

A Critical Analysis of the Need for United Nations Security Council Reform

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Abstract: The United Nations Security Council (UNSC) is one of the most pivotal institutions in the international system. However, its current structure and permanent membership raise persistent concerns about fairness and representation. Designed in the aftermath of World War II to reflect the power dynamics of that era, the Council's inability to adapt to significant global changes has underscored its limitations in addressing contemporary challenges effectively.

This study explores the pressing need for Security Council reform, focusing on the obstacles hindering these efforts. The analysis aims to highlight the benefits of reforming the UNSC, emphasizing its role in strengthening global governance and enhancing responsiveness to international crises. Practical recommendations are provided to facilitate meaningful reform and ensure the legitimacy and fairness of the Council's decisions.

Keywords: United Nations Security Council – reform – permanent membership – veto – global governance.

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Introduction:

For over seventy-nine years, another generation has sought to ensure a future free from fear, free from need. And the result of this effort was the United Nations¹ set up on behalf of the peoples of the world. Therefore, all delegates were determined “to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind”², to reaffirm their “faith in fundamental human rights ...” and to unite their “strength to maintain international peace and security”³.

Now, lost in the same need and the same urgency, and with awareness of the dangers to the future, humanity must repeat that effort again.

The presence of an international organization is vital and necessary for the management of the legal environment of the global system, from this point of view the search for the United Nations reform to enable their performance is a prerequisite for successful it mission, but this success is related to the evolution of certain mechanisms work. Certainly it is worth reform in the structures of the United Nations should continue, but if There's a feature of the United Nations system, which was founded in San Francisco must now be considered "temporary" is the composition of the Security Council and the veto power granted to the five permanent members.

Rid the world after the control of empires⁴, and after the disappearance of the winners and losers, and after the liberation from the constraints of the Cold War, bringing together a long opportunity to develop a global system of post-war world is not more prominent real choice but to face the challenge of change in a constructive manner.

There is no doubt that the reform of the Security Council is on the agenda of the United Nations since a long time, but the only point that is unanimously in the United Nations is that the current situation is not satisfactory at all, in a period without such cases, supplemented by other issues such as poverty, disease, war and injustice.

Moreover, the reasons that led to the composition of the Security Council to 15 members including five permanent, are no longer being valid actually. Former enemies, Germany and Japan are included in the international community and became great friends today. The number of members of the United Nations has increased from 51 to 193 members.

¹ The name "United Nations" was set by former President of the United States Franklin D. Roosevelt, and this name is used for the first time in the "UN Declaration", issued January 1, 1942, during the Second World War, when representatives of 26 nations pledged their Governments to continue to fight together against the Axis forces.

² Preamble of the UN Charter.

³ Preamble of the UN Charter.

⁴ The famous historian Paul Kennedy in his famous book "The Rise and fall of the Great Powers: Economic change and Military Conflict from 1500 to 2000", published in 1986, followed by the reasons for the fall of several empires, which he called the Great Powers , from the Chinese empire - Family Mnig - and by the Ottoman Empire and the empire Habiysberg, then the British Empire and the United States of America or referred to in the "Imperial soft" because the total global interests of the United States and bonds are now much more than the capacity of the state can defend all of them simultaneously.

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However, the traditional issues that we think in the context of an historical event like this are many and varied, perhaps the most important are:

Is the Security Council of the United Nations still able to gain the trust of the world as a frame that protects peace in the world? Or, it has become necessary to change it? And do these changes must be radical? Or is it sufficient reforms in the functioning of mechanisms to be more effective? And what are the challenges that will be an obstacle to these changes?. These issues will be the subject of that article whose interest is not too obvious.

Therefore, if the legal considerations are very important to address the above questions, considerations arising from the reality of international relations help to determine the characteristics of this response.

I. Restructuring the UN Security Council:

In the spring of 2024, the Pew Research Center⁵ conducted a survey of 35 countries to gauge public opinion about the United Nations. The results showed that 58% of respondents had a favorable view of the organization, while 31% expressed a negative view. The survey noted a decline in support within countries such as the United Kingdom, France, and the United States, indicating growing concern about the UN's effectiveness, especially in light of ongoing crises such as the war in Ukraine and the conflicts in Palestine and the Middle East.⁶

For example, the Security Council was initially established in 1945 with five permanent members. The remaining 46 members of the General Assembly were represented by only six non-permanent members elected on the Security Council, representing a ratio of one member for every 7.5 members of the General Assembly. While the General Assembly's membership increased to 71 in 1951, the same number of members represented no more than six members on the Security Council. Indeed, the increase in UN membership, coupled with the static number of non-permanent members on the Council, led to a decline in the representation of General Assembly members, with one representative for every 11.5 members of the Assembly. When the number of non-permanent members of the Security Council was increased to 10 in 1965, the UN membership at that time had reached 122. Therefore, the representation of General Assembly members on the Security Council did not improve despite the increase from 6 to 10, given the overall increase in membership. Their representation declined to 1 for every 12 members of the General Assembly. Now, the number of UN members has reached 193 countries. We find that the 188 non-permanent members of the Security Council are still

⁵ Pew Research Center is a nonpartisan fact tank that informs the public about the issues, attitudes and trends shaping the world. We conduct public opinion polling, demographic research, content analysis and other data-driven social science research.

