

## REFORMING THE UNITED NATIONS SECURITY COUNCIL

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### ABSTRACT

*The Security Council of the United Nations (UN) has long been unable to effectively discharge its duties under the UN Charter to maintain international peace and security. Its composition is problematic; it has revealed itself to be entirely inappropriate in terms of democracy and representation and it no longer responds to power dynamics in the international community. The UN General Assembly recognises the problem as it stated in Decision 74/569 of 31 August 2020. And several UN members have grouped together to provide alternative proposals for a reform of the Security Council. This article evaluates the most relevant submissions to the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters*

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*Related to the Security Council and submits a hybrid proposal that, incorporating the more salient features from the rest, should – the article argues – garner the widest possible political acceptance by members.*

## I. INTRODUCTION

This article evaluates the most relevant proposals on the reform of the Security Council. The basis for the article is General Assembly Decision 74/569 of 31 August 2020, which reaffirms “the central role of the General Assembly concerning the question of equitable representation on and increase in the membership of the Security Council and other matters related to the Security Council”,<sup>1</sup> and also General Assembly Resolution 48/26 of 3 December 1993, which establishes an 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 (Open-ended Working Group). The purpose of the article is to assist diplomatic initiatives to enhance the efficiency of the Security Council in view of the substantial growth in UN membership (from 51 members in 1945 to 193 members in 2011) as well as recent fluctuations in the dynamics of international relations. Towards that purpose, the article considers the key issues identified by General Assembly Decision 62/557 of 15 September 2008 regarding Security Council reform: categories of membership, the question of the veto, regional representation, size and working methods, and relationship between the Security Council and the General Assembly.<sup>2</sup>

### A. Context and Background

The internal structure of the UN was set with the UN Charter of 1945, the year of its establishment. There is no doubt that the dynamics of the international community have changed and evolved since then; nevertheless, the UN system has rarely been updated to better face the challenges to the post-1945 world order that have appeared throughout the last few decades.<sup>3</sup> At the core of the UN is the Security Council. In the exercise of its “primary responsibility for the maintenance of international peace and security” under Article 24.1 of the UN Charter, the Security Council has the competence to “determine the existence of any threat to the peace, breach of the peace, or act of aggression” under Article 39 also of the UN Charter. Accordingly, the Security Council is the executive organ of the UN. As it stands, it is an organ with many problems. Put as questions, the two major problems are, as General Assembly Decision 74/569 of 31 August 2020 states, the question of

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1. G.A. Dec. 74/569, U.N. Doc. A/74/49 (Vol. III) (Sept. 15, 2020); G.A. Draft Dec. 74/569, U.N. Doc. A/74/L.88 (Aug. 31, 2020).

2. *Security Council reforms must reflect 21st century realities, says UN Assembly President*, UNITED NATIONS: UN NEWS- GLOBAL PERSPECTIVE HUMAN STORIES (Jan. 26, 2021), <https://news.un.org/en/story/2021/01/1082962>.

3. Ville Lättilä & Aleksy Ylönen, “United Nations Security Council Reform Revisited: A Proposal” (2019) 30(1) *Diplomacy & Statecraft*.

equitable representation of the membership of the Security Council and the question of increase in the membership of the Security Council.<sup>4</sup> The five permanent members of the Security Council (Permanent Five) do not necessarily align with current power distributions, nor do they equitably represent the world's population.<sup>5</sup>

Another problem is the working methods and, more particularly, that each of the Permanent Five holds the power to veto any decision of the Security Council on non-procedural matters, as, under Article 27.3 of the UN Charter, they can only be made “by an affirmative vote of nine members including the concurring votes of the permanent members”.<sup>6</sup> Although, further to Article 2.1 of the UN Charter, the UN is based “on the principle of the sovereign equality of all its Members”, the fact that its most powerful organ has a lack of democratic quality undermines the legitimacy of this provision.<sup>7</sup> However, none of the Permanent Five are open to relinquish this privilege.

All of the proposals deal with the questions of equitable representation of and increase in the membership of the Security Council with a focus on regional representation. Some of the proposals also offer possible answers to the question of the veto. Nevertheless, despite the efforts of the Open-ended Working Group, to date, the Security Council remains in design largely as it was established.

