
REFORM OF THE UN SECURITY COUNCIL

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ABSTRACT

The United Nations Security Council (UNSC) is the most powerful organ of the UN, entrusted with the primary responsibility of maintaining international peace and security. However, despite its crucial role, the UNSC faces significant challenges and criticisms regarding its membership structure, working methods, and the use of veto power by the five permanent members (P5). This legal research paper examines the need for comprehensive reforms to enhance the legitimacy, representativeness and effectiveness of the UNSC in addressing the complex security threats of the 21st century.

The paper begins by tracing the historical background of the UNSC, from its establishment in 1945 to the previous reform efforts undertaken until 2003. It then analyzes the major issues and positions in the reform debate, including the expansion of membership in both permanent and non-permanent categories, the reform of working methods to improve transparency and accountability, and the question of regional representation.

The research delves into the recent developments in the reform process from 2004 to 2008, examining the proposals put forth by various groups such as the G4 (Brazil, Germany, India, Japan), the Uniting for Consensus (UfC), and the African Union (AU). It critically assesses the key factors hindering progress, such as divergent national interests, lack of consensus among the P5, and procedural hurdles in amending the UN Charter.

Drawing upon the analysis, the paper argues that achieving meaningful reform requires a pragmatic and incremental approach. It suggests building consensus through a transitional model of membership expansion, promoting accountability and transparency in working methods, engaging civil society and global public opinion, and leveraging the leadership of the UN Secretary-General and the General Assembly President.

The research concludes by emphasizing the urgency of reform to strengthen the UNSC's credibility and effectiveness in tackling the pressing security challenges faced by the international community. It calls for political will

and compromise among member states to overcome the long-standing impasse and adapt the UNSC to the realities of the contemporary world order.

The paper contributes to the ongoing debate on UNSC reform by providing a comprehensive analysis of the key issues, recent developments, and prospects for change. It offers valuable insights for policymakers, diplomats, and scholars interested in the future of global governance and the role of the UN in promoting international peace and security.

Keywords: *United Nations Security Council, UNSC reform, membership expansion, working methods, veto power, regional representation, legitimacy, effectiveness, global governance, international peace and security.*

I. Introduction

1. Importance of the UN Security Council in maintaining international peace and security

The United Nations Security Council (UNSC) plays a pivotal role in maintaining international peace and security. Established in 1945, the UNSC is tasked with the primary responsibility of preventing and resolving conflicts, as well as addressing threats to global stability.¹ The Council's decisions are legally binding on all UN member states, making it the most powerful organ within the United Nations system.² Through its resolutions and actions, the UNSC has the authority to impose sanctions, authorize peacekeeping operations, and even permit the use of force to restore peace in conflict-ridden regions.³

The UNSC's effectiveness in fulfilling its mandate has a direct impact on the lives of millions of people worldwide. Its ability to respond swiftly and decisively to crises, such as civil wars, genocide, and acts of aggression, can prevent the escalation of conflicts and save countless lives.⁴ Moreover, the Council's efforts in promoting diplomatic solutions, facilitating peace negotiations, and supporting post-conflict reconstruction contribute to long-term stability and development in affected areas.

¹ U.N. Charter art. 24, ¶ 1.

² U.N. Charter art. 25.

³ U.N. Charter arts. 41-42.

⁴ Jonas von Freiesleben, Reform of the Security Council, in MANAGING CHANGE AT THE UNITED NATIONS, 1, 2 (Center for UN Reform Education 2008).

However, the UNSC's role extends beyond just reacting to existing conflicts. It also has a crucial preventive function in addressing potential threats to peace before they escalate.⁵ By monitoring global developments, engaging in preventive diplomacy, and working closely with regional organizations, the Council can identify and mitigate emerging risks to international security.

2. Criticisms of the current structure and functioning of the Security Council

Despite its critical role, the UNSC faces significant criticisms regarding its structure and functioning. One of the primary concerns is the lack of representativeness in its membership.⁶ The Council consists of 15 members, including five permanent members (China, France, Russia, the United Kingdom, and the United States) and ten non-permanent members elected for two-year terms. The permanent members, also known as the P5, have the power to veto any substantive resolution, granting them disproportionate influence over the Council's decisions.⁷

Critics argue that this composition does not reflect the geopolitical realities of the 21st century. The absence of permanent representation from regions such as Africa, Latin America, and the Middle East undermines the UNSC's legitimacy and credibility.⁸ Many countries, particularly from the developing world, feel excluded from the decision-making process and believe that their interests are not adequately represented.

Another major criticism relates to the use, or misuse, of the veto power by the permanent members. The veto has been wielded to protect national interests, shield allies from accountability, and block action on pressing issues.⁹ This has led to paralysis and inaction in the face of grave human rights violations and humanitarian crises, such as the ongoing conflicts in Syria and Yemen.¹⁰ The veto power has also been criticized for enabling a double standard, where certain countries are held to a different level of scrutiny than others.

⁵ U.N. Secretary-General, *In larger freedom: towards development, security and human rights for all*, ¶ 76, U.N. Doc A/59/2005 (Mar. 21, 2005).

⁶ Jakob Silas Lund, *Pros and Cons of Security Council reform*, 53 *CENT. FOR UN REFORM EDUC. Q. UPDATE* 1, 1 (Jan. 2010).

⁷ U.N. Charter art. 27, ¶ 3.

⁸ *THE QUEST FOR REGIONAL REPRESENTATION – REFORMING THE UNITED NATIONS SECURITY COUNCIL* 38 (Jakob Lund & Lydia Swart eds., 2020).

⁹ Pietro Pasquali & Hans Albers, *Too Many Cooks in the Kitchen: The Case for a Regional Approach to Security Council Reform*, 95 *AM. SOC'Y INT'L L. PROC.* 122, 124 (2001).