⁶ This survey is published on the Pew Research Center's official website. <https://pewrsr.ch/45yjGRh>. [accessed 29 April 2025].

represented by 10 countries. Their representation on the Security Council has declined to a ratio of one member for every 18 members of the General Assembly.⁷

The 188 countries represent their continents as follows: 49 countries represent the Asian group, 54 countries represent the African group, 47 countries represent Western Europe and other parts, 25 countries represent Latin America and the Caribbean, and 13 countries represent Eastern Europe. The chance of a country being elected as a non-permanent member of the Security Council is approximately every 106 years for an African or Asian country, every 52 years for a Western European country, every 50 years for a Latin American country, and every 26 years for an Eastern European country. However, the chances are decreasing more and more because there are countries that have been elected as non-permanent members of the Security Council several times.⁸

Therefore, Pascal Teixeira emphasizes that European countries will inevitably be represented (with two permanent members, France and the United Kingdom, two non-permanent members representing the Western European and other countries group, and one non-permanent member representing the Eastern European countries group), so that one-third of the members of the UN Security Council will represent about one-fifth of the UN membership. Conversely, Africa and Asia will inevitably not be represented separately, Asia, which has 51 member states, the continent that contains more than half of humanity, but is not represented in the UN Security Council without China (as a permanent member), except by two non-permanent members.⁹

Regarding membership, there is a near consensus among members that countries like Germany and Japan should become permanent members of the Security Council. However, opponents argue that in that case, the Security Council would only include industrialized countries, so where are the countries of the South here? This question has been answered by allocating three seats to countries of the South: one representing Latin America, one for Africa, and one representing Asia. However, the question that will arise is who will represent the different continents? For Latin America, will Brazil or Argentina represent it? The two largest countries. For Africa, will Egypt, Nigeria, or South Africa represent it? Likewise, for Asia, which of the major countries will represent it? Will it be India? This is the first fundamental disagreement related to membership. The second disagreement is: Will the new permanent members gain veto power? Or will this right be limited to the five permanent members? Or will this right be abolished altogether?

1. The UN Security Council expansion projects:

⁷ See the Growth in United Nations membership On the official website of the United Nations: <https://www.un.org/en/about-us/growth-in-un-membership>. [accessed 29 April 2025].

⁸ Japan 12 times, Brazil 11 Times, Argentina 9 times, India 8 times, Canada 6 times, Algeria 4 times. See Security Council Membership Dashboard on: <https://main.un.org/securitycouncil/en/content/repertoire/research-tools/scmd>. [accessed 29 April 2025].

⁹ Teixeira, Pascal, and United Nations Institute for Disarmament Research. *Le Conseil de sécurité à l'aube du XXI^e siècle : quelle volonté et quelle capacité a-t-il de maintenir la paix et la sécurité internationales?* Genève, Suisse: Institut des Nations Unies pour la recherche sur le désarmement, 2002. P 10.

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The Future 2024 Summit¹⁰ presents a renewed opportunity to evaluate global governance structures, with the Security Council at the core of maintaining international peace and security. A notable effort to reform the Council took place in 2005 during the UN World Summit but ultimately failed due to a lack of consensus among member states. This summit aims to revisit reform proposals to address the Council's current inefficiencies, particularly in responding to pressing international conflicts such as those in Gaza and Ukraine.¹¹

1.1 The High-level Panel projects:

The former UN Secretary-General Mr. Kofi Annan had announced in his speech to the General Assembly on 23 September 2003, the foundation of the High-level Panel on global security threats and reform of the international system¹².

The Panel believes that a decision on the enlargement of the Council, satisfying some criteria¹³, is now a necessity. The presentation of two clearly defined alternatives, of the kind described below as models A and B, should help to clarify—and perhaps bring to resolution—a debate which has made little progress in the last 12 years.

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:

Area	Regional	No. of States	Permanent Seats (continuing)	Proposed new permanent seats	Proposed two-year seats (non-renewable)	Total
	Africa	53	0	2	4	6
	Asia and Pacific	56	1	2	3	6
	Europe	47	3	1	2	6
	Americas	35	1	1	4	6

¹⁰ World leaders adopt a Pact for the Future that includes a Global Digital Compact and a Declaration on Future Generations ([A/RES/79/1](#)). The Pact covers a broad range of themes, including peace and security, sustainable development, climate change, digital cooperation, human rights, gender, youth and future generations, and the transformation of global governance. <https://www.un.org/en/summit-of-the-future>. Accessed 30 Apr. 2025.