#### *B. Equitable Representation of the Membership*

The first question is equitable representation of the membership of the Security Council. The Security Council is composed of five permanent members (the United Kingdom, the United States, Russia, China and France) and ten two-term, rotating non-permanent members. The decision to give permanent membership status to the states which won the Second World War was an attempt to replicate the international power dynamics at the time of the UN's foundation. However, these dynamics have since changed. France and the United Kingdom have lost their colonial empires, and other powers have appeared in the international community, such as Brazil and India.<sup>8</sup> The dynamics of the international system have changed, and so the dynamics of the Security Council too need to change.

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4. G.A. Draft Dec. 74/569, *supra* note 1.

5. Martin Binder & Monika Heupel, *The Intricacies of UN Security Council Reform*, 63 SURVIVAL: GLOBAL POLITICS AND STRATEGY 63 (2021).

6. Amitav Acharya & Dan Plesch, *The United Nations: Managing and Reshaping a Changing World Order*, 26 Global Governance: A Review of Multilateralism and International Organizations 221, 232 (2020).

7. Lättilä & Ylönen, *supra* note 3.

8. *Id.*

### C. Increase in the Membership

The second question is increase in the membership of the Security Council. When the UN was established, only 51 states entered the organisation. As of today, the UN counts with 193 members, an exponential increase.<sup>9</sup> Some regions of the world are overrepresented in the Security Council, such as the Western European and Others Group, which counts with three permanent members and two non-permanent members; while others are underrepresented, such as the Latin American and Caribbean Group, which just counts with two non-permanent members.<sup>10</sup> Even though the membership of the Security Council was increased once in 1963 from 11 to 15 members, the majority of reform proposals seek a greater increase in the number of members.<sup>11</sup>

### D. Question of the Veto

The third question is the veto mechanism of the Security Council, which is effective by anyone permanent member. This question is not contemplated in General Assembly Decision 74/569 of 31 August 2020, which acts as the reference for proposals to reform the Security Council. However, it is one of the questions that most concerns the majority of UN members. The veto was designed to safeguard the interests of the Permanent Five. With its introduction, the UN Charter was virtually ensuring the full and constant participation of the Great Powers in all key decisions of the organisation.<sup>12</sup> Several proposals have been made to reform the veto power such as the one made by France in 2013, which called for the suspension of the veto in cases of war crimes, crimes against humanity and genocide.<sup>13</sup> Despite the support that this proposal received from many UN members, the veto power is unlikely to change due precisely to the desire of the Permanent Five to retain it.<sup>14</sup>

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9. *Growth in United Nations membership*, UNITED NATIONS: PEACE, DIGNITY AND EQUALITY ON A HEALTHY PLANET (2021), <https://www.un.org/en/about-us/growth-in-membership>.

10. *Security Council Must Expand, Adapt to Current Realities or Risk Losing Legitimacy, Delegates Tell General Assembly amid Proposals for Reform*, UNITED NATIONS: MEETINGS COVERAGE AND PRESS RELEASES (Nov. 25, 2019), <https://www.un.org/press/en/2019/ga12217.doc.htm>.

11. Dagny Baleson, *United Nations Security Council Reform: Why Is It So Hard?*, at 30-32 (Dec. 2020) (M.A. thesis, Stellenbosch University) (on file with SUNScholar Research Repository).

12. Peter Nadin, *United Nations Security Council 101*, UNITED NATIONS UNIV. (Apr. 24, 2014), <https://unu.edu/publications/articles/united-nations-security-council-101.html>.

13. *Reforming the UN Security Council*, TOGETHER FIRST (2020), [https://una.org.uk/sites/default/files/0008499\\_TFR\\_UN\\_FINAL.pdf](https://una.org.uk/sites/default/files/0008499_TFR_UN_FINAL.pdf).

14. Peter Nadin, *Vision 2020: A Discussion of UN Security Council Reform*, UNITED NATIONS UNIV. (Aug. 23, 2014), <https://ourworld.unu.edu/en/vision-2020-a-discussion-of-un-security-council-reform>.

