

The reform of the United Nations Security Council: between utopia and practice



By Imana CHOULI

ABOUT | A PROPOS

Imana Chouli is a Master 1 student in International and European Law at the Université catholique de Lille, specializing in Human Rights, Security and Development. She joined the Alumni in 2022.

Imana Chouli est étudiante en Master 1 Droit international et européen à l'Université catholique de Lille. Elle est spécialisée en Droits de l'homme, Sécurité et Développement. Elle a rejoint les Alumni en 2022.

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“So long as the Council remains unreformed, the whole process of transforming governance in other parts of the system is handicapped by the perception of an inequitable distribution of power”.

Kofi Annan¹

Here are the words of the former United Nations Secretary-General Kofi Annan. Indeed, his words are clear: the need to reform the Security Council is the key to *equitable distribution*.

But what in practice? Can the United Nations Security Council (UNSC) be reformed? And what are the solutions for equal state representation and participation?

The issue of reforming the United Nations Security Council (UNSC) is not a new one. It is brought up every year, particularly during times of crisis. The two primary concerns that are always discussed are the composition of the UNSC and the use of veto power.

193 Member states are part of the United Nations (UN). 15 member states composed the UN Security Council (UNSC) panel, among them only five get permanent seats with veto power. “The world has changed dramatically since 1945, and the Security Council must change, too” as Annan underlined. The veto power has been used 315 times since 1946. It shows the lack of effectiveness of the UNSC which seems to be an anesthetized and counterproductive organ.

¹ Kofi Annan 21 September 2006 Speech, « Need for Security Council reform is greater than ever”. Available here: <https://news.un.org/en/story/2006/09/193132>

The effectiveness and representativeness of the UNSC have thus been questioned, leading to calls for reform to better address the needs and concerns of all member states and to ensure “equitable geographical distribution”.

The structure of the UNSC is a product of history, which has led to the concentration of veto power in the hands of a few. Despite ongoing debates surrounding the reform, several potential solutions have been presented by states represented in the P5 and those that are not.

The United Nations Security Council historical composition: an inequitable state distribution

The "Executive Power" of the United Nations is an essential organ responsible for maintaining peace and security. It is crucial to understand the context of the creation of the UN and the UNSC to gain a better understanding of its specific composition.

The United Nations (UN) was created due to the failure of the League of Nations to prevent wars and maintain peace. In 1945, France, the United States, the United Kingdom, the USSR (Union of Soviet Socialist Republics) and the Republic of China (later on replaced by the People's Republic of China) were chosen as the five permanent members of the UNSC by the 50 signatories of the United Nations Charter in San Francisco. As the Allies were the winners of World War II, they played a proactive role in the creation of the Organization and were seen as being *the original members*² which allowed them to have a specific status: permanent seat within the UNSC.

Apart from the Permanent members, the Council also has 10 non-permanent member states elected by the General Assembly for a term of two years and after the increase of

² Chapter 2 of the United Nations Charter.

the membership from eleven to fifteen, two of the four members shall be chosen for a year term.³

The absence of African state representation is illustrative in that sense as most of the UNSC's resolutions between 2004 and 2014 were on African issues and 53% of 678 resolutions related to African topics without any representation of African UN members.⁴

The P5's monopoly: the veto power

Article 27 of the UNCH outlines the voting rules. The "affirmative vote" of member states refers to the controversial veto power. It is "an official power or right to refuse to accept or allow something" that is dedicated to the 5 Permanent Members (P5)⁵. This system was introduced at the Yalta Conference of 1945 between the USSR, the USA and the United Kingdom.

Consequently, the veto power is a "negative vote" used by the P5. As mentioned above, the veto power was used 315 times between 1949 and 2024 since the creation of the organization. The USSR/Russia used it the most, with 163 uses. The United States used it 87 times, the UK 30 times, China (PRC) 20 times and France 16 times⁶.

This number highlights a flaw in the UNSC, which appears to hinder the Council's ability to uphold peace and security. The situation in the Middle East, specifically the Palestinian question, serves as an example of this hindrance. Over the years, the USA has exercised its veto power 37 times on the matter of Palestine. However, since October 2023, the veto has been used three times, effectively blocking proposals for a humanitarian cease-fire

³ Article 23 of the United Nations Charter.

⁴ ACCORD, "United Nations Security Council Reform", OCTOBER 23, 2015. Available here: <https://www.accord.org.za/conflict-trends/united-nations-security-council-reform/>

⁵ Cambridge Dictionary, "Veto Power".

