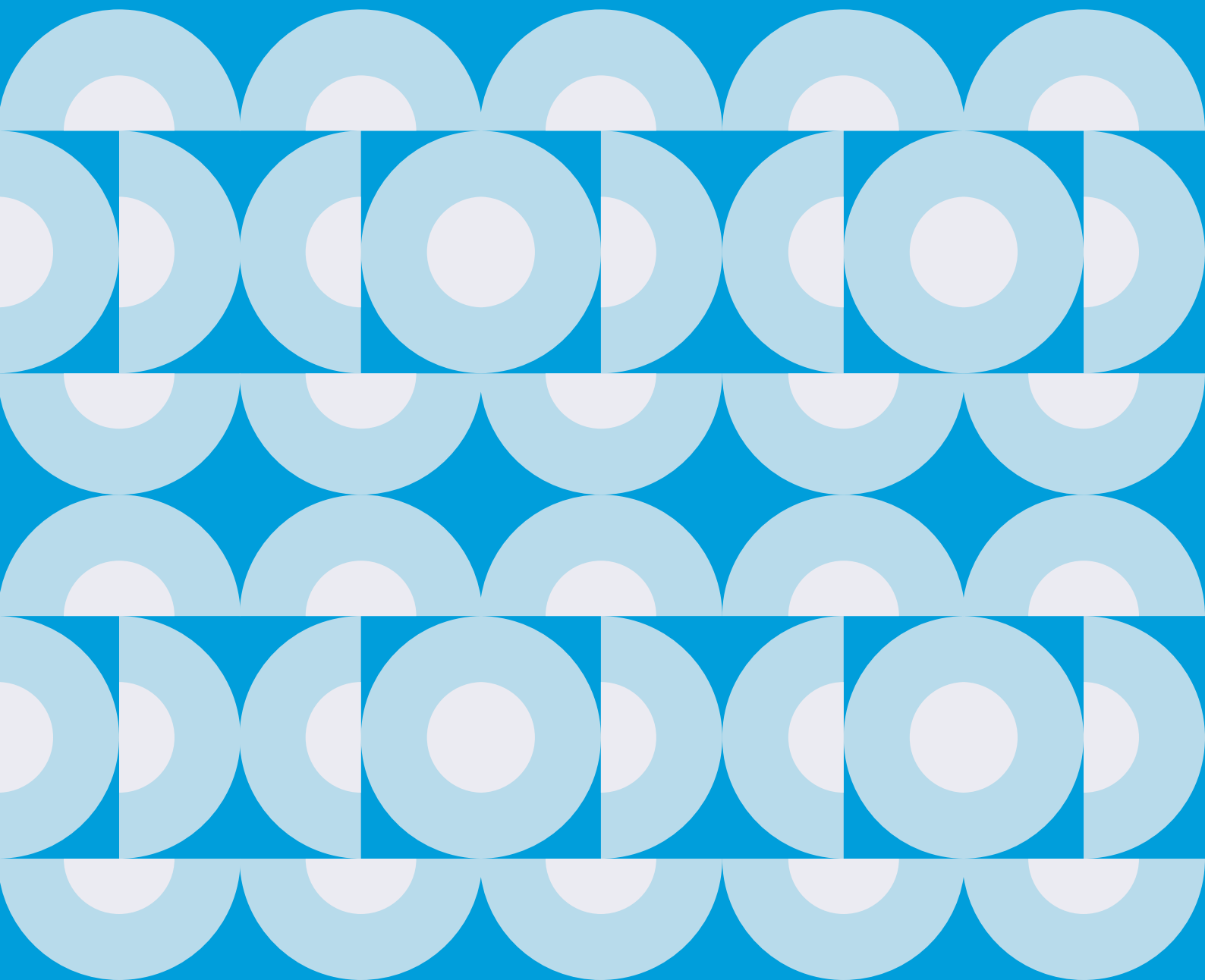


GRASPING THE NETTLE OF UN SECURITY COUNCIL REFORM: THE UNITING FOR CONSENSUS PROPOSAL

With contributions by
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1

Why do we need a reform of the United Nations Security Council?