## II. PROPOSALS

Having outlined the questions posed by the General Assembly to inform the reform of the Security Council, the article will now synthesise the most relevant proposals, analysing the principal changes that they each would bring, the main supporters that they each have and the likelihood that they each have of coming into force. It is necessary to remember that, under Article 108 of the UN Charter, reform proposals can only come into force “when they have been adopted by a vote of two thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations, including all the permanent members of the Security Council”.<sup>15</sup>

### A. Secretary-General Kofi Annan’s Proposals

Just before Secretary-General Kofi Annan called for the 2005 World Summit, he presented two models (Model A and Model B), which proposed two alternative reforms of the Security Council. These models were intensely discussed at the time but they were never implemented.<sup>16</sup> However, due to their relevance and their completeness, they still present a possibility for reform.

#### 1. Model A

Model A proposed an enlargement of the Security Council to 24 members by adding six new permanent members with no veto power and 13 new non-permanent members with a two-year term.<sup>17</sup> The panel identified four regional areas, different from the regional groups customarily referred to: Africa, Asia and Pacific, Europe and the Americas. From the six new permanent seats, one would go to Europe, two to Asia-Pacific, one to the Americas and two to Africa. From the 13 new non-permanent seats, four would go to Africa, three to Asia-Pacific, two to Europe and four to the Americas.<sup>18</sup> Although this reform would assure that every regional area counted with six members within the Security Council, the African group would be left without the right to veto.

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15. *Reform of the United Nations Security Council – Questions and Answers*, GER. FED. FOREIGN OFF. (last visited Mar. 2, 2022), <https://www.auswaertigesamt.de/en/aussenpolitik/internationale-organisationen/vereintenationen/reformsfragen/231618>.

16. U.N. Secretary-General, *In Larger Freedom: Towards Development, Security and Human Rights for All*, ¶ 170, U.N. Doc. A/59/2005 (Mar. 21, 2005).

17. U.N. Secretary-General, *A More Secure World: Our Shared Responsibility, Report of the High-Level Panel on Threats, Challenges and Change*, ¶ 252, U.N. Doc. A/59/565 (Dec. 2, 2004).

18. Yehuda Z. Blum, *Proposals for UN Security Council Reform*, 99 AM. J. INT’L L. 632, 640-41 (2005).

This model is an attempt at equitable representation, since Secretary-General Annan gave the same number of seats to every regional area. However, as there are no defined parameters about what equitable means, it is not clear whether this distribution could be the fairest possible one. What is clear is that it did not convince every member. It did not account for the number of inhabitants within each area or the total gross domestic product of the economies that each area encompassed. Annan just gave the same number of seats to every group. Of concern too is the fact that the African group remained as the sole group without the right to veto; the Permanent Five were not willing to share their veto power with the new permanent members.<sup>19</sup> The main problem here is that, instead of proposing a solution that brought both perspectives to a common ground, Model A just left the new permanent seats without veto.<sup>20</sup>

## 2. Model B

Model B focused on providing a more effective membership formula than Model A.<sup>21</sup> This model does not add more permanent seats; instead, it recommends the creation of a new category of membership consisting of eight new renewable seats and one non-renewable one.<sup>22</sup> The period for the first eight seats would last four years and would be subject to renewal, while the last seat would serve for a period of two years and would not be subject to renewal.<sup>23</sup> The main differences to Model A are two in number. First, Model B does not change the permanent membership of the Security Council. Second, it creates a new category composed of eight four-year renewable-term seats which would be distributed equally among the four regional areas, that is, two seats for each. Finally, by creating a new two-year non-renewable-term seat, the distribution of this membership would allow four seats to Africa, three seats to the Americas, three seats also to Asia and one seat to Europe.<sup>24</sup>

This arrangement would mean that, by regional areas, Europe would count with two permanent seats with right to veto, two four-year non-permanent renewable-term seats and a two-year non-permanent non-renewable-term seat, giving it a total of five seats. Africa would count with no permanent seat with right to veto, two four-year non-permanent renewable-term seats and four two-year non-permanent non-renewable-term seats, giving it a total of six seats. Asia and the Pacific would count with two permanent seats with right to veto, two four-year non-permanent renewable-

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19. Nadin, *Vision 2020: A Discussion of UN Security Council Reform*, *supra* note 14.

