hankimaki, 2008, p. 135) whereas others proposed limiting the use of veto rights. However, first of all, in order to evaluate reform initiatives properly, the advantages and disadvantages of the veto should be determined. The veto has some disadvantages such as being anachronistic and undemocratic as well as preventing the UN from acting and not only being a tool for protecting vital interests but also for maintaining influence and protecting allies (Webb, 2014). On the other hand, even if usually overlooked, it has some advantages as well. Veto rights ultimately serve to keep P-5 members within the organization. Moreover, veto or the potential of a veto inhibits the UNSC from taking action on a number of issues related to international peace and security. To be more specific, the veto prevents the UNSC from passing resolutions on issues considered controversial by any of the P-5 countries. Fear of veto forces members to think more thoroughly before proposing a draft resolution to the UNSC. Veto prevents the UNSC from passing resolutions to the point that is harmful to the maintenance of international peace and security. In other words, the veto prevents countries from maintaining excessively peace and security (Webb, 2014, p. 473). The veto also allows for time to consider alternatives to using force. The potential of a veto of draft resolutions that recommend the use of force allows UNSC members to consider alternatives, such as condemning a stakeholder's actions, that are less likely to be vetoed. Moreover, the veto ensures that countries with a higher enforcement capacity and whose involvement in a conflict would create greater hinderances to peace act in cooperation and do not confront each other because the veto potential effectively creates a deadlock when there is a serious conflict of interests or confrontation among the P-5 members. If there were no veto power and all permanent members did not have to have concurring votes, P-5 members would be more likely to act on controversial issues with the reassurance of the UNSC authorization. In this case, there would be a risk of direct confrontation between opposing p-5 members. Therefore, when evaluating reform proposals, the veto right's disadvantages and advantages should be weighed, and any reform proposals should be shaped accordingly.

Granting more members veto rights is the first reform option. This reform has been proposed several times in history. For example, the Ezulwini Consensus, which reflects the African Union's position on the UNSC reform

proposed increasing the number of UNSC members and granting them veto rights (United Nations General Assembly, 2005a). Such a reform can make the UNSC more representative by granting more members with veto rights. Moreover, if this reform was ever realized, more time would be given to the UNSC to reflect and take incremental steps towards the use of force. Because then, the UNSC members, with the increased risk of veto, and awareness that a decision regarding the use of force is highly likely to be vetoed, would consider alternatives to the use of force. On the other hand, such reform is highly likely to decrease the accountability and credibility of the UNSC by hindering the UNSC from fulfilling its role even further. If this reform were ever to materialize, then there will be more countries that could block binding resolutions aimed at maintaining international peace and security at the cost of severe conflicts and civilian casualties. Moreover, reform may enable more countries to prioritize their national interests, maintain their influence, and protect their allies to the detriment of global peace and security. Another issue with granting more countries with veto rights would be the requirement to amend the UN Charter. As per UN Charter art. 108, such an amendment can only be made with the approval of the two-thirds majority of all member states, including all P-5 countries. However, it seems unlikely that P-5 countries would approve such a change. Because, for P-5 countries, increasing the number of countries with veto rights means both sharing their privileged position with other countries and dealing with more countries that may prevent passing a binding resolution that they are in support of. In sum, due to doubts about its effectiveness in improving the UNSC's fulfilment of its role as well as procedural difficulties in reforming, this reform option may be disregarded.

Abolishing veto rights is another reform option. Such reform may increase the effectiveness, credibility, accountability, and representativeness of the UNSC, and may effectively prevent countries from prioritizing their national interests. Because, if this reform is realized, everyone will be subject to the same conditions while voting. Moreover, contrary to bad experiences regarding the Syrian Civil War and the Ukraine – Russia war, P-5 members will no longer be able to block decisions at critical moments. However, this would likely be among the most difficult reform options to implement given that there is no UN Charter provision that would allow abolishing the veto right without the P-5's unanimous consent. And, of course, none of the P-5 countries would willingly give up on their trump card (Hankimaki, 2008, 136). Even if procedural obstacles were to be removed, and the reform materialized, there is also the risk that without the veto right, P-5 countries might