The global security landscape has gone through a process of radical change in the last few decades, determined by a number of interconnected challenges. Social inequalities exacerbated by globalization, climate change, violent conflicts originating at national and regional level with wider geopolitical implications, and cyber crime – just to name a few – have produced new threats to international peace and security, which have been spreading unevenly across regions and countries. Most recently, the **COVID-19 pandemic and the Russian aggression on Ukraine have added to the mix as triggering factors of instability and uncertainty.**

Return of power politics
+
Lack of inclusiveness and representativeness
+
Deficit of expertise and resources
+
Use of force inconsistent with the UN Charter
=
Need to reform the UNSC

The multilateral system hitherto managed through the institutions created in the aftermath of World War II, and particularly through the United Nations (UN), is experiencing a twofold crisis. On the one hand, **the return of power politics as the dominant narrative in international relations** risks paralyzing global institutions and paving the way for a disorderly, multipolar order. This trend has manifested itself in the form of an intensification of economic competition, a renewed military adventurism by regional powers and a manipulation of multilateralism in the service of nationalist goals.

On the other hand, **the multilateral institutions have evidently failed to apply their founding values of inclusiveness and representativeness** and to involve new actors, both state and non-state. For example, the percentage of the UN Security Council's (UNSC's) membership compared with overall UN membership has progressively decreased to the current 7.8 per cent – and more than 70 UN members have never been members of the Security Council, demonstrating the Council's lack of representativeness towards the international community.

Moreover, the institutions have not always demonstrated that they have the right expertise and resources to address today's complex challenges. This has led to **gridlock and growing distrust on the part of governments and citizens.** In recent years, more than once, the United Nations have proved unable to exercise a decisive role in tackling security threats generated by violent conflicts, nuclear proliferation, democratic fragility or social upheavals. The Security Council's inaction in the face of Russia's aggression on Ukraine has provided an example of this tendency.

Above all, noting the limits of international diplomacy, **the use of force has not followed multilateral logics and has broken free from the fundamental principles enshrined in the UN Charter:** the prohibition of the threat and use of force in Article 2 para 4; individual and collective self-defence in Article 51; and the collective security system guaranteed by the Security Council in Chapter VII.

How to defend multilateralism?