20. See Baleson, *supra* note 11, at 33-34.

21. Peter Nadin, *United Nations Security Council Reform*, UNITED NATIONS UNIV. (Sep. 12, 2014), <https://unu.edu/publications/articles/united-nations-security-council-reform.html>.

22. U.N. Secretary-General, *A More Secure World*, *supra* note 17, ¶ 253, [https://www.un.org/peacebuilding/sites/www.un.org/peacebuilding/files/documents/hlp\\_more\\_secure\\_world.pdf](https://www.un.org/peacebuilding/sites/www.un.org/peacebuilding/files/documents/hlp_more_secure_world.pdf).

23. Baleson, *supra* note 11 at 34, 68.

24. Blum, *supra* note 18, at 641.

term seats and three two-year non-permanent non-renewable-term seats, giving it a total of seven seats. Finally, the Americas would count with one permanent seat with right to veto, two four-year non-permanent renewable-term seats and three two-year non-permanent non-renewable-term seats, giving it a total of six seats.<sup>25</sup>

Model B, compared to Model A, gives more emphasis to the issues of equitable representation and veto power. It clearly tries to manage the problem of the veto by creating new non-permanent renewable-term seats.<sup>26</sup> It is a way of giving growing powers within each region the possibility of being more involved in the decision-making process of the Security Council without putting them at the same level as the Permanent Five. By doing this, Annan wanted to ensure the support of the Permanent Five.<sup>27</sup> Nevertheless, it is not a solution to the ultimate problem, namely, that Africa remains, under this model too, as the only regional area without the right to veto.

### B. G4 Proposal

On the argument that the current membership of the Permanent Five does not represent the contemporary power dynamics within the international system, the G4 states — made up by Germany, Japan, India and Brazil — proposed a new reform of the Security Council through which they would become new permanent members. They believe that the Security Council, as the most powerful organ of the UN, should reflect the relevance of growing state actors.<sup>28</sup> Japan and Germany are some of the largest financial benefactors of the UN while Brazil is the state with the fifth largest land area and India has the second largest population in the world.<sup>29</sup> By acquiring permanent membership of the Security Council, these states believe that the organ would redress its lacking representation and legitimacy.

The G4 proposal is embodied in Draft Resolution A/59/L64 of 6 July 2005. It calls for the creation of six new permanent seats, distributed as follows: four for the G4, one to each member, and two for Africa though with no clear owner.<sup>30</sup> This proposal also envisions the creation of four more new non-permanent non-renewable seats, one for Asia, Africa, Latin America and Eastern Europe, respectively.<sup>31</sup> This allocation makes a total of 24 seats. At

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25. Walter Hoffmann & Ayca Ariyörük, *Security Council Reform Models: Models A and B, Italian (Regional) Proposal, Blue and Green Models, and A New Model C*, CTR. FOR U.N. REFORM EDU. 7 (May 2005), <https://centerforunreform.org/2006/09/12/special-paper-no-4-security-council-reform-models-models-a-and-b-italian-proposal-blue-and-green-models-and-a-new-model-c/>.

26. Nadin, *United Nations Security Council Reform*, *supra* note 21.

27. See Baleson, *supra* note 11, at 46.

28. *Id.* at 31.

29. *Id.*

30. Alexandru Volacu, *A Priori Voting Power Distribution Under Contemporary Security Council Reform Proposals*, 21 J. OF INT'L REL. AND DEV. 247, 252 (2018).