¹¹ Lic. María Paula Ballesteros. *The Summit of the Future 2024: Towards Security Council Reform?* Sep 6, 2024. Gate Center Publications. <https://gatecenter.org/en/the-summit-of-the-future-2024-towards-security-council-reform/>. [accessed 29 April 2025].

¹² Mr. Annan announced the membership of the 16-member Panel on Threats, Challenges and Change in a letter dated 3 November addressed to the President of the General Assembly, Julian Robert Hunte (Saint Lucia). He recalled that the Panel is “tasked with examining the major threats and challenges the world faces in the broad field of peace and security, including economic and social issues insofar as they relate to peace and security, and making recommendations for the elements of a collective response”. <https://press.un.org/en/2003/sga857.doc.htm>. [accessed 30 April 2025].

¹³ (a) They should increase the involvement in decision-making of those who contribute most to the United Nations financially, militarily and diplomatically, specifically in terms of contributions to United Nations assessed budgets;

(b) They should bring into the decision-making process countries more representative of the broader membership, especially of the developing world;

(c) They should not impair the effectiveness of the Security Council;

(d) They should increase the democratic and accountable nature of the body.

Totals model A	191	5	6	13	24
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Figure 1 Model A proposed by the High-Level Panel on the Expansion of the Security Council

Source: UN Secretary-General, Note [transmitting report of the High-level Panel on Threats, Challenges and Change, entitled "A more secure world: our shared responsibility"], A/59/565, UN General Assembly, 2 December 2004.

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:

Area	Regional	No. of States	Permanent Seats (continuing)	Proposed four-year renewable seats	Proposed two-year seats (non- renewable)	Total
	Africa	53	0	2	4	6
	Asia and Pacific	56	1	2	3	6
	Europe	47	3	2	1	6
	Americas	35	1	2	3	6
Totals model B		191	5	8	11	24

Figure 2 Model B proposed by the High-Level Panel on the Expansion of the Security Council

Source: UN Secretary-General, Note [transmitting report of the High-level Panel on Threats, Challenges and Change, entitled "A more secure world: our shared responsibility"], A/59/565, UN General Assembly, 2 December 2004.

Models A and B both involve a distribution of seats as between four major regional areas, which is identified respectively as “Africa”, “Asia and Pacific”, “Europe” and “Americas”. The panel see these descriptions as helpful in making and implementing judgements about the composition of the Security Council, but make no recommendation about changing the composition of the current regional groups for general electoral and other United Nations purposes. Some members of the Panel, in particular Latin American colleagues, expressed a preference for basing any distribution of seats on the current regional groups¹⁴.

Neither model involves any expansion of the veto or any Charter modification of the Security Council’s existing powers.

1.2 The G4 Reform Proposal:

In 2005, Brazil, Germany, India, and Japan, along with other states, introduced a resolution advocating for the addition of four non-permanent seats and six permanent seats to

¹⁴ UN Secretary-General, Note [transmitting report of the High-level Panel on Threats, Challenges and Change, entitled "A more secure world : our shared responsibility"], A/59/565, UN General Assembly, 2 December 2004, p 68. <https://www.refworld.org/reference/themreport/unga/2004/en/61239>. [accessed 30 April 2025].

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the Security Council. Since then, this coalition, known as the Group of Four (G4), has consistently convened to push for Security Council reform.¹⁵ The G4 has also frequently addressed the General Assembly, seeking to garner support from other member states for its reform proposal.¹⁶

That the membership of the Security Council shall be increased from fifteen to twenty-five by adding six permanent and four non-permanent members. The six new permanent members of the Security Council shall be elected according to the following pattern:

- Two from African States;
- Two from Asian States;
- One from Latin American and Caribbean States;
- One from Western European and Other States;

The four new non-permanent members of the Security Council shall be elected according to the following pattern:

- One from African States;
- One from Asian States;
- One from Eastern European States;
- One from Latin American and Caribbean States;

The new permanent members shall not exercise the right of veto until the question of the extension of the right of veto to new permanent members has been decided¹⁷.

The G4 proposal, while leaving the P5 members' veto power intact, significantly influences their ability to secure sufficient support for passing favorable resolutions. A comparison between a hypothetical 5-member Security Council (consisting solely of the current permanent members) and an expanded 11-member Council (including the proposed six additional permanent members) demonstrates that, in most scenarios, the latter configuration results in a higher number of resolutions being passed. This finding is promising for the G4 nations, as it suggests that their proposed model for the Security Council would not only enhance its representativeness but also improve its overall effectiveness.¹⁸

¹⁵ Jan Niklas Rolf & Niall Juval Janssen & Max Liedtke, 2021. "Projecting General Assembly Voting Records onto an Enlarged Security Council: An Analysis of the G4 Reform Proposal," Global Policy, London School of Economics and Political Science, vol. 12(3), May 2021. P 314. <https://doi.org/10.1111/1758-5899.12934>. [accessed 02 May 2025].

