
AFFIRMATIVE APPROACH TO REJUVENATE THE OSSIFIED UNITED NATIONS SECURITY COUNCIL

Mr. Neerav Khare, Research Scholar, Shri Venkateshwara University, Gajraula, U.P.

Prof. (Dr.) Shyam Lal, Research Supervisor, Shri Venkateshwara University, Gajraula, U.P.

ABSTRACT

The UN Security Council reform debate is indeed a significant issue in international diplomacy, reflecting the complexity of adapting a foundational institution to modern realities. The Security Council's structure, established in 1945, has been a focal point of contention due to its outdated representation and the enduring power dynamics of the permanent members (P5). The Security Council has 15 members five permanent with veto power (China, France, Russia, the UK, and the US) and ten non-permanent members elected for two-year terms. Emerging powers and regional groups advocate for increased representation. There's broad support for adding permanent seats for countries like India, Japan, and Germany, as well as regional representation from Africa and Latin America. The veto power held by the P5 allows any of them to block substantive resolutions, which many argue paralyzes the Council's effectiveness and prevents necessary actions. Some proposals suggest modifying or limiting the veto power, but these face strong resistance from the P5, who see it as critical to preserving their influence. There's concern about ensuring that any new permanent members do not disproportionately favor one region. Balancing representation to reflect the diverse global landscape is crucial. Suggestions include expanding both permanent and non-permanent seats and potentially introducing a more equitable system for allocating seats.

The only significant change in the Security Council's composition was in 1965, when the number of non-permanent seats was increased from six to ten. Efforts to reform the Council have been ongoing since the early 1990s, with numerous proposals and discussions, but no consensus has been reached. Reaching an agreement on reform is challenging due to the entrenched positions of the P5 and differing priorities among UN member states. Effective reform would require a balance between maintaining the influence of current P5 members and integrating new voices that reflect the current global power dynamics. Achieving meaningful reform will require overcoming deep-seated positions and finding common ground among member states. This may involve compromises on the extent of veto power

changes and the specific allocation of new seats. Rather than sweeping changes, incremental reforms might be more feasible. Creative solutions, such as establishing new consultative bodies or revising decision-making processes, might offer alternative ways to address representation and efficacy issues without fully overhauling the Council. While the need for reform is widely recognized, achieving it requires navigating complex diplomatic terrain and balancing the interests of established and emerging powers.

Keywords: UNSC, Veto power, Reformation, Representation, Regional imbalance.

HISTORICAL FAILURES

The UN's historical failures and criticisms in handling various international crisis reflect deep-seated challenges and systemic issues within the organization. These failures often underscore the difficulties in achieving timely, effective, and impartial responses to humanitarian crises and conflicts. Below is a summary and analysis of the key criticisms related to each case:

Kashmir Dispute (1948)

The Kashmir conflict, initiated after the partition of British India in 1947, remains one of the most protracted and violent disputes. Despite several UN resolutions calling for a plebiscite and peaceful resolution, the situation has persisted, with numerous human rights violations reported. The UN's inability to implement resolutions and facilitate a durable solution highlights a broader issue of enforcing international decisions and mediating in entrenched territorial disputes¹.

Cambodian Genocide (1975-1979)

During the Khmer Rouge regime, Cambodia experienced severe human rights abuses and genocide. The UN's recognition of the Khmer Rouge despite its atrocities exemplifies the challenges of maintaining diplomatic relations while addressing human rights violations. The delayed international response and eventual Vietnamese intervention underscore the limitations of the UN's ability to prevent or swiftly address genocidal regimes.