31. Martin Binder & Monika Heupel, *Rising Powers, UN Security Council Reform, and the Failure of Rhetorical Coercion*, 11 (Special Issue) GLOBAL POL'Y 93, 96 (2020), <https://onlinelibrary.wiley.com/doi/10.1111/1758-5899.12857>.

the beginning, the G4 demanded to extend the veto power to the new permanent members. However, knowing that the Permanent Five would not accept this proposal, they accepted to forego this demand for at least 15 years.<sup>32</sup>

The two major opponents to this proposal are the Permanent Five and some of the neighbouring states of the G4. On the one hand, the Permanent Five are not in favour of sharing the veto power with other states. On the other hand, the group of neighbours of the G4 claim that, by giving their main regional competitors such power, the regional balance would cease being equal. The main opponents are Italy (which sought to balance Germany), Pakistan (to balance India), South Korea (to balance Japan) and Argentina and Colombia (to balance Brazil).<sup>33</sup>

### C. *Uniting for Consensus Proposal*

The Uniting for Consensus (UfC) group came about as a response to the G4 proposal on the premise that states can indeed reach a consensus to reform the Security Council.<sup>34</sup> Its proposal is embodied in Draft Resolution A/59/L68 of 21 July 2005. It is mainly composed of the regional competitors of the G4; that is, states such as Italy, Colombia and Pakistan. Their main proposal is to maintain the Permanent Five as the only permanent members of the Security Council and to add another ten non-permanent seats. The idea is to give each region a new permanent seat, but instead of determining which state would be the holder of each seat, it would leave that decision to the different regional groups.<sup>35</sup> This means that the members of each regional group would decide on their own which of them would receive that seat and for how long.

The UfC group also defends the abolition of the veto power or at least pretends to have more control over it.<sup>36</sup> While the UfC group has not formulated a proposal on how to limit the use of the veto, it has repeatedly supported different options that have already been canvassed by other states. Some of these are the French-Mexican initiative or the Code of Conduct put forward by the Accountability, Coherence and Transparency (ACT) Group.<sup>37</sup> The French-Mexican initiative calls for the suspension of the use of the veto in case of war crimes, crimes against humanity and genocide.<sup>38</sup> On a similar approach, the proposal made by the ACT Group calls on all members of the

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32. *Id.*

33. Baleson, *supra* note 11.

34. *Id.*

35. Nadin, *supra* note 21.

36. Lättilä & Ylönen, *supra* note 3, at 164.

37. STATEMENT BY ITALY ON BEHALF OF THE "UNITING FOR CONSENSUS" GROUP ON THE QUESTION OF THE VETO, MINISTRY OF FOREIGN AFF., INT'L TRADE AND WORSHIP ARG. (last visited Mar. 2, 2022), <https://enaun.cancilleria.gob.ar/en/content/statement-italy-behalf-%E2%80%9Cuniting-consensus%E2%80%9D-group-question-veto>.

38. *Reforming the UN Security Council: A New Report from Together First*, TOGETHER FIRST (2020), [https://una.org.uk/sites/default/files/0008499\\_TFR\\_UN\\_FINAL.pdf](https://una.org.uk/sites/default/files/0008499_TFR_UN_FINAL.pdf).

Security Council (both permanent and elected) to not vote against any draft resolution intended to prevent or halt mass atrocities.<sup>39</sup>

The UfC group thought that the best way of dividing the 20 non-permanent seats would be as follows: six for African states, four for Latin-American and Caribbean states, five for Asian states, three for states from the Western Europe and Others group, and two for states from Eastern Europe.<sup>40</sup> An important feature is that any state can be re-elected after the end of its two-year term. The proposal has not counted with much support among the rest of UN members because they see it as a mere counter-response to the G4 proposal.<sup>41</sup>

*D. Common African Position on the Proposed Reform of the United Nations*

The Common African Position on the Proposed Reform of the UN, which is embodied in Draft Resolution A/59/L67 of 14 July 2005 – also known as the Ezulwini Consensus – is the proposal made by the African group of UN members to give the regional area a greater role in the Security Council. They argue that the vast majority of Security Council resolutions deal with issues concerning Africa —indeed, between 2004 and 2014, 53 percent of the 678 resolutions passed by the Security Council were concerned with African topics.<sup>42</sup> They believe that the best way to achieve greater African significance is to enlarge the Security Council membership to 26 seats, five non-permanent and six permanent.<sup>43</sup> The distribution of these 11 new seats would be as follows: regarding the six permanent seats, two would go to Africa, two to Asia, one to Latin-America and the Caribbean, and one to the Western Europe and Others group; regarding the five non-permanent seats, the distribution would assign two seats for Africa, one for Asia, one for Latin-America and the Caribbean, and one for Eastern Europe. One of the most characteristic features of this proposal is that it would give every new permanent seat the same rights as the established ones. In other words, they would have the veto power too. This proposal is controversial as the African Union itself opposes the very existence of the veto power as a matter of principle.<sup>44</sup> It acknowledges though that, if there is to be this privilege, every permanent member should have it.<sup>45</sup>

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39. *UN Security Council Code of Conduct*, CTR. FOR DEV. OF INT'L L., <http://cdilaw.org/unsc-code-of-conduct>.