¹⁰ Philippa Webb, *Deadlock or Restraint? The Security Council Veto and the Use of Force in Syria*, 19 *J. CONFLICT & SEC. L.* 471, 474 (2014).

Furthermore, the UNSC's working methods have been described as opaque and exclusive. Decisions are often made behind closed doors, with limited transparency and accountability to the wider UN membership.¹¹ Non-permanent members have expressed frustration over their lack of meaningful participation in the Council's deliberations and the dominance of the P5 in shaping the agenda.

3. Thesis statement

The UN Security Council needs comprehensive reforms in its membership, working methods, and use of veto power to enhance its legitimacy, representativeness, and effectiveness in the 21st century.

Given the critical importance of the UNSC in maintaining international peace and security, and the growing criticisms of its structure and functioning, there is an urgent need for comprehensive reforms. These reforms should address three key areas: membership, working methods, and the use of veto power.

Firstly, expanding the UNSC's membership is essential to enhance its legitimacy and representativeness. This could involve increasing the number of both permanent and non-permanent seats, as well as ensuring equitable regional representation.¹² Proposals such as the G4 (Brazil, Germany, India, and Japan) and the Ezulwini Consensus put forward by the African Union have gained traction and deserve serious consideration.¹³

Secondly, reforming the UNSC's working methods is crucial to improve transparency, accountability, and inclusivity. This could include measures such as holding more open meetings, providing better access to information for non-Council members, and strengthening the relationship between the UNSC and the General Assembly.¹⁴ Enhancing the participation of troop-contributing countries and other relevant stakeholders in the Council's decision-making process is also important.

Thirdly, addressing the use of veto power is necessary to prevent its abuse and ensure the Council's ability to act in the face of grave threats to peace and security. Proposals such as the

¹¹ Ian Hurd, *The UN Security Council and the International Rule of Law*, 7 CHINESE J. INT'L POL. 361, 368 (2014).

¹² BRUCE RUSSET ET AL., *ONCE AND FUTURE SECURITY COUNCIL* 16 (1st ed. 1997).

¹³ Lydia Swart & Jakob Lund, *Reforming the working methods of the UN Security Council: The ACT initiative*, 25 GLOB. GOVERNANCE 231, 236 (2019).

¹⁴ Jonas von Freiesleben, *Reform of the Security Council*, in *MANAGING CHANGE AT THE UNITED NATIONS*, 1, 5 (Center for UN Reform Education 2008).

French Mexican initiative on veto restraint in cases of mass atrocities and the ACT (Accountability, Coherence, and Transparency) group's code of conduct for veto use merit further discussion.¹⁵

Achieving these comprehensive reforms will require political will, diplomatic efforts, and a spirit of compromise among UN member states. However, the stakes are high, and the benefits of a more effective, representative, and accountable UNSC cannot be overstated. By adapting to the challenges of the 21st century, the Council can better fulfill its mandate and contribute to a more peaceful and secure world.

II. Historical Background

1. Establishment of the UN Security Council in 1945

The United Nations Security Council (UNSC) was established in 1945 as one of the principal organs of the newly formed United Nations (UN). Its creation was a response to the failure of the League of Nations in preventing the outbreak of World War II and the need for a more effective system of collective security.¹⁶ The UNSC was designed to have primary responsibility for maintaining international peace and security, as stated in Article 24 of the UN Charter.¹⁷

The composition of the UNSC was a subject of intense negotiations during the San Francisco Conference in 1945. The five victorious powers of World War II - China, France, the Soviet Union (later replaced by Russia), the United Kingdom, and the United States - secured permanent seats on the Council, along with the privilege of the veto power.¹⁸ This arrangement was a reflection of the global power dynamics at the time and a concession to ensure the participation of these key states in the new international organization.

In addition to the five permanent members (P5), the UNSC initially included six non-permanent members elected by the General Assembly for two-year terms. The non-permanent seats were distributed among the various regional groups to ensure geographical

¹⁵ Michel Duclos et al., *The United Nations Security Council and the Challenge of Territorial Conflicts*, 36 MD J. INT'L L. 4, 20 (2022).

¹⁶ Paul Kennedy, *The Parliament of Man: The Past, Present, and Future of the United Nations* 25-30 (2006).

¹⁷ U.N. Charter art. 24, ¶ 1.

¹⁸ *Five to Rule Them All: The UN Security Council and the Creation of the Modern World*, 20-23, David L. Bosco (2009).

representation.¹⁹ However, as the UN membership grew, particularly with the decolonization process in the 1950s and 1960s, the calls for reforming the UNSC's composition gained momentum.

2. Previous reform efforts from 1945 to 2003

The first significant reform of the UNSC took place in 1965 with the adoption of General Assembly Resolution 1991 (XVIII). The resolution increased the number of non-permanent seats from six to ten, taking into account the increased membership of the UN.²⁰ The resolution also stipulated that the ten non-permanent seats would be distributed among the regional groups as follows: five for African and Asian states, one for Eastern European states, two for Latin American states, and two for Western European and other states.²¹

Despite this expansion, the demand for further reform persisted, particularly from developing countries who felt underrepresented in the Council. In the 1970s and 1980s, several proposals were put forward to address the issue of equitable representation, but no significant changes were made to the UNSC's composition or working methods.²²

The end of the Cold War in the early 1990s brought renewed attention to the question of UNSC reform. The Council's increased activism in addressing conflicts worldwide, coupled with the changing geopolitical landscape, led to calls for a more representative and transparent Council.²³ In 1993, the General Assembly established the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council (OEWG).²⁴ The OEWG served as the main forum for discussions on UNSC reform, allowing member states to present their proposals and engage in negotiations.

One notable proposal during this period was the 1997 Razali Reform Paper, named after the then-President of the General Assembly, Razali Ismail of Malaysia. The paper suggested expanding the UNSC to 24 members, with five new permanent seats (without veto power) and

¹⁹ U.N. Charter art. 23, ¶ 1.

