

Reformation of the SC

Introduction

The United Nations Security Council is one of the six principal organs of the United Nations and is charged with ensuring international peace and security, recommending the admission of new UN members to the General Assembly, and approving any changes to the UN Charter.

The Security Council has primary responsibility for the maintenance of international peace and security. It has 15 Members, and each Member has one vote. Under the Charter of the United Nations, all Member States are obligated to comply with Council decisions.

The Security Council takes the lead in determining the existence of a threat to the peace or act of aggression. It calls upon the parties to a dispute to settle it by peaceful means and recommends methods of adjustment or terms of settlement. In some cases, the Security Council can resort to imposing sanctions or even authorize the use of force to maintain or restore international peace and security.

Reform of the United Nations Security Council (UNSC) encompasses five key issues:

1. Categories of membership
2. The question of the veto held by the five permanent members
3. Regional representation
4. The size of an enlarged Council and its working methods
5. The Security Council-General Assembly relationship.

Votes needed for a reform:

Any reform of the Security Council would require the agreement of at least two-thirds of UN member states in a vote in the General Assembly and must be ratified by two-thirds of Member States. All of the permanent members of the UNSC (which have veto rights) must also agree.

History of the United Nations Security Council:

The composition of the Security Council was established in 1945. Since then the geopolitical realities have changed drastically, but the Council has changed very little. The victors of World War II shaped the United Nations Charter in their national interests, assigning themselves the permanent seats and associated veto power, among themselves. Any reform of the Security Council would require an amendment to the Charter.

Article 108 of the Charter states:

“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.”

With the enlargement of the United Nations membership and increasing self-confidence among the new members, going hand in hand with processes of decolonization, old structures and procedures were increasingly challenged. The imbalance between the number of seats in the Security Council and the total number of member States became evident, and the only significant reform of the Security Council occurred in 1965: this included an increase in the non-permanent membership from six to 10 members.

In the twenty-first century, the mismatch between the structure of the UN Security Council and the global reality the former is supposed to reflect became even more glaring. So much so that demands were raised by many politicians, diplomats and scholars to reform the Council.

The G4 Nations:

By 1992, Japan and Germany had become the second- and third-largest financial contributors to the United Nations, and started to demand a permanent seat. Also Brazil (fifth largest country in terms of territory) and India (second largest country in terms of population) as the most powerful countries within their regional groups and key players within their regions saw themselves with a permanent seat. This group of four countries formed an interest group later known as the G4.

Most of the leading candidates for permanent membership are regularly elected onto the Security Council by their respective continental groups: Japan was elected for eleven two-year terms, Brazil for ten terms, and Germany for three terms. India has been elected to the council eight times in total, with the most recent successful bid being in 2021-22 after a gap of ten years from 2010-11.

In 2017, it was reported that the G4 nations were willing to temporarily forgo veto power if granted a permanent UNSC seat. As of 2013, the current P5 members of the Security Council, along with the G4, account for eight of the world's ten largest defence budgets, according to SIPRI.

Uniting for Consensus Group:

This sort of reform has traditionally been opposed by the Uniting for Consensus group, which is composed primarily of nations who are regional rivals and economic competitors of the G4. The group is led by Pakistan (opposing India), Italy and Spain (opposing Germany), Mexico, Colombia, and Argentina (opposing Brazil), and South Korea (opposing Japan), in addition to

Turkey, Indonesia and others. Since 1992, Italy and other members of the group have instead proposed semi-permanent seats or the expansion of the number of temporary seats.

Small Five Group:

The Small Five Group or S-5 is a group of five small member states of the United Nations that works to improve the working methods of the Security Council. Its main goal is to increase transparency, accountability, and access for non-members. The S-5 Group is composed of five small states: Costa Rica, Jordan, Liechtenstein, Singapore and Switzerland.

Their main objective was to increase the involvement of States that are not members of the Security Council in its work, enhance its accountability to the rest of the UN, and increase the transparency of its work.