40. Volacu, *supra* note 30, at 254.

41. Lättilä & Ylönen, *supra* note 3, at 169.

42. Baleson, *supra* note 11.

43. Volacu, *supra* note 30, at 254.

44. Matthew Gould & Matthew D. Rablen, *Reform of the United Nations Security Council: Equity and Efficiency* 173 Pub. Choice (first page), 153 (2017).

45. *See Id.*

### E. L69 Group Proposal

The L69 Group is composed of UN members from developing regions – Africa, Asia and the Pacific, and Latin America and the Caribbean – that have joined to reform the Security Council.<sup>46</sup> Even though the original group was composed of 25 members, it now counts with a membership of over 40 states and the support from more than 80 states.<sup>47</sup> They want to end the inability of the Security Council to resolve pressing issues by increasing the number of seats to no less than 27.<sup>48</sup> Their proposal is embodied in Draft Resolution A/61/L69 of 14 September 2007, which gives its name to the group.

On this proposal, the new seats would be distributed as follows: two permanent and two non-permanent seats to Africa, two permanent and one non-permanent seat to Asia, one permanent and one non-permanent seat to the Latin-America and the Caribbean group, one permanent seat to the Western Europe and Others group, one non-permanent seat to Eastern Europe, and one non-permanent seat to “small island developing states across all regions”.<sup>49</sup> Every new permanent seat would have veto power.

One of the most innovative characteristics of this proposal is the creation of one non-permanent seat for “small island developing states across all regions”. This proposal does not come as a surprise due to the composition of the group. In fact, it has been made on other occasions by UN members that meet this island category. For example, the representative of Barbados said that “the Council should better reflect the security challenges faced by the family of humanity, ... the Council should include a rotating seat for small island developing states”.<sup>50</sup> These states believe that they and their interests are being underrepresented within currently configured groups.<sup>51</sup>

### III. PERMANENT FIVE

In general, every proposal tries to address the two questions identified by General Assembly Decision 74/569 of 31 August 2020, namely, the question of equitable representation of the membership of the Security Council and the question of increase in the membership of the Security Council. All of them agree on the importance of giving the African group more representation in the organ; nonetheless, they disagree on the distribution of the rest of the seats. Indeed, the six proposals can be divided

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46. Lättilä & Ylönen, *supra* note 3, at 169.

47. *Id.*

48. Volacu, *supra* note 30, at 255.

49. *Id.*

50. Meetings, Security Council, Delegates Underscore Need to Reform Security Council Membership, as 15-Member Organ Concludes Debate on Upholding Charter, U.N. Meetings SC/14077 (Jan. 13, 2020), <https://www.un.org/press/en/2020/sc14077.doc.htm>.

51. See U.N. General Assembly, Question of Equitable Representation on and Increase in the Membership of the Security Council and Related Matters, U.N. Doc. A/61/L.69/Rev.1 (Sept. 14, 2007), [https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/A\\_61\\_L.69\\_Rev.1.pdf](https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/A_61_L.69_Rev.1.pdf).

into three groups: the first one would be made up by Annan's Model A proposal and the G4 proposal (both more of an establishment proposal), the second one would count with Annan's Model B proposal and the UfC proposal (both to address middle power concerns), and the last one would gather the African and L69's proposals (both to address small power concerns). However, even though the increase in the number of seats and the reassignment of existing ones are the two issues that the General Assembly highlights as the most important, the real issue that worries the Permanent Five is the veto power.<sup>52</sup>