¹⁶ See : German Federal Foreign Office, <https://www.auswaertiges-amt.de/en/newsroom/news/g4-2677142>. Japanese Ministry of Foreign Affairs, https://www.mofa.go.jp/fp/unp/pageite_000001_00581.html. Permanent Mission of India to the UN, <https://shorturl.at/ciQxa>. Minister of Foreign Affairs of Brazil, <https://shorturl.at/CGcWl>.

¹⁷ United Nations General Assembly (UNGA). 2005a. A/59/L.64. New York. P 2, 3. https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/A_59_L64.pdf

¹⁸ Jan Niklas Rolf, op. cit.

1.3 The Uniting for Consensus Reform Proposal:

Over the past three decades, various proposals for Security Council reform have been put forward, each supported by different coalitions of countries. Among these, one proposal stands out for not advocating an increase in permanent seats, making it potentially more feasible. This proposal, championed by the Uniting for Consensus (UfC) group, includes members such as Argentina, Canada, Colombia, Costa Rica, Malta, Mexico, Pakistan, San Marino, South Korea, Spain, and Turkey, with Italy serving as the focal point and China and Indonesia participating as observers.

The Security Council shall consist, in addition to the five permanent members as determined by Article 23, paragraph 1, of the Charter of the United Nations, of twenty elected Members of the United Nations serving on the Security Council for a two-year term.

The twenty nonpermanent members of the Security Council shall be elected according to the following pattern: six from African States; five from Asian States; four from Latin American and Caribbean States; three from Western European and other States; two from Eastern European States. And Security Council decisions require the affirmative vote of fifteen of the twenty-five members of the Security Council.¹⁹

The UfC proposal demonstrates significant flexibility by incorporating various categories of membership and enabling the Security Council's composition to evolve in response to the shifting dynamics of the global context. Unlike the current structure, which reflects an outdated balance of power dominated by permanent members with veto rights, the UfC's suggested framework –with non-permanent seats of varying durations– offers a dynamic approach. This model ensures that the Security Council remains representative of the contemporary multipolar international order and adaptable to future changes in global power structures.

1.4 African Union Reform Proposal (Ezulwini Consensus and Sirte Declarations):

Africa is one of the continents lacking permanent representation on the Security Council, so Africa aims to achieve full representation in all decision-making bodies of the United Nations, with a particular emphasis on the Security Council. Africa's stance on UNSC reform finds expression in the Ezulwini Consensus (March 7–8, 2005) and Sirte Declarations of the African Union (July 4–5, 2005).

In the Ezulwini Consensus, full representation of Africa in the Security Council means:

- not less than two permanent seats with all the prerogatives and privileges of permanent membership including the right of veto;

¹⁹ United Nations General Assembly. A draft proposal by the UFC for Security Council reform. 2005a. A/59/L.68. New York. P3. <https://docs.un.org/A/59/L.68>. [accessed 02 May 2025].

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- five non-permanent seats.²⁰

Sirte Declaration ensure the success of the Ezulwini Consensus that clearly spells out the Common African Position on the institutional reform of the UN notably the allocation of two (2) permanent seats to Africa with all the privileges, including the right of veto, and five (5) non-permanent seats on the Security Council.²¹

To reinforce Africa's unified stance on the Security Council reform debate, the African Union established the "Committee of Ten Heads of State and Government" (C-10). This committee is tasked with advocating for and promoting the African common position regarding the Council's reorganization. Its primary objective is to ensure steadfast adherence to the principles outlined in the Ezulwini Consensus and the Sirte Declaration. The C-10 comprises the Heads of State and Government from Algeria, Equatorial Guinea, Libya, Kenya, Sierra Leone, Namibia, the Democratic Republic of Congo, Uganda, Senegal, and Zambia.²²

Recently, the A3+ group, which includes the three African non-permanent members of the UN Security Council (Algeria, Sierra Leone, and Mozambique), along with the Caribbean Republic of Guyana, called for Security Council reform during the annual briefing to the UN Security Council on cooperation between the United Nations and regional and subregional organizations, with a focus on the African Union. The group emphasized that the true value of the partnership between the United Nations and the African Union can only be achieved through representation of the continent with equal rights and responsibilities on the Council.²³

2. Amending the voting system in the UN Security Council

The voting issue posed such a significant challenge that the Yalta Conference (February 11, 1945) nearly foundered when Australia and New Zealand strongly attacked the Yalta formula, particularly the section on the use of the veto²⁴ in peace settlement procedures. While it seemed to the major powers that the veto issue had been resolved at the Yalta Conference, at the San Francisco Conference (April 25, 1945) it became clear that their initial visions differed from those intended by the Yalta formula. The Russian position, led by Foreign Minister Comrade Molotov, was clear regarding the 23 questions submitted by the delegations of the smaller powers on May 22, 1945. However, after a full week of discussions, the members of the major powers decided to take the matter to their capitals. Ultimately, Harry Hopkins,

²⁰ African Union, The Common African Position on the Proposed Reform of the United Nations: The Ezulwini Consensus. Ext/EX.CL/2 (VII). 7- 8 March 2005. P 9. <https://old.centerforunreform.org/sites/default/files/Ezulwini%20Consensus.pdf>

²¹ African Union, Sirte Declaration on the Reform of the UN, AU Summit, Sirte, Assembly/AU/Decl. 2 (V), 05 Jul 2005. P 1. <https://archives.au.int/handle/123456789/286>. [accessed 03 May 2025].