⁶ UN Peace Security Data Hub, "Security Council Data - Vetoes Since 1946". <https://psdata.un.org/dataset/DPPA-SCVETOES>

put forth by the Arab Emirates, Brazil⁷, Secretary-General Antonio Guterres's invocation of Article 99 of the UNCH⁸ and Algeria's latest draft resolution proposal⁹.

Considering the UNSC blockage, is it possible to reform the voting rules of Article 27?

Can the Charter be reformed? How to amend the UNCH?

Chapter XVIII of the UNCH deals with the charter amendments in articles 108 and 109. Article 108 is blatant as: "Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two-thirds of the members of the General Assembly and ratified by their respective constitutional processes by two-thirds of the Members of the United Nations, including all the permanent members of the Security Council. ». Here we see the importance of the UNSC. In the hypothesis of a reform of the Security Council, we can suppose that veto power will be used by the P5s. In practice, it seems to be impossible particularly if said provision concerns the veto power.

Out of five amendments to the UN Charter, the only one concerning the UNSC was the 1965 amendment, which expanded the number of non-permanent seats to 10 and officially divided those seats up into geographic regions. This "reform" implicitly impacted the UNSC non-permanent members' seats.

It is crucial to differentiate between amendment and reform, as their goals are not identical. To amend a text is to alter its wording, such as the one of 1963 entered into

⁷ UNSC, Draft Resolutions, S/2023/773 (18 October 2023). Available here:

<https://documents.un.org/doc/undoc/gen/n23/311/26/pdf/n2331126.pdf?token=ONGkhh5bnVluHU1iv&fe=true>

⁸ Letter available here:

https://www.un.org/sites/un2.un.org/files/sg_letter_of_6_december_gaza.pdf?gl=1*y02737*ga*OTI3NDg5NzM0LjE2Njk4MzUxNTg.*_ga_S5EKZKSB78*MTcwMTg5OTY5Mi44LjEuMTcwMTg5OTY5Ny41NS4wLjA.*_ga_TK9BQL5X7Z*MTcwMTg5OTY5My41MTMuMS4xNzAxODk5Njk2LjAuMC4w

⁹ UNSC, Draft Resolution, S/2024/173 (20 February 2024). Available here:

<https://documents.un.org/doc/undoc/gen/n24/045/82/pdf/n2404582.pdf?token=leabl83giL1XjHePmz&fe=true>

force in 1965 which extended the number of member states. However, to reform something in the realm of the law is to improve upon it and create a more effective and just system, disregarding past circumstances. The current articles of the Charter do not explicitly mention any reforms to the UN organs, indicating that there was no consideration for any evolution in the composition and voting procedure of the UNSC. Accordingly, the reform of the UNCH seems to be practically impossible¹⁰.

As some researchers proposed, the only solution to reconsider this system and use of the veto will be the establishment of a new charter. But the question is do states all agree on such change?

What are the positions of P5s concerning this change especially France's?

P5's opinion: France's position

France's position is constant and well-known. We want the Council to be more representative of today's world, in a way that further strengthens its authority, legitimacy and effectiveness. We must take into account the emergence of new powers that are willing and able to assume the responsibility of a permanent presence on the Security Council, and which, in accordance with the UN Charter, are in a position to make a significant contribution to the Council's action.

Nicolas de la Rivière¹¹

¹⁰ Tamsin Phillipa Paige, Mission: Impossible? Reforming the UN Charter to Limit the Veto, *Journal of International Peacekeeping*, 03 Aug 2022. Available here: https://brill-com.ressources-electroniques.univ-lille.fr/view/journals/joup/25/2/article-p187_007.xml?rskey=1WXU6T&result=1

¹¹ Permanent Representative of France to the UN at the UN General Assembly, November 16, 2023, Question of Equitable Representation on and Increase in the membership of the Security Council. Available here: <https://onu.delegfrance.org/we-need-to-reform-the-security-council>

France proposed to reform the United Nations Security Council (UNSC) in 2013. In 2023, France summed up its ideas in the “French Contribution on the Common Program of the UN Secretary-General and the New Agenda for Peace”, published in February 2023¹².

In this official document, France proposed three major points: to reinforce the collective security system authority, to modernize and to prevent strategic risks. Nevertheless, there are only two viable solutions regarding the composition and use of veto power within the UNSC.