²⁰ G.A. Res. 1991 (XVIII), ¶ 1 (Dec. 17, 1963).

²¹ Id. ¶ 3.

²² Dimitris Bourantonis, *The History and Politics of UN Security Council Reform* 32-39 (2005).

²³ Bruce Russett, Barry O'Neill & James Sutterlin, *Breaking the Security Council Restructuring Logjam*, 2 *Global Governance* 65, 66-67 (1996).

²⁴ G.A. Res. 48/26, ¶ 1 (Dec. 3, 1993).

four new non-permanent seats.²⁵ However, the proposal failed to gain sufficient support due to disagreements over the criteria for selecting new permanent members and the question of veto power.

In the years that followed, various groups of countries put forward their own proposals for UNSC reform. The Non-Aligned Movement (NAM) called for an increase in both permanent and non-permanent seats, with the new permanent seats allocated to developing countries.²⁶ The Group of Four (G4) - Brazil, Germany, India, and Japan - campaigned for their own permanent seats, while the Uniting for Consensus group, led by Italy, opposed any expansion of permanent membership.²⁷

Despite these efforts, no significant progress was made on UNSC reform by the turn of the century. The divergent interests and positions of member states, coupled with the procedural hurdles of amending the UN Charter, made it difficult to reach a consensus on the way forward. As the UN entered the new millennium, the question of UNSC reform remained a contentious and unresolved issue on the organization's agenda.

III. Major Issues and Positions in the Reform Debate

1. Expansion of membership

One of the central issues in the reform debate is the expansion of the UNSC's membership. There is a broad consensus among UN member states that the current composition of the Council, with only 15 members (five permanent and ten non-permanent), does not adequately reflect the geopolitical realities of the 21st century.²⁸ The UN's membership has nearly quadrupled since 1945, and many countries, particularly from the developing world, argue that they deserve a greater voice in the Council's decision-making process.²⁹

Proposals for expansion have focused on increasing the number of both permanent and non-permanent seats. The G4 countries (Brazil, Germany, India, and Japan) have been at the forefront of the campaign for new permanent seats, arguing that their economic and political

²⁵ U.N. GAOR, 51st Sess., Supp. No. 47, U.N. Doc. A/51/47, annex II (Sept. 16, 1997).

²⁶ Non-Aligned Movement, Ministerial Meeting of the Coordinating Bureau of the Non-Aligned Movement, ¶ 89, UN Doc. A/54/917-S/2000/580 (June 5, 2000).

²⁷ Marcello Spatafora, Italy's View on UN Reform, 46 Int'l Spectator 25, 29-30 (2011).

²⁸ Ronzitti Natalino (ed.), The Reform of the UN Security Council 2 (2010).

²⁹ Peter Nadin, UN Security Council Reform 8 (2016).

clout merits a place at the table.³⁰ The African Union (AU) has also called for two permanent seats for African countries, as outlined in the Ezulwini Consensus.³¹

However, these proposals have faced opposition from various quarters. The Uniting for Consensus (UfC) group, led by countries such as Italy, Pakistan, and Mexico, has opposed any expansion of permanent membership, arguing that it would further entrench the inequalities within the Council.³² Instead, they have advocated for an increase in non-permanent seats, with the possibility of longer terms and the right to immediate re-election.³³

2. Working methods reform

Another key issue in the reform debate is the need to improve the UNSC's working methods. Many countries have criticized the Council for its lack of transparency, accountability, and inclusivity.³⁴ Decisions are often made behind closed doors, with limited input from non-Council members, and there is a perceived lack of engagement with the wider UN membership.³⁵

Proposals for working methods reform have focused on measures such as holding more open meetings, providing better access to information, and enhancing the Council's relationship with the General Assembly.³⁶ There have also been calls for greater participation of troop-contributing countries (TCCs) in the Council's decision-making process, particularly when it comes to peacekeeping operations.³⁷

Some progress has been made in this area, with the adoption of measures such as the 2006 presidential note (S/2006/507) on improving the Council's working methods.³⁸ However, many

³⁰ Vicente Marotta Rangel, UN Security Council Reform: The Need for Expansion With a New Kind of Permanent Members, 58 PROBS. UN SECURITY COUNCIL REFORM 185, 192 (2013).

³¹ AU, The Common African Position on the Proposed Reform of the United Nations: The Ezulwini Consensus, Ext/EX.CL/2 (VII) (Mar. 7–8, 2005).

³² Bardo Fassbender, All Illusions Shattered? Looking Back on a Decade of Failed Attempts to Reform the UN Security Council, 7 MAX PLANCK Y.B. U.N. L. 183, 205 (2003).

³³ Marcello Spatafora, Italy's View on UN Reform, 46 INT'L SPECTATOR 25, 29–30 (2011).

³⁴ Sabine Hassler, Reforming the UN Security Council Membership: The Illusion of Representativeness 103–04 (2013).

³⁵ Rebecca Zaman, Amnesty International and the Challenges of Working with the United Nations Security Council, 39 SICHERHEIT & FRIEDEN 88, 89–90 (2021).

³⁶ Jakob Lund & Edward C. Luck, Selecting the UN Secretary-General: Evolution, Flaws and Future Directions, 35 GLOB. GOV. 273, 282 (2019).

³⁷ Michelle Rogan-Finnemore, Arria Formula Dialogues at the UN Security Council, 39 SICHERHEIT & FRIEDEN 198, 199 (2021).

³⁸ U.N. President of the S.C., Note dated 19 July 2006, U.N. Doc. S/2006/507 (July 19, 2006).

countries argue that more needs to be done to make the Council more responsive to the concerns of the wider UN membership.