It is necessary to remember that, in order to pass a resolution concerning the reform of the Security Council, each of the Permanent Five must be in favour of the proposal.<sup>53</sup> First of all, the United States, China and Russia are reluctant to share the veto power with any new permanent members.<sup>54</sup> The United States would support the G4 proposal because it would guarantee the support of two more allies in the Security Council – Japan and Germany –<sup>55</sup> but only if these states would take their permanent seats without veto power. The United Kingdom holds a very similar position towards the implementation of the G4 proposal as it is more open to a moderate extension of the non-permanent seats.<sup>56</sup> France, in an also similar position, holds that one of the non-permanent seats could go to the Arab group. The French position's most distinctive feature, however, is that it would extend the veto power to any new permanent members.<sup>57</sup>

As for the non-Western members of the Permanent Five, Russia is willing to expand the non-permanent membership up to 20 seats and is also willing to support the distribution of two new permanent seats to members of the G4, as well as another two to South Africa and Egypt. However, none of them would get the right to veto.<sup>58</sup> China has shown its support to the UfC proposal more than to the G4 one.<sup>59</sup> It has also stated its support to the African group in order to give it more representation in the organ.<sup>60</sup>

The Permanent Five agree that they would support a moderate reform of the Security Council with an increase in the number of non-permanent seats up to 20. They believe that an overnumbered Security Council would produce an inefficient and awkward organ. These new seats would be elected on the

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52. Binder & Heupel, *supra* note 5, at 65.

53. U.N. Charter art. 108.

54. Binder & Heupel, *supra* note 5, at 64-65.

55. Lättilä & Ylönen, *supra* note 3, at 171.

56. Dimitris Bourantonis, *Reform of the U.N. Security Council Reform and the Non-Aligned States*, 5 INT'L PEACEKEEPING 1 (1998), at 95-96.

57. Press Release, General Assembly, Calling for Security Council Reform, General Assembly President Proposes Advisory Group to Move Forward, U.N. Press Release GA/11450 (Nov. 7, 2013).

58. Lättilä & Ylönen, *supra* note 3, at 172.

59. *Id.* at 171-72.

60. U.N. Plenary Meetings Coverage, Security Council Must Reflect Twenty-First Century Realities, Delegates Tell General Assembly, With Many Calling For Urgent Expansion Of Permanent Seats, U.N. Press Release GA/12288, ¶4 (Nov. 16, 2020).

basis of the “equitable geographical distribution” criterion.<sup>61</sup> They defend their position on the basis that the Security Council was not supposed to be inclusive but functional<sup>62</sup> and that the UN was not created to foster democracy as such but to keep international peace and to advance the cause of human rights.<sup>63</sup> Opponents to this position, which comprise the bulk of the international community, believe that the Security Council, if it is to be effective and efficient, needs the credibility and support that would come with a more equitable membership.<sup>64</sup>

#### IV. CONCLUSION: A HYBRID PROPOSAL

In conclusion, none of these proposals, at least in the way that they are presently structured, have a real possibility of passing the voting process. An alternative proposal is necessary, one that would be more likely to obtain the approval of a majority of General Assembly members and, what is more important, the support of the Permanent Five.<sup>65</sup> Our ideal proposal would suggest a Security Council in which no permanent membership is available and in which the non-permanent renewable seats are held by states that meet a series of liberal criteria. However, this proposal is not realisable in the current international political environment and so we offer a compromise, a hybrid proposal.

After having analysed the various proposals and having considered the percentages of the world population that each regional group represents, we believe that the best solution would be to add ten new non-permanent renewable seats for a four-year period. The distribution of the seats would be as follows: one for Western Europe and Other states, another one for Eastern European states, two for Latin American states, three for African states, and another three for states from Asia and the Pacific. In the last group, one of those three new seats would be reserved for a member of the Arab Group as their interests typically vary from those of the rest.<sup>66</sup> We would not suggest creating a new regional group because the states of the Maghreb are also part of Africa. The election of these new members would be carried out by each group internally.

However, we would suggest that states opting for any new non-permanent renewable-term seats should meet a series of criteria in order to

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61. Bourantonis, *supra* note 56, at 89-108.