In March 2006, the S-5 Group circulated a draft resolution with the following major proposals:

1. Improvement of the relationship between the General Assembly and the Security Council
2. Regular and timely consultations between members and non-members
3. Informal, interactive discussions of the annual report of the Security Council with the members of the General Assembly
4. Restrictions on the veto in cases of genocides, crimes against humanity, and serious violations of international humanitarian law
5. Better interaction between the Council and troop contributors
6. Better and more effective integration of new members of the Council.

The Veto Power:

By wielding their veto power (established by Chapter V of the United Nations Charter), any of the UNSC's five permanent members can prevent the adoption of any (non-"procedural") UNSC draft resolution not to their liking. The power of veto often prevents the Council from acting to address pressing international issues and affords the "P5" great influence within the UN institution as a whole.

Reform to the UNSC Veto:

Discussions on improving the UN's effectiveness and responsiveness to international security threats often include reform of the UNSC veto. The proposals include:

1. Limiting the use of the veto to vital national security issues
2. Requiring agreement from multiple states before exercising the veto
3. Abolishing the veto entirely
4. Embarking on the transition stipulated in Article 106 of the Charter, which requires the consensus principle to stay in place.

Any reform of the veto will be very difficult. Articles 108 and 109 of the United Nations Charter grant the P5 veto over any amendments to the Charter, requiring them to approve of any modifications to the UNSC veto power that they themselves hold.

Pursuant to United Nations General Assembly Resolution 377 (Uniting for Peace), in cases where the Security Council, "because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed force when necessary, to maintain or restore international peace and security."

The current standing on the five issues of the SC reform:

1. Categories of membership: Adding a third category of longer terms members, re-elected to consecutive terms, is a possibility that the UfC can try and will need two-thirds of the General Assembly members (which totals 129 countries) in agreement which is a high target.

The Elders raised their voice supporting such a new category. The argument is that the permanent membership with veto rights in the SC has been problematic over the decades and not only with regard of the veto, but also with regard of the permanency. The G4 and the African candidates for permanent seats might be willing to compromise on the veto, but still demand permanency and so far fail to persuade two-thirds of the GA, which is more sympathetic to constantly renewable seats.

The Veto:

The French-Mexican proposal and the 'Elders' variation for voluntary code of conduct, restraining P5 from use of veto in R2P situations, does not require UN Charter amendment as the new category of seats. There are also other suggestions – casting a dissenting vote which does not rise formally to a veto (a fourth possible vote, situated between 'Abstention' and 'No' vote, giving a chance to speak against a decision, but without opposing the measure to go ahead); use veto only jointly with another permanent member or with a strong regional support; veto-using members should offer an alternative draft resolution - are not unreasonable.

Relationship with the General Assembly (GA):

Regular and more analytical annual report from the SC to the GA and also more special reports when necessary. The SC important decisions and all the vetoes should be properly explained to the GA in these reports.

Concrete Changes which can be implemented:

- GA (Art. 108) resolution allowing immediate re-election of retiring SC members by removing the last line of Article 23 (paragraph 2) reading “A retiring member shall not be eligible for immediate re-election”. Removing this short sentence from the UN Charter would allow for the growing number of countries with a deep commitment to the maintenance of international peace and security to be re-elected and, therefore, have the potential to remain on the Council for an indefinite period.
- GA resolution expanding the membership to 24: In 1965, the UN Charter was amended to expand the Security Council’s membership from 11 to 15. It is time to further expand the Council to 24 members. Combined with the previous measure, this would create more opportunities for large countries with significant peacekeeping and peacebuilding resources to stay on the SC for consecutive terms, but also for smaller countries to engage in the SC. Such an expansion is critical to countering the claims that the SC lacks representativeness and legitimacy.
- SC Presidential Statement containing a Code of Conduct. The P5 agree to refrain from veto in serious situations where innocent lives are at massive and deadly risk (R2P situations). The code can also oblige the P5 to defend publicly their vetoes in the SC chamber and to offer an alternative draft resolution every time they use veto.
- A GA resolution reviving the ‘Uniting for Peace’ interpretations of the GA powers that became customary international law. By adopting A/RES/377 A, on 3 November 1950, over two-thirds of the UN member states declared that the P5 cannot and should not prevent the GA from taking any action necessary to restore international peace and security, in cases where the SC has failed to exercise its primary responsibility for maintaining peace.