First, it was proposed to enlarge the composition of the UNSC to make it more “representative” by reminding that it has been on the table since 1963. This idea refers to the enlargement of member states within the UNSC. As Permanent Representative Nicolas de la Rivière proposed last November, the Council must be enlarged to up to 25 members, including new permanent and non-permanent members. Therefore, France supports Germany, Brazil, India and Japan’s candidacies as permanent members. What about African countries? France simply highlights the need for a “stronger presence of African countries within the permanent members” without supporting any candidature. The remaining seats will be allocated to achieve geographical balance.

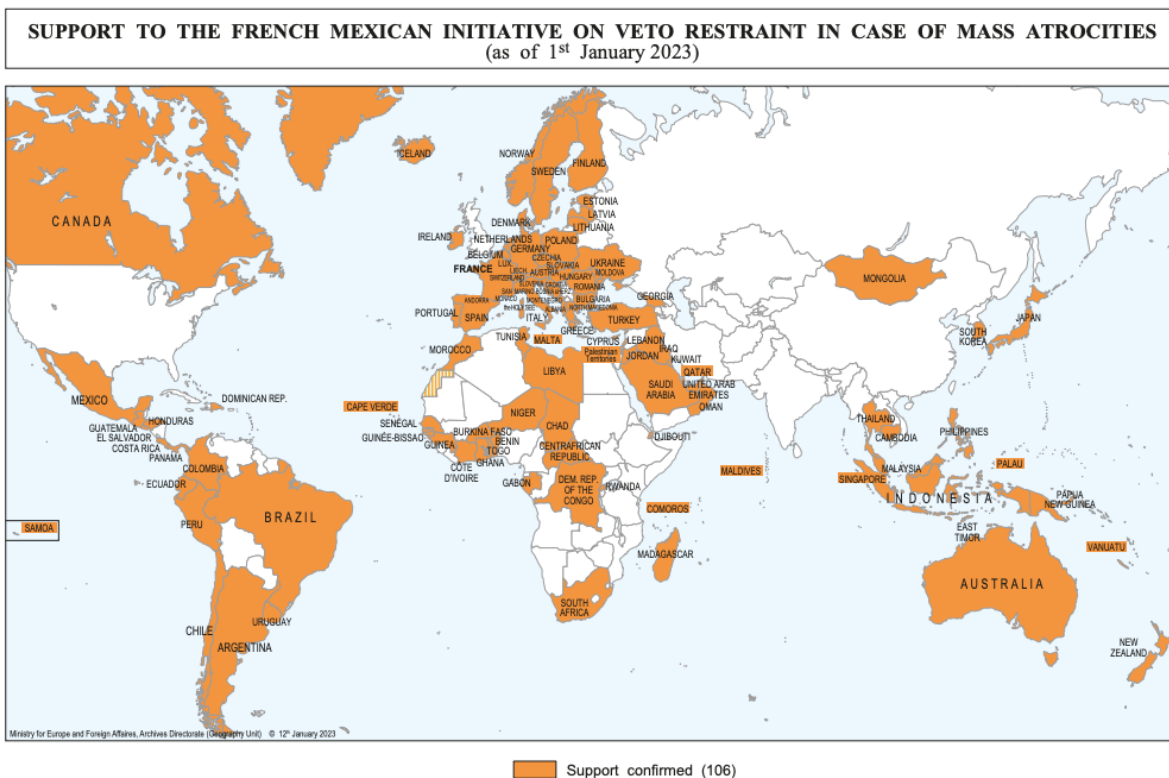
It is worth noting that the French proposal did not suggest the abandonment of the veto power, but rather aimed to offer a framework for its exercise. Along with Mexico, France suggested suspending the use of the veto by the permanent members in case of mass atrocities. It will only be based on self-restraint. 106 member states supported this proposal as of today¹³. As we ponder the matter, one may wonder whether P5 would adhere to such implicit norms.

In the document mentioned, France tried to “formulate concrete propositions” for the establishment of a control mechanism with a system like what Article 99 contains *i.e.* the

¹² Available here: <https://dppa.un.org/sites/default/files/france-fr.pdf>

¹³ Map available here : https://www.diplomatie.gouv.fr/IMG/pdf/veto_-_carte_des_106_soutiens_en_-05-06-23_cle01d6c9.pdf

power of the Secretary-General to bring to the attention of the Security Council *any matter which in his opinion may threaten the maintenance of international peace and security*¹⁴.



Some African countries supported the French-Mexican initiative on veto restraint in case of mass atrocities, but have they got the same claims?

¹⁴ Article 99 of the United Nations Charter.