¹ S/PV. 226 Resolution of 21 April 1948 [S/RES/726]

Somalia Issue (1993)

The Battle of Mogadishu revealed significant flaws in international peacekeeping operations. The mission faced operational challenges and strategic misalignment, compounded by insufficient resources and intelligence failures. The heavy casualties and the mission's failure to stabilize Somalia reflect the difficulties in executing complex humanitarian interventions and maintaining effective oversight.²

Rwandan Genocide (1994)

The Rwandan Genocide is a stark example of the international community's failure to act on early warnings. Despite clear indicators of impending mass violence, the UN's response was inadequate. The Security Council's decision to reduce peacekeeping forces during the genocide and its lack of decisive action despite early warnings have been heavily criticized. The aftermath saw the establishment of the International Criminal Tribunal for Rwanda (ICTR) but highlighted the urgent need for effective preventive measures and timely intervention in the face of early signs of genocide.³

Balkans Conflict (1990s)

The Bosnian War and the Srebrenica massacre exposed severe limitations in UN peacekeeping missions. The inadequately resourced and restricted mandates of peacekeepers, combined with a lack of political will and coordination, contributed to the failure to prevent mass atrocities. The Srebrenica massacre, occurring in a designated "safe area," exemplified the shortcomings of the international community's approach to protecting civilians and effectively managing complex conflicts.⁴

Iraq Invasion (2003)

The 2003 invasion of Iraq, based on flawed intelligence about Weapons of Mass Destruction (WMDs), led to widespread criticism. The failure to find WMDs and the subsequent destabilization of Iraq highlighted the consequences of misleading justifications for war. The conflict's aftermath, including massive civilian casualties, displacement, and regional

² S/PV. 3145 Resolution of 03 Dec 1992 [S/RES/2592]

³ S/PV. 3481 Resolution of 06 January 1994 [S/RES/846]

⁴ S/PV. 3231 Resolution of 16 January of 1999 [S/RES/1244]

instability, underscores the importance of accurate intelligence, effective post-conflict planning, and international accountability.⁵

Syrian Civil War (2011)

The Syrian Civil War has been marked by severe international divisions and inaction. Russia's repeated vetoes in the Security Council to protect its ally, Assad, and the complex involvement of multiple foreign powers have hindered effective intervention. The conflict has resulted in immense human suffering, with millions displaced and a humanitarian crisis exacerbated by geopolitical entanglements.⁶

South Sudan (2013)

South Sudan's civil war, fueled by ethnic and political conflicts, has resulted in a severe humanitarian crisis. Despite the deployment of a significant UN peacekeeping force, the inability to prevent large-scale violence and address the humanitarian needs reflects challenges in peacekeeping effectiveness and the limitations of international intervention in deeply rooted internal conflicts.⁷

Yemen Civil War (2014)

The war in Yemen has seen a catastrophic humanitarian crisis exacerbated by a Saudi-led coalition's military intervention and a blockade that has severely restricted aid. The UN's difficulties in delivering humanitarian assistance and the complex geopolitical dimensions of the conflict have highlighted challenges in managing and resolving protracted humanitarian crises.⁸

Rohingya Crisis, Myanmar (2017)

The Rohingya crisis, marked by brutal military crackdowns and mass displacement, has faced significant obstacles due to geopolitical dynamics, including China's support for Myanmar. The UN's response, often constrained by geopolitical considerations and lack of decisive action, reflects the challenges of addressing human rights violations in contexts where major

⁵ S/PV. 2342 Resolution of 17 October of 2003 [S/RES/1511]

⁶ S/PV. 4256 Resolution of 27 September of 2013 [S/RES/2117]

⁷ S/PV. 2398 Resolution of 12 April of 2013 [S/RES/213]

⁸ S/PV. 2332 Resolution of 26 February of 2014 [S/RES/2140]

powers have conflicting interests.⁹

These cases collectively highlight several recurring issues:

Geopolitical Influence

Major powers' conflicting interests and vetoes often impede effective international responses and interventions, as seen in the Syrian Civil War and the Rohingya crisis.

Operational Limitations

Inadequate resources, unclear mandates, and lack of political will frequently undermine peacekeeping missions, evident in the Balkans, Somalia, and South Sudan.

Delayed and Ineffective Responses

The international community's slow reaction and failure to act on early warnings, as seen in Rwanda and the Kashmir dispute, reveal systemic issues in timely intervention and preventive measures.

Impact of Misleading Justifications

The Iraq invasion illustrates the severe consequences of war based on flawed intelligence and misleading justifications, impacting regional stability and civilian lives.