simply abandon the UN when their interests seriously conflict with the UNSC's decisions. Veto power allows P-5 members to block decisions deemed to be against their interests and therefore ensures that they remain within the UN. In other words, the right to veto reduces the risk of repetition of the history, in other words, dissolution of an international organization as was the case for the League of Nations. Because this was the case when several countries such as Japan left the League of Nations when their interests contradicted with the League of Nations' decisions. Moreover, the removal of the veto right may pave the way for more easily militarily interfering with the conflicts without referring to alternatives. In addition to that, surprisingly, somehow veto may be a tool for protecting UNSC's credibility. For example, suppose that in a scenario where there is no right to veto, a resolution is passed even if one or more superpowers vote no. If these superpowers do not implement this decision taken by the UNSC, the credibility of the UNSC will be damaged. On the other hand, if the UNSC decides to enforce the implementation of this decision, the UNSC and the objecting superpower would be in conflict. This would create a greater risk for international peace and security than not passing a resolution on the matter (Cox, 2009, p. 120). Therefore, considering procedural difficulties and possible risks, even if it is one of the most favoured reform options, for the reasons explained above, this reform option should not be prioritized.

Apart from those, regulating the use of veto is the most probable and potentially most practical reform option. This is because materializing such reform is easier since it does not abolish P-5 countries' veto rights nor does it increase the number of veto holder countries. Moreover, since it is a procedural change, as per the UN Charter art. 27, para. 2, there is no need for all P-5 countries' concurring votes. In line with this, in the past, there was a broad range of reform proposals from restraining the use of the veto and introducing procedures to ensure "transparency in decision making" (United Nations General Assembly, 2005b), to mandatorily or voluntarily abstaining from using the veto in case of "genocide, crimes against humanity and serious violations of international humanitarian law" to "enhance the accountability, transparency, and inclusiveness" of the UNSC's work (United Nations General Assembly, 2006). Such proposals include the recently passed non-binding UNGA Resolution A/RES/76/262 which regulates the exercise of veto. Even though such reform will not fully prevent deadlocks, it will decrease the likelihood of deadlocks in critical situations. If materialized with a binding UNSC resolution, it would limit the use of the veto, for example in situations of war crimes and

crimes against humanity (Webb, 2014). Decreasing the likelihood of deadlocks will increase the effectiveness and the credibility of the UNSC and will prevent to some extent the countries' prioritization of their national interests. Moreover, introducing a code of conduct that may require providing public and written justification for using veto rights will probably increase the accountability of the UNSC. On the other hand, since the right of veto will not be abolished, there will be no risk of countries leaving the organization and referring every issue with a peace and security dimension to the UNSC as well as excessively authorizing the use of force. For all these reasons, regulating the use of veto rights should be prioritized.

UNSC membership: Is "less is more" true?

Reforming the UNSC without interfering with P-5 countries' status can be another useful reform for ensuring the UNSC's fulfilment of its role. Such reform may consist of increasing the number of UNSC members, prolonging or shortening the period of non-permanent members' membership and defining new membership status. In fact, in past, several similar reform proposals aimed at changing the membership structure of the UNSC were made. For example, the Razali Plan proposed the addition of five permanent and four non-permanent seats, all with no veto powers, to the UNSC (United Nations General Assembly, 1997). Similarly, the High-Level Panel Report proposed defining a new non-permanent membership status with 4 years term (Cox, 2009, p. 105). Slightly different from these, the Italian proposal suggested creating regional seats to better represent collective interests.

Reforms regarding UNSC membership may allow countries, especially developing countries, or the more financially contributing countries' better representation and therefore, may increase the credibility and effectiveness of the UNSC. The Razali Plan endorses this view by stating that "the effectiveness, credibility, and legitimacy of the work of the Security Council depend on its representative character" (United Nations General Assembly, 1997). Contrary to this view, Cox claims that the UNSC was never created to be representative (Cox, 2009, p.116). According to Cox, the most important thing for the UNSC is to put those that can maintain international peace and security, in charge (Cox, 2009, p.116). According to this logic, since no African state is a great power there is no benefit in their involvement in the UNSC (Cox, 2009, p.116). However, it is difficult to agree with Cox's opinion because Cox' understanding of maintaining international peace and



Secretary-General of the UN Antonio Guterres speaks on Ukraine. (Tayfun Coşkun - Anadolu Agency)