Opinion of the States Less Represented: The African Union and the Ezulwini Consensus

Despite some seats as non-permanent members, African countries are less represented within the UN:

Africa is numerically significant at the UNSC: in 2018, over 50% of UNSC meetings, 60% of its outcome documents, and 70% of its resolutions with Chapter VII mandates concerned African peace and security issues. African states comprise nearly 28% of the UN's overall membership.¹⁵

As Sithembile Mbete¹⁶ underlines, two main arguments irrigated the consideration of African countries. First of all, the “historical injustice” as the Council is not representative of the international community: “Nations from the Global South make up more than two-thirds of the UN's membership, while the Security Council represents only 8 per cent of member states”.

Secondly, he mentioned the fact that “the nature of global threats and the definition of international security have changed dramatically since 1945”. Indeed, the UNSC does not respond entirely to new challenges as it does not represent all humanity.

Under the umbrella of the African Union (AU), the 55 African member states put forward “The Common African Position on the Proposed Reform of the United Nations” in March 2005: the “Ezulwini Consensus”¹⁷. In this plan, the AU dedicates an entire part to

¹⁵ Gustavo DE CARVALHO, Daniel FORTI, “Africa can become more influential in the UN Security”, Institute for Security Studies (ISS), 12 MAR 2020. Available here: <https://issafrica.org/iss-today/africa-can-become-more-influential-in-the-un-security-council>

¹⁶ Sithembile Mbete, “Africa”, in “ the UNSC Reform: what the world thinks”, Carnegie endowment for international peace, JUNE 28, 2023. Available here: <https://carnegieendowment.org/2023/06/28/un-security-council-reform-what-world-thinks-pub-90032#africa>

¹⁷ African Union Ezulwini Consensus, March 2005.

Available here: <https://old.centerforunreform.org/sites/default/files/Ezulwini%20Consensus.pdf>

“Institutional reform” of all major organs of the UN: the General Assembly, the Secretariat, the former ECOSOC, the Commission on Human Rights and the Security Council.

Concerning the Security Council, the states made clear their desire to recall that at the time of the creation of the UN, in 1945, most African states were not represented as under colonial rule. And added that “in 1963, when the first reform took place, Africa was represented but was not in a particularly strong position”. They continued by underlining that there are legitimate to propose such a reform.

In this plan, 5 major points were developed. Firstly, the necessary representation of Africa in all decision-making organs of the UN, and particularly within the UNSC. Secondly, they claimed full representation of Africa in the UNSC and asked for not less than two permanent seats with all the prerogatives and privileges of permanent membership including the right of veto; and five non-permanent seats. Thirdly, they claimed for the universal use of veto for all members of the Council. In the fourth place, they promoted the need for The African Union to be responsible for the selection of Africa's representatives in the Security Council.

And finally, the AU should choose the criteria on which African members will be chosen by taking into consideration the representative nature and capacity of those chosen.

But is this plan still active today? After persistent deadlock and no successful progress in agreeing on a single text during negotiations, the AU claimed again the same ideas 2 months later in June 2005 in the Sirte Declaration¹⁸. Still today, there is unanimity among AU member states on those two specific declarations. The example set by the Secretary-General's report of 10 September 2021, titled "Our Common Agenda," highlights the true essence of the 2005 African countries' ideas. The report incorporates some of the ideas from the Ezulwini Consensus, such as increased representation of African countries. All

¹⁸ African Union Sirte Declaration on the Reform of the United Nations of June 2005. Available here: <https://issafrica.s3.amazonaws.com/site/uploads/SUMDECLUNREF.PDF>

P5 members supported this move towards greater representation of African countries in the council. President Joe Biden also stated this view in his statement at the 77th General Assembly of 2022. However, it is crucial to remember that P5 members are still highly attached to their veto power, which is the exclusive right of the P5.

Conclusion: the UNSC reform, an impossible process?

As the two positions of France and the African Union show, different propositions have been put forward. In that sense, as researcher Alexandra Novosseloff explained “everybody seems to have a view on how the Security Council should be reformed. These disparate perspectives, however, typically reflect national or regional perspectives rather than implications for council decision-making”¹⁹.

To conclude, the UNSC reform seems to be utopic and impossible in a practical sense as the UNCH does not provide any provisions that will facilitate the adoption of a reform of the UNSC.

¹⁹ Alexandra Novosseloff, “France”, in “ the UNSC Reform: what the world thinks”, Carnegie endowment for international peace, JUNE 28, 2023. Available here: <https://carnegieendowment.org/2023/06/28/un-security-council-reform-what-world-thinks-pub-90032#africa>