

DURMISHKHAN AFKHAZAVA

Candidate of Legal Sciences, Associate Professor of the Department of International and European Law of the Faculty of Law of Kazan (Volga Region) Federal University

HEYDAR BAYRAMOV

Second-year Master's degree student of the Department of International and European Law of the Faculty of Law of Kazan (Volga Region) Federal University

VALERIA MOROZOVA

Second-year Master's degree student of the Department of International and European Law of the Faculty of Law of Kazan (Volga Region) Federal University

**REFORMING THE UN SECURITY COUNCIL
IN AN ERA OF CHANGE**

DOI: 10.30729/2541-8823-2024-9-1-62-69

Abstract. *This article emphasizes the importance of the UN Security Council in maintaining global order and security, and the need for it to adapt to a rapidly changing geopolitical environment and growing global threats. The text proposes a number of reforms, including expanding the membership of the Security Council to ensure more equitable representation, improving the decision-making process, adopting a more proactive approach to peace and security, and increasing transparency and accountability. The authors emphasize that a stronger and more effective UN Security Council is needed to maintain global order and security, and call on the international community to support these reforms.*

Keywords: UN, Security Council, reform, veto, 21st century.

Introduction: With the development of multipolarity in the world, the UN Security Council¹ plays an increasingly important role in maintaining international peace and security. However, the current structure of five permanent and ten non-permanent members of the Council does not maximize its effectiveness and legitimacy, making it difficult to resolve international conflicts in a timely manner. This article reveals key ideas for reforming one of the main organs of the UN. Despite its significant role in maintaining international peace and security, the Security Council has been criticized for being outdated and unrepresentative of current global power dynamics. As the global environment changes, there is a growing need for a more representative and democratic Security Council that reflects the interests and perspectives of all member states, not just the permanent members.

The United Nations Security Council (UNSC)² was established after World War II with the aim of maintaining international peace and security. However, in an era of rapid change and growing global challenges, the UNSC has been criticized for its outdated composition and ineffective decision-making process. Reforms are therefore needed to ensure that the UNSC remains relevant and capable of addressing security threats in an era of change.

Veto power: One of the most critical problems with the actual structure of the UNSC is the lack of representation of certain regions and countries. The five permanent members of the UNSC (China, France, Russia, the UK, and the US) were granted this status in 1945 and have the power to veto any substantive resolution. This veto power has effectively blocked any meaningful reforms of the UNSC and has resulted in the current membership inadequately reflecting the geopolitical realities of the 21st century.

One of the main criticisms of the veto is that it creates an imbalance of power in the Council by giving permanent members a disproportionate level of control over the Council's decision-making process. It can be argued that such an imbalance undermines the legitimacy of the Council and undermines the democratic principles of the UN. Moreover, it can be argued that the veto power can be used to prevent the Council from taking action against the interests of the permanent members, even if such action is necessary to promote global peace and security.

¹ Azumendi B., Kherrans L. Reforma Soveta Bezopasnosti OON: mezhdu printsipami i praktikoy [The UN Security Council reform: between principles and practice] // *Mezhdunarodnyy zhurnal po pravam menshinstv i grupp* [International journal on the rights of minorities and groups]. 2017. Pp. 128–149; Chivvis K. S. Ukreplenie Soveta Bezopasnosti OON: plan deystviy [Strengthening the UN Security Council: a plan of action] // *Survival*. 2018. Pp. 77–88.

² Gryaznova O. N., Proskurina O. V. Reforma Soveta Bezopasnosti OON: problemy i perspektivy [Reform of the UN Security Council: problems and prospects] // *Vestnik MGIMO-Universiteta* [The Bulletin of MGIMO-University]. 2018. V. 16. No. 4. Pp. 17–28; Haas P. M. The United Nations Security Council: from the Cold War to the 21st century // *International Studies Review*. 2018. Pp. 138–143.

Another problem with the veto is that it can lead to inaction in the face of global crises. The Council's inability to reach consensus on issues such as Syria, Yemen and the Israeli-Palestinian conflict has underscored the limitations of the veto and raised concerns that the Council's decision-making process is overly politicized and does not address the root causes of those crises.

Despite criticism of the veto power, attempts to reform it have met with resistance from permanent members who are unwilling to relinquish their powers. However, some proposals have been made, such as the "Code of Conduct" initiative, which seeks to limit the use of the veto in cases of mass atrocities. The initiative was introduced by France and Mexico in 2013 and has since been supported by more than 100 UN member states.

The Code of Conduct invites permanent members to voluntarily refrain from using the veto in situations where there is credible evidence of genocide, war crimes, crimes against humanity or ethnic cleansing. If a permanent member were to use the veto in such cases, it would be required to provide an explanation for its decision. The initiative also calls on the Council to take timely action in situations where there is a risk of mass atrocities, even if consensus cannot be reached.

The Code of Conduct initiative has been praised by many as a step toward greater accountability and responsibility in the Council. However, the initiative has faced significant difficulties in gaining support from permanent members. Russia has been particularly critical of the initiative, arguing that it would limit the ability of permanent members to protect their own interests.

Nevertheless, the Code of Conduct remains a promising proposal for veto reform, and it is important that the international community continue constructive dialog and negotiations to achieve meaningful reform.

Expansion of the UNSC:¹ To address this issue, the UNSC should be expanded to include more countries and regions, especially those in Africa and the Middle East, which are currently underrepresented. This expansion should also take into account the diversity of the international community and should not be limited to including only developed countries. In addition, the veto power of permanent members should be reconsidered and potentially limited, as it undermines the UNSC's ability to effectively address global security concerns.