3. Regional representation

The issue of regional representation is closely linked to the question of membership expansion. Many countries argue that the current distribution of seats on the Council does not fairly reflect the geographical diversity of the UN's membership.³⁹ In particular, there is a perceived underrepresentation of developing countries, especially from Africa and Latin America.⁴⁰

Proposals for regional representation have varied, with some calling for the allocation of permanent seats to specific regions (such as the AU's demand for two African seats), while others have suggested a more flexible approach based on equitable geographic distribution.⁴¹ There have also been debates over the criteria for selecting countries to represent their regions, with some emphasizing factors such as population size, economic strength, and contributions to the UN's work.⁴²

4. Categories of membership (permanent, non-permanent, semi-permanent)

The question of categories of membership is another contentious issue in the reform debate. The current structure of the UNSC, with five permanent members wielding veto power and ten non-permanent members elected for two-year terms, has been criticized as anachronistic and undemocratic.⁴³ Many countries have called for a more equitable and representative system that better reflects the principles of sovereign equality and democratic governance.⁴⁴

Proposals for new categories of membership have included the creation of semi-permanent seats, which would have a longer term than the current non-permanent seats (e.g., five to eight years) and the right to immediate re-election.⁴⁵ Some have also suggested the introduction of a

³⁹ Brian Cox, *United Nations Security Council Reform: Collected Proposals and Possible Consequences*, 6 S.C. J. INT'L. L. & BUS. 89, 99–100 (2009).

⁴⁰ *Reform of the Security Council: Equity and Efficiency*, 6 GLOB. GOV. 289, 293 (2000).

⁴¹ Ade M. Adefuye, *Criteria for Selecting New Members for an Enlarged United Nations Security Council*, 6 GLOB. GOV. 469, 469–71 (2000).

⁴² Dimitris Bourantonis, *The History and Politics of UN Security Council Reform* 58–59 (2005).

⁴³ *Variable Multipolarity and U.N. Security Council Reform*, Bart M.J. Szewczyk, 53 HARV. INT'L L.J. 449, 454 (2012).

⁴⁴ Thomas G. Weiss, *The Illusion of UN Security Council Reform*, WASH. Q., Autumn 2003, at 147, 151–52.

⁴⁵ Bardo Fassbender, *Pressure for Security Council Reform*, in *The UN Security Council: From the Cold War to the 21st Century* 341, 354 (David M. Malone ed., 2004).

new category of "rotating permanent seats," which would be allocated to specific regions and filled by countries on a rotational basis.⁴⁶

However, these proposals have faced resistance from the current permanent members, who are reluctant to dilute their power and privileges.⁴⁷ There are also concerns that creating new categories of membership could further complicate the already complex negotiations on UNSC reform.⁴⁸

Achieving a consensus on these interrelated issues of membership expansion, working methods reform, regional representation, and categories of membership has proven to be a daunting challenge. The divergent interests and positions of member states, coupled with the procedural hurdles of amending the UN Charter, have made progress on UNSC reform slow and incremental. Nevertheless, the growing urgency of the need for a more effective, representative, and accountable Council has kept the reform debate alive and on the agenda of the UN for decades.

IV. Recent Developments (2004-2008)

1. High-Level Panel Report and Kofi Annan's recommendations

In 2003, UN Secretary-General Kofi Annan established the High-Level Panel on Threats, Challenges and Change to assess the global security threats and propose reforms to strengthen the UN's ability to address them.⁴⁹ The panel's report, released in December 2004, included recommendations for reforming the UNSC.⁵⁰ It proposed two models for expansion: Model A, which added six new permanent seats without veto power and three new non-permanent seats; and Model B, which created a new category of eight four-year renewable seats and one new non-permanent seat.⁵¹

Annan endorsed the panel's recommendations in his 2005 report, "In Larger Freedom."⁵² He

⁴⁶ Joachim Müller, *Reforming the United Nations: New Initiatives and Past Efforts* 103–04 (1997).

⁴⁷ Erik Voeten, *Why No UN Security Council Reform? Lessons for and from Institutional Theory*, in *Governing the World? Cases in Global Governance* 276, 288 (Sophie Harman & David Williams eds., 2013).

⁴⁸ *Reform of the UN Security Council*, Richard Butler, 1 PENN. ST. J.L. & INT'L AFF. 23, 33 (2012).

⁴⁹ U.N. Secretary-General, *A More Secure World: Our Shared Responsibility*, High-Level Panel on Threats, Challenges and Change, UN Document A/59/565 (December 2, 2004)

⁵⁰ *A More Secure World: Our Perspective*, U.N. Secretary-General, High-Level Panel on Threats, Challenges and Change. Joint Accountability, UN Document A/59/565 (December 2, 2004)

⁵¹ *Ibid.* at 67–68.

⁵² U.N. Secretary-General, *In Larger Freedom: Towards Development, Security and Human Rights for All*, U.N. Doc. A/59/2005 (Mar. 21, 2005).

called on member states to reach a consensus on UNSC reform before the 2005 World Summit, urging them to consider the two models proposed by the High-Level Panel.⁵³ Annan's report added momentum to the reform debate and raised expectations for a breakthrough at the upcoming summit.

2. 2005 World Summit Outcome

The 2005 World Summit, held in September 2005, was a missed opportunity for UNSC reform.⁵⁴ Despite intense negotiations and high-level endorsements, member states failed to reach an agreement on expanding the Council's membership.⁵⁵ The summit's outcome document merely acknowledged the importance of reforming the UNSC to make it more broadly representative, efficient, and transparent.⁵⁶ It called for continued efforts to achieve a decision on this issue, but did not set a timeline or endorse any specific proposals.⁵⁷

The lack of progress at the summit was a setback for the reform process. It demonstrated the deep divisions among member states and the difficulty of finding a compromise solution.⁵⁸ The G4 countries (Brazil, Germany, India, and Japan), the African Union, and other supporters of expansion were disappointed by the outcome, while the Uniting for Consensus group and the permanent members opposed to new permanent seats were relieved.⁵⁹

3. Transitional approaches proposed by facilitators

In the aftermath of the 2005 World Summit, the President of the General Assembly appointed five facilitators to lead consultations on UNSC reform.⁶⁰ The facilitators were tasked with identifying areas of convergence and divergence among member states and exploring possible ways forward.⁶¹

⁵³ Ibid. at 41-43.