²² Mbara, George Chimdi, et al. "Re-evaluating the African Union's Ezulwini Consensus in the Reform of the United Nations' Security Council." *Journal of African Union Studies* 10.1 (2021). P 60. [accessed 03 May 2025].

²³ United Nations: A3+ group calls for Security Council reform, Algerian Press Agency, October 3, 2024. <https://www.aps.dz/ar/monde/169059-a3>. [accessed 03 May 2025].

²⁴ Right to object: - Under the Roman Republic, the tribunes of the plebs could oppose the decisions of the patricians by using the Veto formula, "I object." - During the French Revolution, the Constitution of 1791 granted the King a two-year suspensive right of veto over laws passed by the assembly. Pierre Miquel. Histoire. 1998. Edition de la CITE. MANUEL+. France. Page 507.

President Truman's envoy to Moscow, succeeded in convincing Stalin of the Yalta formula, which now appears in Article 27 of the UN Charter.

This system was formed when the United Nations was founded in 1945. It led to disasters that paralyzed the United Nations at certain times, and it was unable to intervene in a manner consistent with its function as defined by the United Nations Charter.

Each member of the UN Security Council has one vote. Decisions on procedural matters require the support of at least nine of the 15 members, while decisions on substantive matters require the support of nine votes, including those of all five permanent members. This rule is the "consensus of the major powers", often called the "veto" rule.²⁵

Ironically, the word "veto" does not even exist in the United Nations Charter. This is what Philippe Moreau Defarges spoke about, the term "veto" does not explicitly appear in Article 27 of the Charter, but it relates to this matter. Each permanent member has the ability to block any draft resolution that does not meet its interests, and this was the case throughout the Cold War.²⁶

2.1 A Critique of Veto Power System

The principle of equality among states is not absolute, but rather subject to some exceptions. While this principle exists within the United Nations General Assembly, where there is no difference between large and small states, and is applied within the League of Arab States, the African Union, and the Organization of American States, there is a departure from this principle within the Security Council. The case of the United States voting against Boutros Boutros-Ghali as UN Secretary-General and replacing him with Kofi Annan, despite the support of 14 of the 15 members, was a noteworthy case.

The veto power of the permanent members has been widely criticized, and the extensive use of this power by Russia and the United States has greatly undermined the credibility of the Security Council as an international institution for resolving conflicts.

The repeated use of the veto power has significantly reduced the effectiveness of the Security Council, as Marie Johannis points out, the confrontation between the United States and the former Soviet Union throughout the Cold War froze the work of the UN Security Council, but its behavior has evolved significantly since 1990, but the effectiveness of the UN Security Council remains more than ever dependent on the foreign policy of the United States.²⁷

2.2 Limiting the use of the Veto or abolishing it

The Security Council also needs to change the veto power still held by the five permanent members. The permanent members gained their privileged position not because of a mandate

²⁵ Article 27 of the UN Charter

²⁶ Thierry de Montbrial et Philippe Moreau Defarges. 60 ans après la guerre, un monde en recomposition. 2005. Institut Français des Relations Internationales. DUNOD. Page 37.

²⁷ Marie Johannis. L'Organisation des Nations Unies. 2000. Manuel d'éducation civique. C.I.N.U. Genève. Page 90.

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from the international community, but rather because of the international balance of power on the eve of the end of World War II, which effectively dominated the new international order.

The five permanent members insisted on a veto right for each of them over any amendments to the UN Charter, in order to avoid the situation that led to the collapse of the League of Nations. Article 108 of the UN Charter gives each permanent member the right to sabotage efforts that would weaken its formal authority in international forums, despite the fact that 188 member states are critical of the veto right. Therefore, it has been and will remain an obstacle to Security Council reform for two reasons: first, the five permanent members have an interest in retaining their formal authority, and second, the UN Charter does not include a provision requiring them to abandon or relinquish this right.²⁸

Neither of the two models proposed by the High-Level Panel on Threats, Challenges, and Change provided for any expansion of the veto power or any Charter amendment related to the Security Council's current powers. We all recognize that the veto has played an important role in reassuring the most powerful members of the United Nations that their interests will be protected. We see no practical way to change the veto powers of the current permanent members.

However, the veto power, as an institution, is generally unsuited to the current era and inappropriate for the institution in an era of increasing democratization. The Panel members urged that its use be limited to matters where vital interests are genuinely at stake. They also requested that the permanent members, in their individual capacity, pledge to refrain from using the veto in cases of genocide and widespread human rights violations. They recommended that any reform proposal not include an expansion of the veto power.