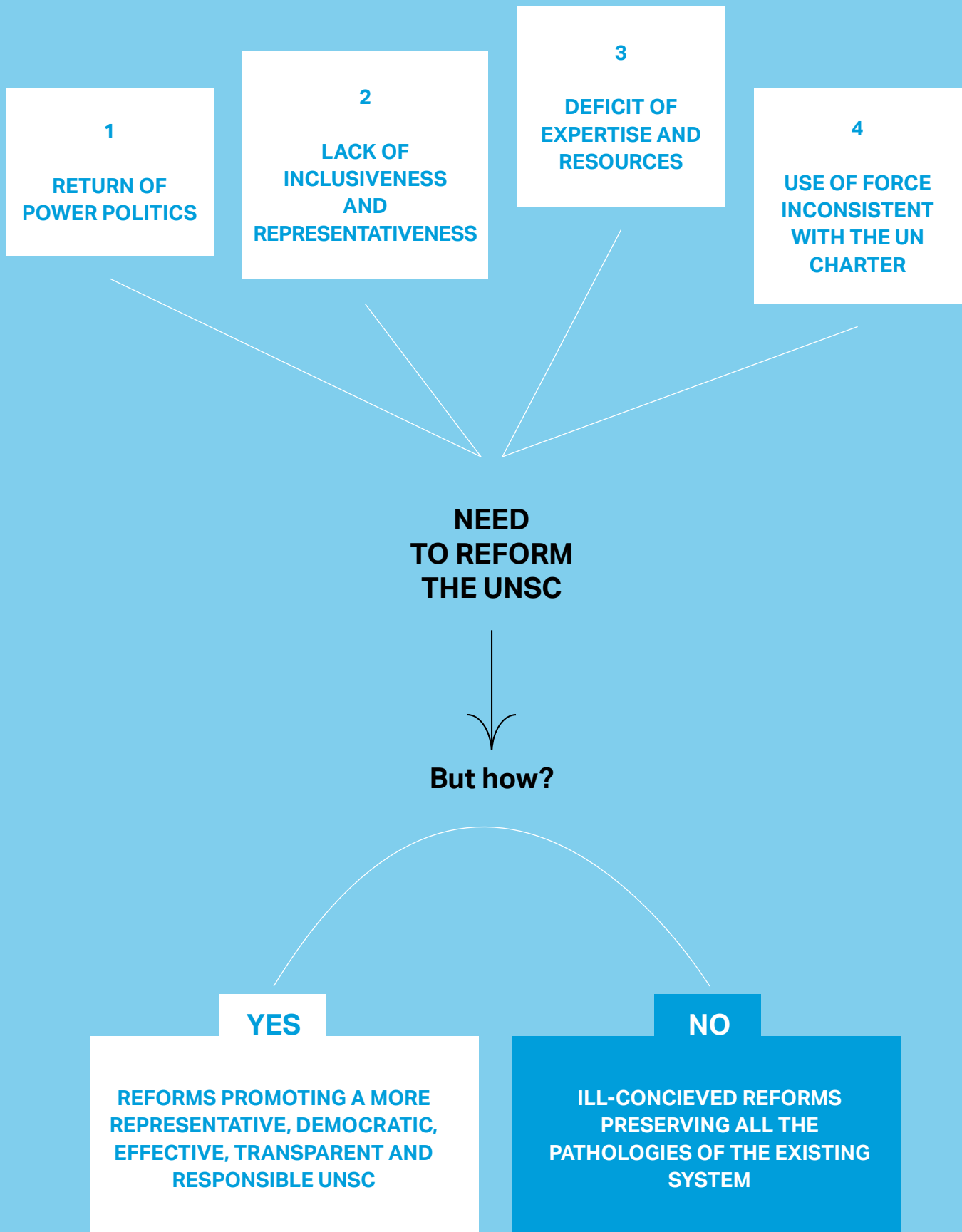
Defending multilateralism is crucial, but two important qualifiers need to be mentioned here: first, that doing so does not mean defending all the pathologies of the existing system; and second, that defending the principle of multilateralism also means a willingness to actively strive to improve those elements of the system that currently do not work. Therefore, **an ambitious reform agenda should be identified and implemented** with a view to restoring the UN's credibility – starting with its main body, the Security Council. At the same time, we must be aware that **ill-conceived reform of the UNSC would inevitably undermine the United Nations and global governance overall**. Any reform efforts should start by acknowledging that today's reality is different from 70 or even 15 years ago, and keep as a guiding principle the fulfilment of the mandate of the organization, without lending support to biased or partial claims by individual countries.

Some of the necessary reforms – including those pertaining to **the size of an enlarged Security Council, the categories of membership and the veto power of the permanent members** – would require, as per Article 108 of the UN Charter, an amendment to the Charter through a hard-won two-thirds majority in the UN General Assembly, including the permanent members of the UNSC. So far, repeated attempts have been undertaken in this direction – in particular, in the Inter-Governmental Negotiations held in New York since 2009 – but they have regularly failed.

Nevertheless, the debate at the UN is still alive and the 77th Session of the General Assembly in September 2022 saw renewed and widespread interest in the topic of reform, which is seen as increasingly urgent in the light of the international situation. In particular, the US, with President Biden's speech, reaffirmed its support for the increase of permanent and non-permanent seats to include African and Latin American and Caribbean countries.

The time seems ripe for a refreshing of the principles guiding reform and an overview of the different options on the table, with the objectives of enlarging the debate and generating consensus on the perspective of **a more representative, democratic, effective, transparent and responsible UNSC**.

Why do we need a reform of the UNSC?



2

Facing the stalemate, why not choose the most balanced and feasible reform?

Over the past three decades, a number of Security Council reform proposals have been defined, supported by different groupings of countries. Among them there is only one that does not include an increase in permanent seats and thus appears more easily viable. This is the proposal developed by a group of countries that goes by the name of **Uniting for Consensus**. **Uniting for Consensus (UfC)** is a group composed of Argentina, Canada, Colombia, Costa Rica, Malta, Mexico, Pakistan, San Marino, South Korea, Spain and Turkey – plus Italy acting as a “focal point”, and China and Indonesia as observers.

Since 2014, the UfC has proposed a compromise formula aimed at achieving a more effective, inclusive and fit-for-purpose Security Council consisting of 26 seats. In addition to the current 15 members (5 permanent and 10 non-permanent members), it advocates the creation of:

- ▶ 9 new long-term seats with immediate re-election possibility (now excluded) to be allocated to Africa (3), the Asia-Pacific region (3), Latin America and the Caribbean (2), and Western Europe and others (1).
- ▶ 2 additional two-year seats, 1 to be allocated to Eastern Europe and 1 rotating seat reserved for small states (with a population of less than 1 million) and Small Island Developing States (SIDS).