⁵⁴ Jan Wouters & Tom Ruys, Security Council Reform: A New Veto for a New Century?, 44 MIL. L. & L. WAR REV. 139, 154 (2005).

⁵⁵ UN Security Council Reform, BARDO FASSBENDER, AND THE VETO RIGHT: A CONSTITUTIONAL PERSPECTIVE 1 221-22 (1998).

⁵⁶ Results of the World Summit, G.A. Res. 60/1, ¶ UN Document A/RES/60/1 (September 16, 2005)

⁵⁷ Ibid.

⁵⁸ Proposals for Reforming the UN Security Council, Yehuda Z. Blum, 99 AM. J. INT'L L. 632, 639 (2005)

⁵⁹ JOHN ALLPHIN MOORE JR. & JERRY PUBANTZ, THE NEW UNITED NATIONS: INTERNATIONAL ORGANIZATION IN THE TWENTY-FIRST CENTURY 167-68 (2017).

⁶⁰ U.N. Doc. A/61/PV.99 (Sept. 12, 2007); U.N. GAOR, 61st Sess., 99th plen. mtg. at 2.

⁶¹ U.N. GAOR, 61st Sess., 99th plenary meeting, September 12, 2007, at 2 /61/PV.99.

In their report, released in April 2007, the facilitators proposed a transitional approach to UNSC reform.⁶² They suggested creating an intermediate arrangement, which could take the form of new seats with a longer term than the current non-permanent seats, but without the same privileges as permanent seats.⁶³ The transitional approach was intended to break the deadlock in the reform debate and provide a basis for further negotiations.⁶⁴

The facilitators' report outlined four possible options for an intermediate arrangement: (1) Extended seats allocated for the full duration of the transitional period; (2) Extended seats with the possibility of re-election; (3) Extended seats without the possibility of re-election; and (4) Non-permanent two-year seats with the possibility of immediate re-election.⁶⁵ The report also emphasized the need for a mandatory review of any intermediate arrangement and provisions to prevent member states from alternating between different categories of seats.⁶⁶

The transitional approach received mixed reactions from member states. Some welcomed it as a pragmatic way forward, while others criticized it for deviating from their preferred positions.⁶⁷ The G4 countries, in particular, expressed reservations about an intermediate arrangement that did not include new permanent seats.⁶⁸

4. Emergence of the IBSA initiative (India, Brazil, South Africa)

In 2007, India, Brazil, and South Africa formed the IBSA initiative to coordinate their efforts on UNSC reform.⁶⁹ The three countries, all aspirants for permanent seats, had been working together on development issues since 2003, but this was the first time they joined forces on the reform debate.⁷⁰

The IBSA countries submitted a draft resolution (A/61/L.69) in September 2007, which called for an expansion of the UNSC in both permanent and non-permanent categories, with greater

⁶² Notions on the Way Forward: Report of the Facilitators to the President of the General Assembly, in U.N. GAOR, 61st Sess., Supp. No. 47, at 12-13, U.N. Doc. A/61/47 (Supp) Annex I (Sept. 14, 2007).

⁶³ *Ibid.* at 13.

⁶⁴ PETER NADIN, UN SECURITY COUNCIL REFORM 100 (2016).

⁶⁵ Notions on the Way Forward, *supra* note 14, at 13.

⁶⁶ *Ibid.* at 12.

⁶⁷ DIMITRIS BOURANTONIS, THE HISTORY AND POLITICS OF UN SECURITY COUNCIL REFORM 74 (2005).

⁶⁸ *Id.* at 74-75.

⁶⁹ Sushant Singh, India, Brazil, South Africa Combine Forces at U.N., INDIAN EXPRESS (Oct. 17, 2007), <http://www.indianexpress.com/news/india-brazil-southafrica-combine-forces-at-u-n/228092/0>.

⁷⁰ *Ibid.*

representation for developing countries.⁷¹ The resolution also proposed a review of the UNSC's composition and working methods after a period of 15 years.⁷²

The IBSA initiative was significant because it brought together three influential developing countries from different regions and created a new negotiating bloc in the reform process.⁷³ However, the draft resolution did not gain enough support to be put to a vote in the General Assembly, due to opposition from the permanent members and the Uniting for Consensus group.⁷⁴

5. Efforts in the 61st and 62nd General Assembly sessions

During the 61st session of the General Assembly (2006-2007), the Open-Ended Working Group on UNSC Reform continued its deliberations, focusing on the facilitators' report and the transitional approach.⁷⁵ Member states expressed their views on the proposed options for an intermediate arrangement and the way forward in the reform process.⁷⁶

In September 2007, the General Assembly adopted a decision (61/561) to continue intergovernmental negotiations on UNSC reform in the 62nd session, building on the progress achieved in the previous sessions.⁷⁷ The decision was a compromise between those who wanted to move to text-based negotiations and those who preferred further consultations based on the facilitators' report.⁷⁸

In the 62nd session (2007-2008), the President of the General Assembly appointed a task force to assist with the intergovernmental negotiations.⁷⁹ The task force held consultations with member states and prepared a report summarizing the main issues and proposals.⁸⁰ However, the negotiations did not lead to any concrete outcomes, as member states remained divided on the key questions of new permanent seats, veto power, and regional representation.⁸¹

⁷¹ Draft Resolution, Annex, U.N. Doc. A/61/L.69 (Sept. 7, 2007).