security reflects the realities of 1945, not those of the 21st century. Cox claims that international peace and security can be maintained only when politically, economically, and militarily powerful countries have a strong say. However, terms change, and interpretations evolve. Accordingly, the role of international organizations, as living organizations with purposes and structures evolving over time, changes. Therefore, the UNSC has to be structured by considering the evolving meaning of maintaining peace and security. Currently, international peace and security are intertwined with development (United Nations General Assembly, 2005c). Accordingly, having more members from all over the world, including from the developing world, may facilitate concerns of countries with different political and economic backgrounds to be heard. Moreover, it may prevent the UNSC's "inconsistent and even partial" approach to international issues of concern (Wilson, 2018, p. 498). Besides all these material discussions, procedurally, changes that do not affect P-5 countries' status are likely to encounter less resistance from the P-5 countries. Also, changes that do not add new permanent members are likely to garner more support because, when it comes to adding new permanent members, there are usually objections from a permanent member candidate's political rival for the country's inclusion in the UNSC. Such competing claims for permanent membership complicate reaching a final decision on the structure of the UNSC. In sum, changes that increase the number of non-permanent members but do not add new permanent members may be realized easily. Considering this, even if reforming the UNSC

membership in such a way is not useful for preventing deadlocks when it comes to taking a decision about critical issues, it can increase the UNSC's representativeness, effectiveness, and credibility. Therefore, by aiming not to increase the number of UNSC non-permanent members to such an extent that it makes decision-making difficult and does harm to the effectiveness of the UNSC, such reforms must be prioritized.

Another membership reform proposal may aim at changing the UN Charter in a way to bring a procedure that does not require P-5 countries' concurring votes and punishes non-compliant UNSC members by expelling them from the membership. With this change, countries that use force in breach of the UN Charter or do not act in the interest of international peace and security may lose their membership in the UNSC. For example, the UNSC with the votes of a qualified majority and without requiring P-5 members' unanimous consent, may put the expulsion of a UNSC member to the vote of the UNGA. Thereafter, the UNGA may decide on an expulsion with the votes of a qualified majority. In fact, it is possible, at least on paper, to terminate both permanent and non-permanent UNSC membership status under the current form of the UN Charter. However, first, under the current form of the UN Charter, terminating the permanent membership status, in reality, is all but impossible. Because as per the U.N. Charter art. 108, such a change requires a UN Charter amendment with the unanimous concurring votes of the P-5 countries. Moreover, expecting a P-5 country to vote in favour of

termination of its membership is not realistic. Alternatively, to terminate the UNSC permanent membership status, a P-5 country's UN membership may be terminated. Because, if a country's UN membership ends, its UNSC membership will end accordingly. However, terminating UN membership requires a UNSC vote, and unanimous consent of the P-5 countries. Considering that, expecting a P-5 country to expel itself from the UN seems quite unlikely to happen either. In the end, it is unrealistic to expect P-5 members to punish themselves. On the other hand, the UN Charter does not set out a clear procedure for terminating a non-permanent member's membership. To realize this, a non-permanent member's UN membership may be

terminated. However, given that non-permanent members' term within the UNSC is two years, and ousting a country from the UN might have more severe consequences than keeping them in the UNSC for a limited time, the effectiveness of a such an action is questionable. For these reasons, a UN Charter amendment that introduces an easier way for ending the UNSC membership may be beneficial. However, such an amendment requires P-5 countries' concurring votes. Since it is highly unlikely for the P-5 to vote for a change that is disadvantaging themselves, the reform proposals regarding terminating or withholding UNSC membership should be disregarded.

Conclusion

UNSC reform is one of the most disputed issues. Throughout the history of the UN, several reform proposals were put forward to increase the UNSC's credibility, accountability, effectiveness, and representativeness, and to prevent countries from prioritizing their national interests. Reform proposals aimed at changing the number, status, rights, and working methods of the UNSC members. However, many reform proposals put forward as a definitive solution, including abolishing veto rights, either ignored the disadvantages of the reform in question or turned a blind eye to the inevitable procedural obstacles. Therefore, several reform proposals could not be materialized for several reasons.

Current reform efforts should properly weigh the advantages and disadvantages of the reform in question and should consider procedural obstacles. Accordingly, first regulating the use of veto rights should be prioritized.

Because such reform is both easier to materialize and has the advantages of ensuring transparency, preventing excessive use of military force, and keeping the P-5 members within the organization. Second, the number of non-permanent UNSC members should be increased. In this way, the UNSC's representativeness can be increased, and more countries' voices may be heard. On the contrary, granting more members with the veto rights as well as abolishing veto rights should be disregarded. Because the former carries the risk of creating more deadlocks, whereas the latter may result in excessive use of military power and may damage the UN's credibility. After all, both reforms are difficult to be materialized. In addition, reforms regarding ousting the UNSC members as punishment must be disregarded as well. Because apart from almost being impossible to be materialized, such reform may damage the UNSC's role in maintaining international peace and security.



UN Secretary-General Antonio Guterres visits Kyiv. (Ukrainian Presidency - Anadolu Agency)

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