Pragmatism

#1

It is characterized by a pragmatic approach. This solution would allow for a potentially greater rotation in the Council of all UN member states while at the same time accommodating, including through immediate re-election, those countries aspiring to a permanent seat, which would be guaranteed longer terms on the Security Council. It has, therefore, the potential to gather much more support than other proposals – including those envisaging the creation of new permanent seats, which would inevitably become hostage to the cross-vetoes of current permanent members (the P5).

Flexibility

#2

The UfC proposal presents a high degree of flexibility: not only does it include different categories of members, it also allows the composition of the UNSC to adapt to the constant evolution of the global context. While the current configuration, including permanent members with veto rights, is a snapshot of the past balance of power, a renewed composition with non-permanent seats of diversified durations would guarantee the ability of the UNSC to mirror the complex and multipolar international order of the present and any future developments of that order.

Inclusivity

#3

This model benefits everyone, as it is inclusive. It ensures enhanced regional representation and establishes a fairer and more inclusive rotation system. Under the UfC proposal, all 193 member states would gain better access to the Security Council, especially those that are currently under-represented. If adopted, it would constitute an improvement for all:

- | | |
|---|---|
| ▶ Africa
3 → 6 seats | ▶ Western Europe
and others
2 → 3 seats |
| ▶ Asia-Pacific
2 → 5 seats | ▶ Eastern Europe
1 → 2 seats |
| ▶ Latin America
and the Caribbean
2 → 4 seats | ▶ Small States
and SIDS
1 new rotating seat |

Representation

#4

The UfC supports consensual and democratic reform of the Security Council. Its members are not interested in gaining new privileges for themselves but are committed to a reform that reflects all the voices and respects the rights and aspirations of all member states. In line with this approach, the UfC also pushes for reform that achieves the broadest possible support among member countries – more than the required two thirds of the General Assembly’s members.

Legitimacy and efficiency

#5

It combines increased legitimacy with efficiency. Broadening the privileges of a few by enlarging the number of permanent members would not serve the cause of a more democratic and legitimate Security Council. The current set-up of the Council not only risks condemning it to a perennial stalemate, leaving it powerless to act against major breaches of the UN Charter as in the cases of Libya, Syria, Ukraine and beyond. It is also very difficult to sell to public opinion. The UfC model aims at limiting the use of the veto – including, but not limited to, cases of mass atrocities and war crimes.

Accountability and transparency

#6

It strengthens accountability and transparency. The UfC proposal rejects the creation of new permanent, non-elected members in favour of non-permanent, elected members who can be held accountable to the entire UN membership. Non-permanent members have been the main drivers of change at the Security Council, introducing priority files such as women, peace and security, climate and security, small and light weapons, and the debate on regional organizations. Moreover, they are often the most relevant troop contributors to UN missions. In order to make the accountability of countries that sit on the Security Council more evident, the UfC suggests considering their contribution to the UN not only on the basis of quantitative aspects like gross domestic product (GDP), population and financial contributions but also taking into account qualitative criteria.