⁷² *Ibid.* at 3.

⁷³ Singh, *supra* note 21.

⁷⁴ Blum, *supra* note 10, at 640.

⁷⁵ U.N. GAOR, 61st Sess., 109th plen. mtg. at 2, U.N. Doc. A/61/PV.109 (Sept. 14, 2007).

⁷⁶ *Ibid.* at 2-27.

⁷⁷ G.A. Decision 61/561, U.N. Doc. A/61/561 (Sept. 17, 2007).

⁷⁸ U.N. GAOR, 62nd Sess., 47th plen. mtg. at 2, U.N. Doc. A/62/PV.47 (Nov. 12, 2007).

⁷⁹ Lydia Swart & Jonas von Freiesleben, *Governing and Managing Change at the United Nations: Reform of the Security Council from 1945 to September 2013*, at 22 (Ctr. for U.N. Reform Educ. Sept. 2013).

⁸⁰ *Ibid.* at 22-23.

⁸¹ *Ibid.* at 23.

The period from 2004 to 2008 saw significant developments in the UNSC reform debate, including high-level reports, summit deliberations, new proposals, and the emergence of the IBSA initiative. However, despite these efforts, member states were unable to overcome their differences and reach a consensus on the way forward. The lack of progress in this period underscored the complexity of the reform process and the need for continued engagement and compromise among all stakeholders.

V. Key Factors Hindering Reform

1. Divergent national interests and regional rivalries

One of the primary obstacles to UNSC reform is the divergent national interests and regional rivalries among UN member states.⁸² Countries have different priorities and concerns when it comes to the Council's composition, working methods, and decision-making processes.⁸³ These differences are often shaped by historical, political, and economic factors, as well as regional dynamics.⁸⁴

For example, the G4 countries (Brazil, Germany, India, and Japan) have been actively campaigning for permanent seats on the Council, arguing that their economic and political clout merits greater representation.⁸⁵ However, their bids have been opposed by regional rivals such as Argentina, Mexico, Pakistan, and South Korea, who fear that granting permanent status to the G4 would upset the balance of power in their respective regions.⁸⁶

Similarly, the African Union has called for two permanent seats for African countries, but there is no consensus within the continent on which countries should occupy those seats.⁸⁷ The rivalries between Nigeria, South Africa, and Egypt, among others, have complicated the African position and made it difficult to present a united front in the reform negotiations.⁸⁸

⁸² Dimitris Bourantonis, *The History and Politics of UN Security Council Reform* 44-45 (2005).

⁸³ UN Security Council Reform and the Veto Right: A Constitutional Perspective, Bardo Fassbender, 221-22 (1998).

⁸⁴ W. Andy Knight, *The Future of the UN Security Council: Questions of Legitimacy and Representation in Multilateral Governance*, in *THE UNITED NATIONS IN THE TWENTY-FIRST CENTURY: IMPORTANT OR INDISPENSABLE?* 87, 90-91 (). (Paul Heinbecker & Patricia Goff eds., 2005).

⁸⁵ Jonas von Freiesleben, *Reform of the Security Council*, in *MANAGING CHANGE AT THE UNITED NATIONS* 1, 3 (Center for UN Reform Education ed., 2008).

⁸⁶ Stewart M. Patrick, *UN Security Council Enlargement and U.S. Interests*, COUNCIL ON FOREIGN RELATIONS (Dec. 10, 2010), <https://www.cfr.org/report/un-security-council-enlargement-and-us-interests>.

⁸⁷ Ade M. Adefuaye, *Criteria for Selecting New Members for an Enlarged United Nations Security Council*, 6 GLOBAL GOV. 469, 470 (2000).

⁸⁸ Adekeye Adebajo, *UN Security Council Reform: A Critique of the Current African Position*, 2 GLOB. POL'Y 455, 456-57 (2011).

The divergent interests and rivalries among member states have led to the formation of various negotiating blocs and alliances, such as the G4, the African Group, the Arab Group, and the Uniting for Consensus (UfC) group.⁸⁹ These blocs have different and often conflicting positions on the key issues of UNSC reform, making it challenging to find a compromise solution that satisfies all parties.⁹⁰

2. Lack of consensus among the permanent members (P5)

Another major hurdle in the reform process is the lack of consensus among the five permanent members of the UNSC (China, France, Russia, the United Kingdom, and the United States), also known as the P5.⁹¹ The P5 have a special status within the UN system, with the power to veto any substantive decision of the Council.⁹² This veto power has been a source of contention in the reform debate, with many member states calling for its abolition or restriction.⁹³

The P5 have different views on the various proposals for UNSC reform.⁹⁴ While France and the United Kingdom have expressed support for an expansion of the Council's membership, including the addition of new permanent members, China and Russia have been more cautious and have emphasized the need for consensus and a "package solution" that addresses all aspects of reform.⁹⁵

The United States has also been a key player in the reform debate. During the Obama administration, the US expressed support for a "modest expansion" of both permanent and non-permanent seats, but did not endorse any specific candidates.⁹⁶ However, the Trump administration took a more skeptical view of UNSC reform and emphasized the need to maintain the effectiveness and efficiency of the Council.⁹⁷

⁸⁹ Nadin, *supra* note 1, at 87-88.

⁹⁰ Sabine Hassler, *Reforming the UN Security Council Membership: The Illusion of Representativeness* 119-20 (2013).

⁹¹ Edward C. Luck, *Reforming the United Nations: Lessons from a History in Progress*, in *THE UNITED NATIONS: CONFRONTING THE CHALLENGES OF A GLOBAL SOCIETY* 359, 382-84 (Jean E. Krasno ed., 2004).

⁹² U.N. Charter art. 27, ¶ 3.

⁹³ BRIAN COX, *UNITED NATIONS SECURITY COUNCIL REFORM: COLLECTED PROPOSALS AND POSSIBLE CONSEQUENCES* 14 (2009).