These historical failures underscore the need for comprehensive reforms in international institutions, including the UN Security Council, to enhance responsiveness, impartiality, and effectiveness in addressing global conflicts and humanitarian crises.

CURRENT ISSUES WITH THE SECURITY COUNCIL

Veto Power and Paralysis

The veto power held by the five permanent members (P5) of the UN Security Council China, France, Russia, the United Kingdom, and the United States allows any one of these countries to block substantive resolutions. This power was originally designed to ensure cooperation

⁹ S/PV. 4362 Resolution of 16 September of 2022[S/RES/2669]

among major powers and prevent unilateral actions. However, its frequent use has often led to gridlock, particularly in addressing major international crises. The frequent use of vetoes has prevented the Security Council from taking decisive action on critical issues like the conflicts in Syria and Ukraine. The veto power creates a significant imbalance, with only five countries having disproportionate influence. This undermines the principle of sovereign equality and reflects outdated power dynamics from the post-World War II era. The use of veto power can exacerbate international conflicts and hinder cooperative efforts, as seen in ongoing crises where P5 members have conflicting interests.

Geopolitical Rivalry

Geopolitical rivalries between Western democracies and authoritarian states like China and Russia have further complicated the Security Council's effectiveness. These rivalries often lead to disagreements on critical issues, making consensus and effective action increasingly difficult. Disagreements between Western nations and China/Russia over issues such as sanctions and interventions lead to gridlock. The inability to address pressing global crises, due to these rivalries, undermines the Council's credibility and effectiveness. Existing P5 members are resistant to reform proposals that would alter the balance of power, further complicating efforts to modernize the Council.

Perception of Ineffectiveness

The Security Council is often viewed as outdated and unrepresentative of current global power dynamics. Its composition and decision-making rules reflect the geopolitical landscape of the post-World War II era, not the 21st century. The composition of the Council does not include emerging powers like India or Brazil, which have significant global influence today. The P5's veto power creates an imbalance, allowing a small group of countries to block resolutions that may have broader international support. The Council's decision-making process is criticized for being undemocratic and not reflecting the views of the broader UN membership.

CALLS FOR REFORM

There is significant support for including emerging powers and regional representatives in the Security Council's permanent membership to better reflect current global power dynamics. Countries like Japan, Germany, and India, as well as regional representatives from Africa and

Latin America, are proposed for permanent membership. Adding these countries could improve the Council's legitimacy by reflecting contemporary global influence and contributing to more balanced decision-making. Existing permanent members may resist changes that dilute their influence, and negotiations over new membership could be complex. Reform advocates propose that new permanent members be selected to represent a broader range of global interests and regional diversity. Expanding the Council to include representatives from underrepresented regions could improve its effectiveness and legitimacy. Reforming the Council's composition involves balancing diverse global interests and overcoming resistance from current members. Proposals to limit or eliminate the veto power aim to prevent any single nation from obstructing resolutions that have widespread international support. One proposal suggests restricting vetoes in cases of mass atrocities or humanitarian crises, where there is significant global consensus. Another proposal calls for the complete removal of the veto, replacing it with a system of majority voting or other decision-making models. If new permanent members are added, there is debate about whether they should also receive veto power, which could potentially exacerbate existing gridlock. Reforms could focus on improving the decision-making processes within the Security Council to ensure more effective and responsive action on global crises. Changes to how resolutions are passed or the introduction of new procedures could help the Council act more effectively. Modifications to operational procedures might address inefficiencies and enhance the Council's ability to manage crises. Reforms might aim to improve the Council's ability to act decisively, including restructuring how it handles resolutions and ensuring it has the resources needed for effective action. Ensuring that peacekeeping missions and interventions are adequately resourced and well-managed could prevent failures similar to those seen in past conflicts. Making the Council's composition more representative could enhance its credibility and effectiveness.

Oversight By The UNGA And ICJ

Proposals suggest that the General Assembly (UNGA) and the International Court of Justice (ICJ) should play a role in scrutinizing and monitoring Security Council decisions. The UNGA could debate and pass resolutions on significant Security Council actions, potentially influencing or constraining decisions. The ICJ could provide legal assessments of Security Council resolutions, ensuring they align with international law and enhancing accountability.