The team also proposed the introduction of an "indicative vote" system through which Security Council members could publicly express their positions on a proposed measure. Under such an indicative vote, a "no" vote would not have the effect of a veto, and the final tally would have no legal force. A second formal vote on any resolution would be conducted in accordance with the Council's current procedures. This, they believe, would further expose the realities of the exercise of the veto power.

This is what Professor Goodrich M. Leland called for: restricting the use of the veto to specific areas, eliminating it from the peaceful settlement of international disputes, admitting new members, and changing the composition of the Council. This was initially adopted in June 1948, when US President Eisenhower accepted it in his letter to Prime Minister Bulganin on January 12, 1958. However, it has not yet been implemented. The professor also called for

²⁸ Thomas G. Weiss. The Illusion of UN Security Council Reform. *The Washington Quarterly*, Vol. 26, N°. 4. Autumn 2003.

replacing the absolute unanimity rule in voting with a qualified unanimity rule, whereby three or four votes of the permanent members would be sufficient to make any decision.²⁹

Ukraine's President Volodymyr Zelensky, who criticized the Security Council's current inability to prevent conflicts, said, "We must realize that the UN is at a dead end on the issue of aggression", adding that "humanity no longer places its hopes in the UN when it comes to defending the sovereign borders of states". He called on the UN General Assembly to abolish Russia's veto power in the Security Council, as part of a profound reform of the organization tasked with maintaining international peace and security. He said, "It is impossible to stop a war because the aggressor objects to all measures". He considered that support for Ukraine "amounts to supporting the goals of the UN Charter".³⁰

One way to mitigate the negative consequences of the veto is to restrict its use within the current United Nations framework, avoiding the need for a formal Charter amendment.

Two primary approaches are currently under consideration. The first involves a stricter adherence to Article 27(3) of the UN Charter, which mandates that permanent members abstain from using the veto in matters under Chapter VI when they are directly involved in a dispute. As noted in a Lawfare blog, permanent members have frequently disregarded this requirement by exercising their veto in such cases. Furthermore, other permanent members have historically refrained from invoking Article 27(3) to contest this practice, likely to preserve their own ability to act similarly in the future. If permanent members adhered more faithfully to Article 27(3), many of the veto's negative impacts could be mitigated.

The second approach stems from initiatives such as the 2015 Political Declaration on Suspension of Veto Powers in Cases of Mass Atrocity, introduced by France and Mexico, and the Code of Conduct proposed by the Accountability, Coherence, and Transparency (ACT) Group. These proposals advocate for a voluntary agreement among permanent members to forgo using the veto in instances of mass atrocities, without requiring Charter amendments. They could also expand to include commitments for situations involving breaches of peace or acts of aggression. Over 100 states have expressed support for these proposals at various points, providing a political foundation for further development. However, it remains uncertain whether the previously expressed support persists in the current geopolitical climate.

Despite their potential, these within-the-Charter approaches face a significant limitation: they lack enforceable guarantees against future misuse of the veto. Decisions regarding the applicability of Article 27(3) would still require a Council vote, subject to veto. Similarly, the Political Declaration and ACT Code of Conduct depend on the willingness of a permanent member to acknowledge its own contested actions as aggression—an unlikely scenario, as current events demonstrate.

²⁹ Goodrich, Leland M. and Kay, David A., eds., *International Organization: Politics and Process* (Madison: University of Wisconsin Press, 1973), p 204,205.

³⁰ Speech by the President of Ukraine at a meeting of the UN Security Council, 5 April 2022 - 21:07, President of Ukraine Official website. <https://www.president.gov.ua/en/news/vistup-prezidenta-ukrayini-na-zasidanni-radi-bezpeki-oon-74121> [accessed 21 May 2025].

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The ACT Code of Conduct suggests an alternative: allowing the UN Secretary-General, under Article 99 of the Charter, to determine the existence of mass atrocities. However, granting the Secretary-General such authority would necessitate making politically charged decisions, potentially undermining the impartiality and credibility essential to their role.

Ultimately, while these options aim to promote a more rules-based approach and enhance the collective security framework, they offer limited assurance of success. The proposed measures may not sufficiently prevent veto misuse or improve the effectiveness of the UN's security mechanisms.³¹

These issues, and others, will come up again in the upcoming UN General Assembly session, in a renewed attempt to reach practical steps regarding the reform and expansion of the UN Security Council.

II. The challenge of UN Security Council reform

The issue of Security Council reform, in particular, will be one of the most difficult to address in practice.

While the principle of Security Council expansion is currently accepted, it always raises a number of questions that are analyzed as obstacles to such expansion. Should the number of permanent and non-permanent members be increased simultaneously, or should only one category of Security Council members be increased? Which countries should be chosen, and in what capacity? These questions are numerous and varied, but they generally fall into two categories: internal obstacles, on the one hand, and external obstacles, on the other.