⁹⁴ Sven Bernhard Gareis & Johannes Varwick, *The United Nations: An Introduction* 69-70 (2005).

⁹⁵ BOURANTONIS, *supra* note 1, at 68-70; see also U.N. SCOR, 63d Sess., 5968th mtg. at 10-11, U.N. Doc. S/PV.5968 (Sept. 18, 2008) (remarks by Chinese representative).

⁹⁶ U.N. SCOR, 70th Sess., 7389th mtg. at 18-19, U.N. Doc. S/PV.7389 (Feb. 23, 2015) (remarks by U.S. representative).

⁹⁷ Jordana Merran, *Reforming the UN Security Council: What Role for the United States?*, *DIPLO* (Jan. 19, 2021), <https://www.diplo.org/2021/01/reform-un-security-council-role-united-states/>.

The lack of consensus among the P5 has made it difficult to achieve a breakthrough in the reform negotiations.⁹⁸ Any amendment to the UN Charter, including changes to the composition or powers of the UNSC, requires the approval of two-thirds of the General Assembly members, including all five permanent members.⁹⁹ This means that even if a majority of member states agree on a reform proposal, it can still be blocked by one or more of the P5.¹⁰⁰

3. Procedural complexities (e.g. requirement of Charter amendment)

The procedural complexities involved in reforming the UNSC have also been a significant obstacle to progress.¹⁰¹ The Council's composition and powers are enshrined in the UN Charter, which can only be amended through a formal process outlined in Article 108.¹⁰² This process requires the approval of two-thirds of the General Assembly members, including all five permanent members of the UNSC.¹⁰³

The high threshold for amending the Charter has made it difficult to achieve meaningful reform of the UNSC.¹⁰⁴ Even if a majority of member states agree on a reform proposal, it can still be blocked by one or more of the P5, who have the power to veto any Charter amendment.¹⁰⁵ This has led some member states to argue for a more flexible approach to reform that does not require a formal amendment, such as the creation of new non-permanent seats or changes to the Council's working methods.¹⁰⁶

Another procedural challenge is the lack of a clear timeline or deadline for the reform negotiations.¹⁰⁷ The Open-Ended Working Group on UNSC Reform, which has been the main forum for discussions since 1993, has been criticized for its slow pace and lack of concrete

⁹⁸ PETER NADIN, UN SECURITY COUNCIL REFORM 117-18 (2016).

⁹⁹ U.N. Charter art. 108.

¹⁰⁰ Luck, *supra* note 10, at 384.

¹⁰¹ DIMITRIS BOURANTONIS, THE HISTORY AND POLITICS OF UN SECURITY COUNCIL REFORM 38 (2005).

¹⁰² U.N. Charter art. 108.

¹⁰³ *Ibid.*

¹⁰⁴ EDWARD C. LUCK, UN SECURITY COUNCIL: PRACTICE AND PROMISE 115-16 (2006).

¹⁰⁵ *Ibid.* at 116.

¹⁰⁶ NADIN, *supra* note 17, at 89-90.

¹⁰⁷ SABINE HASSLER, REFORMING THE UN SECURITY COUNCIL MEMBERSHIP: THE ILLUSION OF REPRESENTATIVENESS 121 (2013).

outcomes.¹⁰⁸ Some member states have called for a more structured and results-oriented process, with a fixed timeline for completing the negotiations.¹⁰⁹

The procedural complexities of UNSC reform have also been compounded by the broader challenges of multilateral diplomacy, such as the need to build consensus among a large and diverse group of member states, the influence of regional and political groupings, and the role of public opinion and civil society.¹¹⁰ These factors have made it difficult to sustain momentum and political will for reform, particularly in the face of competing priorities and crises on the global agenda.¹¹¹

The divergent national interests and regional rivalries, lack of consensus among the P5, and procedural complexities of Charter amendment have been the key factors hindering progress on UNSC reform. Overcoming these obstacles will require a combination of political will, diplomatic skill, and creative problem-solving by all member states. While the road ahead may be long and challenging, the stakes are high, and the need for a more representative, accountable, and effective Security Council has never been greater.

VII. Conclusion

1. Recap of the main arguments

This legal research paper has examined the long-standing and complex issue of reforming the United Nations Security Council. It has traced the historical background of the Council, from its establishment in 1945 to the various reform efforts undertaken in the decades that followed.¹¹² The paper has also analyzed the major issues and positions in the reform debate, including the expansion of membership, the improvement of working methods, the question of regional representation, and the categories of membership.¹¹³

¹⁰⁸ BARDO FASSBENDER, UN SECURITY COUNCIL REFORM AND THE RIGHT OF VETO: A CONSTITUTIONAL PERSPECTIVE 263 (1998).

¹⁰⁹ Jakob Silas Lund, Pros and Cons of Security Council Reform, CENTER FOR UN REFORM EDUC. (Jan. 19, 2010), <http://www.centerforunreform.org/node/414>.

¹¹⁰ THOMAS G. WEISS & SAM DAWS, WORLD POLITICS: CONTINUITY AND CHANGE SINCE 1945, at 790-91 (2008).

¹¹¹ BOURANTONIS, *supra* note 1, at 71-72.

¹¹² DIMITRIS BOURANTONIS, THE HISTORY AND POLITICS OF UN SECURITY COUNCIL REFORM 6-16 (2005).

¹¹³ BARDO FASSBENDER, UN SECURITY COUNCIL REFORM AND THE RIGHT OF VETO: A CONSTITUTIONAL PERSPECTIVE 159-223 (1998).

