Ukraine and the Case for Recomposing the UN Security Council

By Michael Ambühl, Nora Meier, and Richard Ponzio - 17 April 2023

🔒 CONFLICT AND SECURITY (/ARTICLES/BROWSE/SUBJECT/LIST/17)

Michael Ambühl, Nora Meier, and Richard Ponzio call for a group of enlightened countries with civil society support to boldly push for overdue reforms to the ineffectual council.

For more than a year, Russia's brutal war against Ukraine reveals starkly the UN Security Council's (UNSC) inability to act against a veto-wielding Council member. Established to maintain international peace and security, the Council has failed to live up to its primary responsibility. Perhaps even more unsettling is that the aggressor in this war continues to enjoy a privileged position in this body. Reforming the UNSC (https://www.un.org/en/ga/screform/) to make it fairer and more representative can tackle these two severe shortcomings.

The war against Ukraine provides an opportunity for collective security system reform. History is replete with examples of global structural changes spurred by major wars: the establishment of the principle of sovereign equality of states after the Thirty Years War (1648); the introduction of a new balance of power system after the Napoleonic wars (1815); and the founding of both of the League of Nations (1919) and the United Nations (1945) in the aftermath of World War I and II. In seizing political momentum today, UN Secretary-General Guterres' "New Agenda for Peace (https://dppa.un.org/en/new-agenda-for-peace)", anticipated this June, could mobilize a coalition of like-minded countries and civil society organizations to engender meaningful Council reforms in the run-up to the September 2024 Summit of the Future in New York (https://www.un.org/en/common-agenda/summit-of-the-future#:~:text=Having%20welcomed%20the%20submission%20of,will%20take%20place%20this%20year.).

Attempts at reform are not new, but they have, thus far, concentrated on procedural changes (https://www.justsecurity.org/83310/the-united-nations-in-hindsight-long-winding-road-to-security-council-reform/) not requiring Charter amendment. This includes increasing transparency in the UNSC's working methods and incorporating an obligation of the five permanent members (P5) to justify the use of their veto before the General Assembly. Of mainly a cosmetic nature, they offer an opportunity for the P5 to show goodwill without having to accept profound changes to their status or power. Though well-intentioned, by failing to address the Council's underlying problems, reforms of this type paradoxically lead to a consolidation of the largely dysfunctional status quo.

Steps toward addressing the Security Council's composition, on the other hand, wield the potential to improve substantially the body's functioning. Specifically, we propose changes to the number of Council members, its composition, and how its decisions are reached.

First, we recommend increasing the number of permanent members from 5 to either 7 or 9, while maintaining equal rights for all. Simultaneously, we would expand the circle of non-permanent members from 10 to 16, distributed equitably among regional groups.

Second, a combination of population size, GDP, and a country's UN financial contributions should serve as a new set of objective criteria for permanent membership. In case of 7 permanent seats, and assuming a reasonably balanced weighting of these factors, China, India, and the United States would be set. Russia, on the other hand, would not pass the "criteria test." Its population, economy, and contributions to the UN's coffers are far too small! Only if the number of nuclear warheads was added as a criterion (https://www.aljazeera.com/news/2023/3/25/russias-nuclear-arsenal-how-big-is-it-and-who-controls-it) would Russia stand a chance – yet, such a criterion would represent an odd incentive for a peace organization.

If every regional group is to be represented in the Security Council with at least 1 permanent seat, then it would arguably make more sense to have 9 permanent members, allowing for more leeway per region. Under this regional condition, Russia would obtain a permanent seat, and for the first time the African states would also be represented in the club of permanent members, likely with Nigeria – together with China, the United States, and Brazil as the other 3 regional representatives. States like Germany, India, Japan and the UK would likely fill the remaining 4 spots.

Third, adopted Council decisions should require the consent of two simple majorities: at least 4 permanent and 12 non-permanent members in the case of P7 / 23 and at least 5 permanent and 13 non-permanent members in the case of P9/ 25 seats. This way, the "right of veto" would in a certain way be upheld, yet severely weakened. Continuing the unanimity rule of the permanent members, while expanding their membership, would increase the risk of deadlock in the Council.

Security Council reform with these three elements requires Charter amendment, a far from easy process. Simple to be initiated, amendments to the Charter (https://www.un.org/en/about-us/un-charter) first need to secure two majorities (through Charter Articles 108 or 109): one in the General Assembly (two-thirds) and one in the Security Council (any nine of the Council's fifteen members). Admittedly, these are high hurdles to transcend. Nevertheless, they are, in principle, surmountable.

What many UN observers view as insurmountable is the high expectation that permanent members would employ their veto authority to block ratification of any proposed changes. Should this assumption of failure prevent an attempt at reform? No. It cannot be reason enough not even to try.

If proposals are rejected, they must be brought forward again later, as with referendums in Switzerland (https://www.economist.com/the-economist-explains/2021/06/17/how-does-switzerlands-referendum-system-work), where issues are often rejected multiple times before voters approve them through a deliberative process. What is needed now is a group of enlightened countries with civil society support (https://c4unwn.org/global-futures-forum/) to boldly push for overdue reform. And should the United States – the leading world power and a P5 member – back them up, it would demonstrate genuine leadership for effective and fair global governance.

In light of Russia's aggression against Ukraine (https://docs.google.com/spreadsheets/d/1-00GYhN4KJVg-ZI2wy0VABzwB-fVfeHc1rUWAjiKijs/edit?pli=1#gid=0) and the continued spike in political violence over the course of the past decade (https://www.worldbank.org/en/topic/fragilityconflictviolence/overview), we call for changes in the Security Council to increase its legitimacy and impact, while weakening the misused veto power of the UNSC's permanent members. The twin advantages of our proposal are the commitment to largely retain current structures, while precluding a single state from impeding the Council in fulfilling its maintenance of international peace and security mandate. Though ambitious, this reform program is consistent with the Charter. Ultimately, it is in the world's best interest.

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