Enhanced Interaction With The UNGA

Increasing interaction between the Security Council and the General Assembly could help balance decision-making power and ensure a broader range of member states have a voice. Enhanced dialogue between the Council and the General Assembly could improve decision-making and accountability. Implementing regular reporting mechanisms could improve transparency and allow for broader member state input.

Revising Intervention Policies

Reforming intervention policies, including the Responsibility to Protect (R2P) doctrine, could address shortcomings in the Security Council's response to mass atrocities. Critics argue that the Council has often lacked the political will to enforce R2P effectively, leading to inaction in critical situations. Ensuring that peacekeeping missions have clear, achievable mandates and adequate resources could prevent failures and improve effectiveness.

CHALLENGES TO REFORM

Diplomatic Deadlock and Divergent Interests

The quest for reforming the UN Security Council is hindered by deep-seated disagreements among member states. Some advocate for increased representativeness to reflect contemporary global power dynamics, while others focus on enhancing the Council's functionality to improve its effectiveness. This divergence complicates efforts to achieve meaningful reform. The five permanent members (P5) of the Security Council are particularly resistant to changes that might reduce their influence or alter the power dynamics within the Council. Member states are divided between those seeking to address representation issues and those focused on functional improvements, making consensus difficult. Efforts to reform the Security Council must navigate the vested interests of the P5, which are crucial to the current global balance of power.

Historical Precedents

Past attempts to reform the Security Council, such as those in the 1990s and 2000s, have largely failed to produce substantial results. The expansion of the Council in 1965 is one of the few significant changes, and comprehensive reforms have proven elusive. The P5's veto power and privileged position create a major obstacle to reform, as they are reluctant to support changes

that could undermine their control. The varied interests and priorities of UN member states complicate efforts to reach a consensus on reform. Amending the UN Charter, which requires approval by two-thirds of the General Assembly and ratification by national legislatures, adds to the difficulty of achieving substantial reform.

Geopolitical Tensions and Increased Rivalries

Rising geopolitical rivalries among major powers further complicate the process of Security Council reform. Nations with divergent interests may use reform discussions as leverage in broader strategic competition. Major powers may use discussions about Security Council reform to advance their broader geopolitical agendas or gain strategic advantages. Emerging powers and established nations have different priorities for reform, such as expanding permanent seats or preserving existing privileges. Rivalries can spill over into reform negotiations, with different regions pushing for reforms that align with their own strategic interests.

Procedural Hurdles

Amending the UN Charter is an intricate and challenging process. Changes to the Security Council's composition or decision-making rules require the approval of two-thirds of UN member states, including all P5 members, and ratification by national legislatures. Achieving a two-thirds majority in the General Assembly and securing ratification from national legislatures is a high bar to clear. The requirement for unanimous consent from the P5 means that any proposal affecting their power faces a significant barrier. The last major amendment occurred in 1965, and the complexity of the process has contributed to the lack of significant progress since then.

Divergent Member State Positions

Member states have conflicting views on how to expand the Security Council, including the criteria for selecting new permanent members, the overall size of the Council, and the balance of regional representation. Debates focus on which countries should receive permanent seats and whether selection should be based on geographic representation or other criteria. Ensuring fair representation among different regions is a contentious issue, with no consensus on how to achieve an equitable balance.

Incremental Reforms

Smaller, incremental reforms might be a more feasible strategy than sweeping changes. This could include gradually expanding non-permanent seats, modifying procedural rules, or testing new mechanisms for consultation and collaboration. Incremental reforms are often more achievable and can demonstrate the benefits of change without requiring immediate, comprehensive alterations. Implementing pilot reforms on a temporary basis could build support for more extensive changes by showcasing their potential benefits.

Rotating Regional Seats

Innovative models, such as rotating regional seats, could address representation issues without permanently altering the Security Council's structure. This approach could offer a compromise solution by ensuring representation for various regions. Rotating regional seats could help address concerns about regional imbalance by providing different regions with representation at different times. This model offers a potential compromise by maintaining the current structure while addressing the need for more inclusive representation.