The question remains about the feasibility of Security Council reform under current international law, which remains the basic framework for any reform and which gives states complete freedom to choose their obligations. In other words, the United Nations must adapt to the powers granted to it by member states to achieve its goals.

1. Internal Obstacles to Reforming the UN Security Council

The issue of Security Council reform has prompted an open-ended working group tasked with studying all reform options. Furthermore, expanding the Security Council presupposes consensus among the members of the working group tasked with this issue on certain points.

Conversely, the only way to modify the structure of the UN Security Council is to amend the UN Charter, and such an amendment is both unlikely and extremely difficult.

³¹ André Nollkaemper, Three Options for the Veto Power after the War in Ukraine, April 11, 2022. European Journal of International Law. <https://www.ejiltalk.org/three-options-for-the-veto-power-after-the-war-in-ukraine/> [accessed 21 May 2025].

1.1 The extent of response to the proposals of the High-Level Panel

The Panel presents a vision for a United Nations in the twenty-first century and makes recommendations for changes in each of the principal organs, including Security Council reform. The need for a more representative Security Council has long been recognized. It is disappointing that there has been little or no progress toward this goal for many years.

The team believes that a decision to expand the Council is now necessary. Proposing two models should help shed light on a debate that has made little progress in recent years and perhaps help bring this debate to a resolution.

But for this group to reach agreed-upon outcomes, they must first agree on them. This is what Anand Panyarachun, the chairman of the high-level panel, acknowledged: “The members of the Panel may not be in full agreement with every specific point and detail of the report, but they all endorse the report and generally agree with its findings. I undertake to draw to your attention, however, that the members of the Panel disagree about the models put forth for Security Council expansion and the method for determining criteria for Security Council membership. Some members of the Panel believe strongly that only the model involving expansion of permanent membership, albeit without a veto, will equip the Security Council to deal with the new century’s threats. Others believe equally strongly that the alternative model involving elected, long-term but non-permanent members is the better way to proceed. We all agree, however, that it would be a major error to allow the discussions needed to move towards a decision between the two options to divert attention from decisions on the many other necessary proposals for change, the validity and viability of which do not depend on Security Council enlargement”.³²

1.2 Question of amending the UN Charter

Reforming the Security Council necessitates amending the Charter of the United Nations, a process outlined in Article 108. This involves two key stages:

- General Assembly Approval: The first step requires the General Assembly, where all 193 member states have one vote each, to approve the proposed reform by a two-thirds majority (at least 128 votes).
- Ratification of the Amended Charter: Following General Assembly approval, the Charter—being an international treaty—must be amended and ratified. This second stage requires ratification by at least two-thirds of the UN member states (128 or more), including all five permanent members of the Security Council, through their respective national procedures.

This process was last successfully implemented in 1963, during the first and only enlargement of the Security Council. At that time, the entire process, from approval to ratification, took approximately 18 months. Importantly, the requirement that all five permanent

³² Transmittal letter dated 1 December 2004 from the Chair of the High-level Panel on Threats, Challenges and Change addressed to the Secretary-General, A/59/565. General Assembly; 2 December 2004. P 6.

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members ratify the amendment remains a critical element, as their consensus is indispensable for the reform to take effect.

Since each of the P5 members holds the unilateral power to block any formal amendment, thereby preserving their control, the majority of attempts at formal Security Council reform have historically ended in failure.

In recent years, there have been increasing calls to broaden representation in the Security Council. While expanding the number of nonpermanent members remains a feasible option, any reform aimed at reducing or abolishing the P5 veto is unlikely to succeed, as it would require the unanimous support of all P5 states—an outcome that appears improbable.³³

All Members of the United Nations must recommit themselves to the purposes and principles of the Charter and implement them with unwavering resolve, while providing the necessary political will and resources. Dedicated leadership within and among nations is the only way to achieve effective collective security for the twenty-first century and to shape a future that is both secure and safe.

2. External Obstacles to Reforming the UN Security Council

We can note several obstacles, the most important of which relate first to the legitimate interests of the major powers represented by the current permanent members of the Security Council, and secondly to the doubts surrounding the effectiveness of the Security Council to be formed.

2.1 The legitimate interests of the major powers

The P5, which includes the United Kingdom, China, Russia, and France, remains deeply divided on many issues but united in their opposition to any Security Council reform that would alter their veto power. Among the group, the United Kingdom and France have demonstrated a relatively more open stance toward reform discussions compared to the other members. Nevertheless, all P5 members have shown a willingness to entertain proposals for a limited and realistic expansion of the Council in both permanent and non-permanent membership categories.