Enhancing regional governance

#7

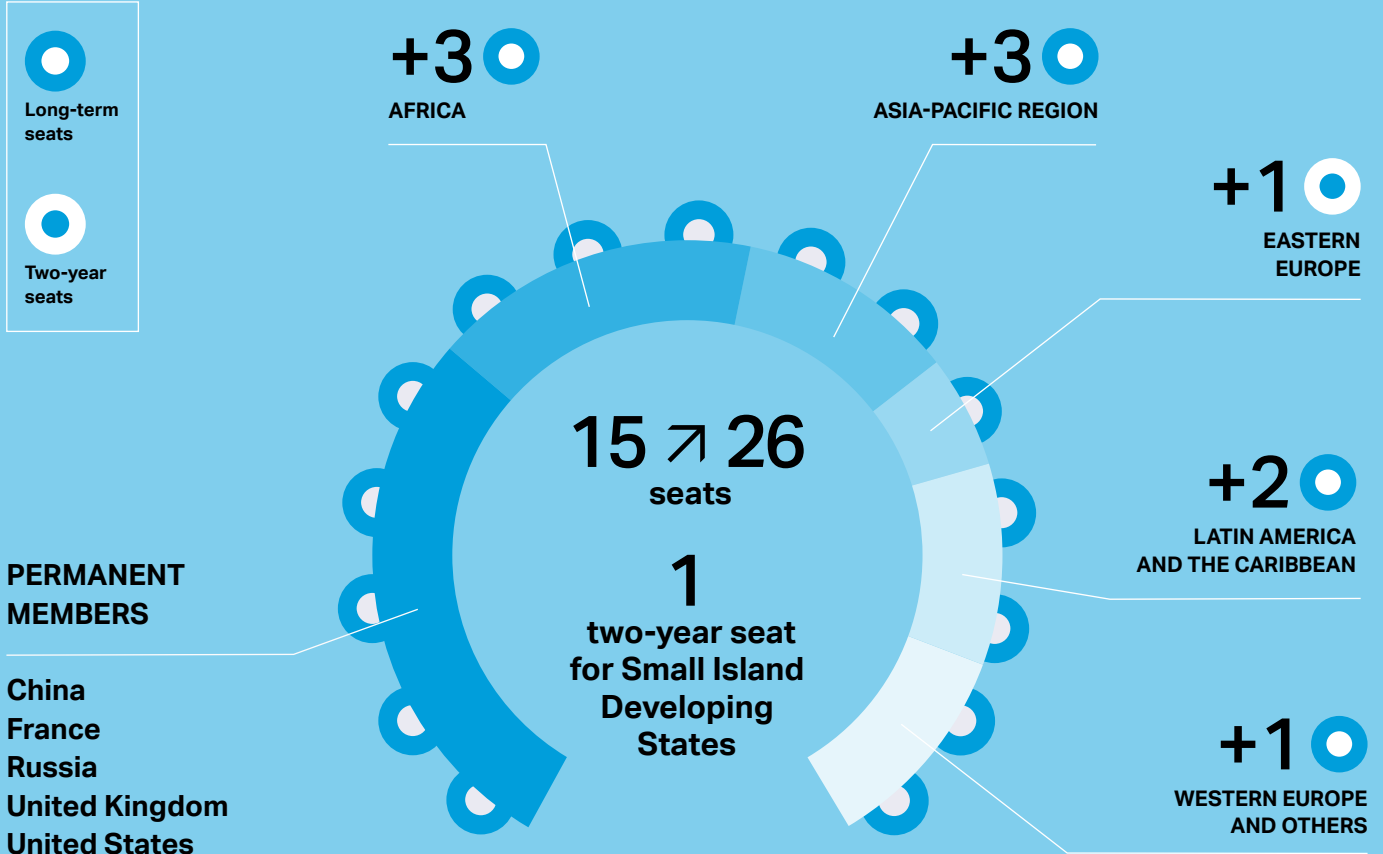
The UfC also presents innovative characters – in particular, when it comes to the regional dimension. The UfC recognizes that some regional and sub-regional organizations – with the European Union (EU) at the forefront – have reached remarkable levels of integration and acquired increased competences on behalf of their member states. As such, they need to be considered both as players in the global order and as building blocks of multi-level global governance. Moreover, they are often better equipped to provide effective solutions to current transnational challenges than are state actors, and are often the driving forces behind UN peace and security efforts. Therefore, the UfC envisions a Council that is more regionally representative.

Impactful membership

#8

It meets the expectations of the likely aspirants to membership of tomorrow, in particular UN members from under-represented regions and small and mid-sized countries. UfC offers these countries the possibility of a real representation in the next decades. In fact, an enlargement of the Council based on the expansion of non-permanent seats is the best guarantee for them to both gain access and to influence outcomes, which would be inevitably hampered by any reform based on new permanency.

The UfC proposal for the United Nations Security Council reform



3

Why are many reform scenarios problematic?

The foregoing provides clear evidence of the widespread interest of member states in promoting Security Council reform, but also of the difficulties that remain with respect to achieving this objective. Divergent views persist among member states on at least three points: **categories of membership, the right of veto and regional representation.**

"Proposals centred on the addition of permanent seats risk leading to a reformed Council that will be less transparent, democratic, representative or accountable"

#1

As far as **membership categories** are concerned, there is general consensus on the increase of two-year-term non-permanent members. Proposals to allow non-permanent members to hold consecutive two-year terms or to introduce longer-term non-permanent seats are also receiving growing support.