62. Oliver Stuenkel, *Leading the disenfranchised or joining the establishment? India, Brazil, And the UN Security Council*, CARTA INTERNACIONAL 53, 55 (Mar. 2010), <https://www.cartainternacional.abri.org.br/Carta/article/view/529/283>.

63. Albert Venter, *Reform of the United Nations Security Council: A Comment on the South African Position*, 20(4) INT’L J. ON WORLD PEACE 29, 29-47 (Dec. 2003).

64. Dumisani S. Kumalo, *The Question of Equitable Representation On, and Increase In, the Membership of the Security Council and Related Matters*, 8(1) S. AFR. J. OF INT’L AFF. 135, 136 (2001).

65. Binder & Heupel, *supra* note 5.

66. *In Hindsight: Security Council Reform* (September 2019 Monthly Forecast), SEC. COUNCIL REP. (Aug 30, 2019), <https://www.securitycouncilreport.org/monthly-forecast/2019-09/in-hindsight-security-council-reform.php>.

enter the Security Council. The idea of a “criteria-based approach” was developed by Kara C McDonald and Stewart M Patrick in a 2010 special report for the Council on Foreign Relations (*UN Security Council Enlargement and US Interests*): democratic political stability; deployable military capabilities; significant UN financial contributions; willingness to use sanctions and force; ability to lead and broker solutions; diplomatic ability; and, a global security and public goods record of conformity.<sup>67</sup>

This is an evolution of Annan’s Model B as it takes the new category of membership he proposed there. We have not added any permanent seats because we believe that it would not be fair as the international dynamics of power can change over time. It is only an increase of ten members and, even though it is a number that the Permanent Five would consider too high, the lack of new permanent seats and the possibility of having allies in the organ could make them vote in favour of the resolution. Regarding the veto power, we would neither recommend giving it to new members nor removing it. Instead, we would suggest that there should be a requirement of two negative votes from the Permanent Five, instead of one, to block a resolution.<sup>68</sup>

Ideally, we would highly recommend the removal of all the permanent seats as well as the veto power. Every member would assume a non-permanent four-year renewable-term seat because experience shows that political solutions adopted in the past can cause subsequent problems simply because they are tied too closely to the circumstances of their creation.<sup>69</sup> Therefore, every seat would depend on its compliance to the set of criteria established. The Security Council would be enlarged to 25 members because it is a number high enough to be considered representative of the whole composition of the UN and low enough to not hinder the functioning of the organ.

We would also recommend the creation of an Arab Group, which would be formed by those states of the Middle East and the Maghreb – excluding Israel – which prefer to be represented by a more culturally sensitive group instead of the Asia and the Pacific one or the African one. The final distribution of seats would be as follows: five seats to the Africa Group, five to Asia and the Pacific Group, six to the Western European and Others Group, four to the Latin American and Caribbean Group, three to the Eastern European Group, and two to the Arab Group. It is possible that some groups do not reach the number of seats reserved for them because the states that compose them do not fulfil the applicable criteria. In that case, the group itself would internally select substitute states that would enter the group. If another

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67. Kara C. McDonald and Stewart M. Patrick, *UN Security Council Enlargement and U.S. Interests: Council Special Report No 59*, COUNCIL ON FOREIGN RELATIONS (December 2010) at 21-22; Stewart M. Patrick, *Why Is No One Talking about UNSC Reform Anymore?*, WORLD POL. REV. (June 3, 2019) (internal citation omitted), <https://www.worldpoliticsreview.com/articles/27906/why-is-no-one-talking-about-unsc-reform-anymore>.

68. Baleson, *supra* note 11, at 33.

69. Iain Scobbie, *On Security Council Reform*, BLOG OF THE EUR. J. OF INT’L L. (April 4, 2012), <https://www.ejiltalk.org/on-security-council-reform/>.

state within the group meets the criteria while the substitute state is participating in the Security Council, this new state would replace the substitute state and its four years would then begin.

This proposal would ensure that the responsibilities of the Security Council would be taken seriously by all its members, making the organ more representative of the UN and truer to its role as the champion of international peace and security. To those arguing in favour of the maintenance of the veto power, we would respond that, even though the rationale behind its creation was to facilitate the functioning of the Security Council, the reality has shown that it has only had the opposite effect.