France, for example, clings to its privilege and is not willing to see its European leadership weaken, because accepting Germany as a permanent member of the UN Security Council would

³³ Oona A. Hathaway, Maggie M. Mills, and Heather Zimmerman, How to Reform the UN Without Amending Its Charter, July 15, 2024. Carnegie Endowment for International Peace. <https://carnegieendowment.org/posts/2024/07/un-reform-security-council-charter-nonamendment-veto?lang=en> [accessed 21 May 2025].

allow it to occupy a central position within the European Union for a long time, and play the leading roles.³⁴

China, for its part, which always reacts as the legitimate representative of Asia in the Security Council, will not easily accept Japan occupying a permanent seat with veto power in the Security Council.

China and Russia both concur on the necessity of Africa's representation on the Security Council. In this context, Ms. Nxumalo highlighted a proposal put forth by France advocating for the suspension of veto power in cases of mass atrocities—a suggestion supported by 85 countries. This proposal underscores the possibility of incremental progress outside the formal intergovernmental negotiations. A similar approach could be extended to other areas of Security Council reform, particularly focusing on enhancing accountability and transparency. However, such measures should not detract from the overarching objective of expanding the Council's membership.³⁵

The foreign policy of the major powers, particularly the current five permanent members of the Security Council, is based on national interests. Concerns are growing that reforming the Security Council by granting permanent membership to certain countries will never be accepted by many countries. This represents a real obstacle, and at the same time, it will increase doubts about the effectiveness of the proposed Security Council.

2.2 The potential ineffectiveness of an expanded Security Council

Even if the proposal for additional permanent seats grants the right to other countries, it does not address the issue of achieving democracy and effectiveness within the Security Council. Member states will not be equal in terms of sovereignty in terms of membership, and the veto power that will be granted to new countries may lead to further obstruction of Security Council decisions.

This is what Ambassador Peter van Walsum³⁶ pointed out in his comment to the Financial Times, No one can seriously believe that a Security Council of twenty-four members can be more efficient than a Council of fifteen members, but it has become politically incorrect to claim this.³⁷

The U.S. Administration has openly opposed proposals for Security Council reform. While it has stated that it will veto any expansion of the Council unless management issues are resolved, there is a call for a more explicit stance. The Administration is encouraged to collaborate with Congress to clearly articulate opposition to any form of Security Council expansion. Critics argue that even modest expansion would render the Council less efficient,

³⁴ FAYE (A), *l'Afrique et la question de la réforme du Conseil de Sécurité*. 2002. CERRI. Paris. Page 19.

³⁵ Royeppen, Andrea, editor. "UNITED NATIONS SECURITY COUNCIL REFORM." *United Nations @ 70*, Institute for Global Dialogue, 2016, p. 8. JSTOR, <http://www.jstor.org/stable/resrep07780.6>. [accessed 30 April 2025].

³⁶ Ambassador of the Netherlands and represented it in the Security Council in 1999/2000.

³⁷ *La Reforme du Conseil de Sécurité par* Geneva International Model United Nations. Août 2005. page 3-4.

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exacerbate deadlocks in decision-making, and reduce the influence of the U.S. within the Council.³⁸

There will also be a fear that increasing the number of permanent members of the Security Council will turn it into a political forum with long and contentious discussions, and inevitably slow to take any decisions.

Conclusion:

What the United Nations has witnessed recently does not go beyond the demands of some countries to expand the permanent and non-permanent membership of the Security Council in a manner that ensures quantitative, not qualitative, equality across geographic regions. This neglects other issues raised regarding the need to subject the Council to oversight, accountability, and adherence to the provisions of international law, and ignores the compelling reasons and current international circumstances that call for such a measure. While former UN Secretary-General Kofi Annan was correct when he said in June 2004, "I do not believe that anyone can consider UN reform complete without reforming the Security Council to bring it into line with today's realities," any solution that can be reached does not address the concerns of the vast majority of UN member states, which seek to enhance their opportunities for participation, whether by increasing their chances of membership in the Security Council or by engaging more intensively in its work when they are not members.

The reform to be implemented should not be limited to an attempt to adapt the international organization to the geopolitical realities of the twenty-first century, but must include the goals and principles stipulated in the International Charter and be consistent with international law.

Reforming the Security Council is not an easy task, but it is essential to ensure its effectiveness in addressing growing global challenges. Here are some possible proposals:

- Increasing the number of permanent and non-permanent members: There are calls to expand the number of permanent members on the Council to include countries from different regions.
- Reconsidering the veto: Proposals to abolish the veto or limit its use by permanent members, particularly in cases of crimes against humanity.
- Enhancing regional cooperation: The Security Council should work more effectively with regional organizations.
- Developing rapid response mechanisms: Mechanisms could be established to enable the Security Council to make rapid and effective decisions in emergency situations.
- The Security Council could intensify its efforts to utilize mediation and dialogue before conflicts escalate.

³⁸ Gardiner, Nile, and Brett D. Schaefer. "UN Security Council expansion is not in the US interest." *Heritage Foundation*, No. 1876, August 18 (2005). P 2. <https://static.heritage.org/2005/pdf/bg1876.pdf>. [accessed 02 May 2025].