Proposals centred on the addition of permanent seats risk leading to a reformed Council that will be less transparent, democratic, representative or accountable. In fact, since the new permanent members will not have to face elections they will expand the “club” of the privileged, making access to the Security Council even more difficult for other countries in under-represented regions, and they will be ultimately accountable only to themselves.

In addition, **having more permanent seats means devaluing the role of non-permanent seats and reducing the credibility of the Security Council's actions**, with possible negative spill-over effects regarding the implementation of its decisions by the UN member states.

Overall, these proposals seem to be highly focused on numbers and process – thus neglecting **the essential element of the quality of the new members, and the need to meet strict criteria to sit on the Council.**

On top of everything else, **these proposals have very little chance of passing**, as they will probably be opposed by the P5 and would most likely serve the purpose of perpetuating the status quo.

"Expanding veto rights to new permanent members would undermine the effectiveness of the Council's work"

#2

On the question of **the right of veto**, there are several options ranging from its abolition to a significant limitation of its scope and use, passing through its extension to possible new permanent members as long as it exists. Obviously, this issue plays a pivotal role in the negotiation process. **The accountability of the Security Council to the community of member states would be further jeopardized without limitations on the use of veto** in some cases (crimes of war and against humanity, genocide) or the possibility that the General Assembly rejects the veto by a large majority. Moreover, **expanding veto rights to new permanent members would undermine the effectiveness of the Council's work**, as the possibility of blocking its action through the exercise of this power would grow.

"Regional empowerment and rebalancing would be better ensured through an increase in non-permanent seats, including those with a longer mandate"

#3

Finally, the issue of **regional representation** is still very much contested. At the moment, we can underline the widespread consensus on the need to improve the representation of some regional groups that up to now have been under-represented or not represented at all.

But **permanent members represent primarily themselves, not the region or the continent that they belong to. Moreover, they are regional powers that can potentially inject centrifugal forces into the respective regions** or regional organizations, thus weakening even further the agency of these organizations at the UN.

On the contrary, regional empowerment and rebalancing would be better ensured through an increase in non-permanent seats, including those with a longer mandate.

Reforming the UNSC other proposals

	ACCOUNTABILITY, COHERENCE AND TRANSPARENCY GROUP AND NON-ALIGNED MOVEMENT	AFRICAN GROUP	CARICOM	GROUP OF 4	GROUP OF ARAB STATES	L69 GROUP
PERMANENT MEMBERS		Demands 2 permanent seats with veto power.	Proposes that new seats are attributed to Africa (2), Asia (2), Latin America and the Caribbean (1) and WEOG (1).	Demands permanent seats for Brazil, Germany, India and Japan.	Includes all the members of the League of Arab states. Demands permanent Arab seat with full rights.	Supports 2 additional permanent seats for Africa, 2 for Asia, 1 for Latin America and Caribbean, and 1 for the WEOG.
NON-PERMANENT MEMBERS		Demands 5 non-permanent seats.	New non-permanent members should be allocated as follows: Africa (2), Asia (1), Eastern Europe (1), Latin America and the Caribbean (1), SIDS across all regions (1).	Proposes 6 new non-permanent seats.	Demands proportionate Arab representation among non-permanent members.	Calls for 16 non-permanent seats to be distributed between Africa, Latin America and Caribbean, Asia-Pacific, Eastern Europe.
VETO	Proposes to limit the right of veto in decisions falling under Chapter VII of the Charter.	Supports the abolition of the right of veto in principle, but as long as it exists, they insist that all permanent members should maintain access to it.	Calls for veto limitation on matters falling under Chapter VII of the Charter and its prohibition in decisions concerning war crimes and crimes against humanity, genocide and other serious violations of international law. The ultimate goal is the definitive abolition of the right of veto.	The G-4 emphasizes that new permanent members should have the same responsibilities and rights, including the right of veto, as the current permanent members.	Supports the abolition of the right of veto in principle, but as long as it exists, they insist that all permanent members should maintain access to it.	The L69 Group is in favor of abolishing the right of veto. However, like other groups, it believes that until this goal is achieved, all permanent members must have the same prerogative and privileges.