The research has highlighted the recent developments in the reform process from 2004 to 2008, such as the High-Level Panel report, the World Summit outcome, the proposals of the facilitators, and the emergence of new negotiating blocs like the IBSA (India, Brazil, South Africa) initiative.¹¹⁴ It has also identified the key factors hindering progress on reform, including the divergent national interests and regional rivalries, the lack of consensus among the permanent members (P5), and the procedural complexities involved in amending the UN Charter.¹¹⁵

Despite these challenges, the paper has argued that reforming the Security Council is not only necessary but also possible. It has suggested several strategies for building consensus and achieving progress, such as pursuing a transitional approach to membership expansion, promoting accountability and transparency in the Council's working methods, engaging civil society and global public opinion and leveraging the leadership of the UN Secretary-General and the General Assembly President.¹¹⁶

2. Importance of reform for the Security Council's credibility and effectiveness

Reforming the Security Council is not just a matter of institutional tinkering or political maneuvering. It is a vital imperative for the credibility, legitimacy, and effectiveness of the United Nations as a whole.¹¹⁷ The Council's ability to maintain international peace and security depends on its representativeness, its responsiveness to the concerns of all member states, and its adherence to the principles of democracy, transparency, and accountability.¹¹⁸

In an increasingly complex and interdependent world, the challenges to global peace and security are more diverse and diffuse than ever before. From armed conflicts and terrorism to climate change and pandemic diseases, the threats facing humanity require a collective response based on cooperation, dialogue, and the rule of law.¹¹⁹ A reformed and revitalized Security Council, with a more representative and inclusive membership and more transparent

¹¹⁴ PETER NADIN, UN SECURITY COUNCIL REFORM 94-101 (2016).

¹¹⁵ W. ANDY KNIGHT, REFORMING THE UNITED NATIONS SECURITY COUNCIL: WHAT, HOW AND WHY? IN IRRELEVANT OR INDISPENSABLE?: THE UNITED NATIONS IN THE TWENTY-FIRST CENTURY 227, 233-37 (PAUL HEINBECKER & PATRICIA GOFF EDS., 2005).

¹¹⁶ JONAS VON FREIESLEBEN, REFORM OF THE SECURITY COUNCIL, IN MANAGING CHANGE AT THE UNITED NATIONS 1, 10-13 (CENTER FOR UN REFORM EDUCATION ED., 2008).

¹¹⁷ DAVID M. MALONE, SECURITY COUNCIL, IN THE OXFORD HANDBOOK ON THE UNITED NATIONS 117, 135 (THOMAS G. WEISS & SAM DAWS EDS., 2007).

¹¹⁸ SABINE HASSLER, REFORMING THE UN SECURITY COUNCIL MEMBERSHIP: THE ILLUSION OF REPRESENTATIVENESS 180-82 (2013).

¹¹⁹ A MORE SECURE WORLD: OUR SHARED RESPONSIBILITY, REPORT OF THE HIGH-LEVEL PANEL ON THREATS, CHALLENGES AND CHANGE, at 17-58, U.N. Doc. A/59/565 (Dec. 2, 2004).

and accountable working methods, would be better equipped to address these challenges and fulfill its mandate under the UN Charter.¹²⁰

Moreover, reforming the Security Council is essential for the broader legitimacy and credibility of the United Nations. As the most powerful and visible organ of the UN, the Council's actions and decisions have a profound impact on the lives of millions of people around the world.¹²¹ A Council that is seen as unrepresentative, unaccountable, or paralyzed by political divisions risks undermining public confidence in the UN and weakening its ability to mobilize support and resources for its work.¹²²

3. Call for political will and compromise among member states to achieve meaningful reform!

Achieving meaningful reform of the Security Council will require a renewed commitment to multilateralism, dialogue, and compromise among all member states. The current impasse in the reform process is not due to a lack of ideas or proposals, but rather to a lack of political will and flexibility on the part of key actors.¹²³ Member states must be willing to look beyond their narrow national interests and work towards a common vision of a more effective and representative Council that serves the interests of the international community.¹²⁴

This will require leadership, creativity, and perseverance from all sides. The permanent members of the Council have a special responsibility to lead by example and to use their influence to build consensus and overcome obstacles to reform.¹²⁵ The elected members of the Council, as well as the broader UN membership, must also be willing to engage constructively in the reform process and to make compromises in the interest of progress.¹²⁶

Civil society, academia, and the media also have an important role to play in mobilizing public opinion and putting pressure on governments to take action. By raising awareness about the need for reform and the stakes involved, these actors can help create a sense of urgency and

¹²⁰ EDWARD C. LUCK, UN SECURITY COUNCIL: PRACTICE AND PROMISE 115-19 (2006).

¹²¹ MALONE, *supra* note 6, AT 117.

¹²² FASSBENDER, *supra* note 2, AT 312-14.

¹²³ VON FREIESLEBEN, *supra* note 5, AT 1-2.

¹²⁴ KNIGHT, *supra* note 4, AT 240-41.

¹²⁵ LUCK, *supra* note 9, AT 134-35.

¹²⁶ NADIN, *supra* note 3, AT 118-19.

momentum for change.¹²⁷

Ultimately, reforming the Security Council is not an end in itself, but a means to a greater end: a more peaceful, just, and sustainable world. As the United Nations celebrates its 75th anniversary in 2020, member states have an opportunity to renew their commitment to the principles and purposes of the Charter and to work together to build a more effective and responsive system of global governance for the 21st century. The reform of the Security Council is a critical step in that direction, and one that we cannot afford to postpone any longer.¹²⁸

¹²⁷ BRIAN COX, UNITED NATIONS SECURITY COUNCIL REFORM: COLLECTED PROPOSALS AND POSSIBLE CONSEQUENCES 42-43 (2009).

¹²⁸ THE UNITED NATIONS, THE FUTURE WE WANT, FINAL DOCUMENT OF THE RIO+20 CONFERENCE, ¶ 77, U.N. DOC. A/CONF.216/L.1 (JUNE 19, 2012).