Countries' views on UNSC reform vary widely. The "Big Four" countries, which include Brazil, India, Japan, and Germany, are strong supporters of reform, calling

¹ *Khaimovich M. L.* Reformirovanie Soveta Bezopasnosti OON: istoriya, problemy i perspektivy [Reforming the UN Security Council: history, issues and prospects] // *Mirovaya ekonomika i mezhdunarodnye otnosheniya* [Global economy and international relations]. 2019. V. 63. No. 2. Pp. 72–84; *Krasnov A. A., Kozhanov A. I.* Reformirovanie Soveta Bezopasnosti OON: problemy, predlozheniya, perspektivy [Reforming the UN Security Council: issues, proposals, prospects] // *Mir i politika* [World and politics]. 2018. V. 26. No. 1. Pp. 49–60.

for expansion of the Council by increasing the number of permanent members. They argue that a reformed UNSC¹ would better reflect current geopolitical realities and enhance the legitimacy and effectiveness of the Council.

However, the P5 countries, consisting of China, France, Russia, the United Kingdom and the United States, are cautious about reform because they would lose some of their privileged status if new permanent members were added.

African countries, on the other hand, call for two permanent seats for African countries, given the size, population and strategic importance of the continent. The African Union is in favor of the “Ezulwini Consensus” which calls for two permanent seats with veto power and five non-permanent seats on the UNSC.

The Ezulwini Consensus is an important agreement that was reached at the African Union summit in Ezulwini, Swaziland in 2005. The consensus concerns the African Union’s position on UN Security Council reform.

The Ezulwini Consensus was reached in response to calls for greater African representation on the Security Council. At the time, Africa was not represented among the permanent members and had only 3 non-permanent seats on the Council. The consensus called for an expansion of the Security Council to 26 members, with 6 new permanent seats for Africa, and 5 new non-permanent seats for other regions.

The Ezulwini Consensus has become a key factor in the ongoing debate on Security Council reform. Many African countries argue that the current structure of the Council is unfair and outdated, and that greater representation is needed to make the Council’s decisions more representative of the global community. However, there has been little progress in reforming the Council in recent years because of disagreements among member countries over the specifics of the reform process.

Despite those challenges, the Ezulwini Consensus remains an important symbol of African unity and determination to achieve greater representation in the international system. It serves as a reminder that the voices and views of all countries, regardless of size or geopolitical power, are significant in shaping the future of the global community.

Other countries have expressed their views on reform, with some supporting the addition of new permanent members and others favoring a more modest expansion of non-permanent seats. Small island states also argue that they should have a voice in the Council, given their unique challenges, such as climate change.

¹ *Kuper A.F.* Pereosmyslenie Soveta Bezopasnosti: sushchestvennaya reforma ili strategicheskaya adaptatsiya? [Rethinking the Security Council: substantive reform or strategic adaptation?] // *Mezhdunarodnye otnosheniya*. 2018. Pp. 385–399; *Likht G.* Budushchee Soveta Bezopasnosti OON: reforma ili zamena? [The future of the UN Security Council: reform or replacement?] // *Mezhdunarodnaya politika* [The International politics]. 2019. Pp. 753–767.

Non-compliance with resolutions: It is also important to note that one of the main challenges of the UN Security Council is the problems associated with non-compliance with resolutions. Non-compliance with these resolutions can have significant consequences for both the state in question and the international community as a whole. When a state fails to comply with a resolution, it can be seen as a challenge to the credibility of the Security Council and the international community as a whole. This can lead to a breakdown in negotiations and increased tensions, which in turn can lead to a weakening of the international legal system and a reduction in the UN's ability to maintain peace and security. Failure to comply with decisions can also damage relations between states, leading to diplomatic tensions, economic sanctions and trade embargoes. When a state ignores a Security Council resolution, it may be considered an act of aggression or disrespect to the international community.

One example of non-compliance with a UN Security Council resolution is the case of North Korea's nuclear weapons program. In 2006, the UN Security Council adopted Resolution 1718, which imposed sanctions on North Korea in response to its nuclear weapons tests. The resolution called on North Korea to abandon its nuclear program and submit to international disarmament efforts. However, North Korea continued to pursue its nuclear weapons program and conducted numerous tests in defiance of the resolution. The country also continued to develop ballistic missiles capable of delivering nuclear warheads, further escalating tensions with the international community. Despite the imposition of additional sanctions and diplomatic efforts to persuade North Korea to abandon its nuclear program, the country continues to behave defiantly and build up its nuclear capabilities. This non-compliance with the UN Security Council resolution has become a serious concern for the international community, as it poses a significant threat to regional and global security. The case of North Korea's non-compliance with Resolution 1718 underscores the limitations of UN Security Council resolutions in addressing complex and persistent security issues. While resolutions can serve as a framework for solving problems and promoting international cooperation, they ultimately depend on the willingness of individual countries to comply with them.

Another example of non-compliance with the UNSC resolution is Armenia's unlawful actions. The Second Karabakh War, which took place from September 27 to November 10, 2020, allowed Azerbaijan to restore its territorial integrity by military force in the face of the failure and powerlessness of the law and the international community, which condemned the illegal occupation of Azerbaijani territories but never had the means to back up these condemnations with punitive measures. In the context of this war, international law has suffered greatly. The conflict opened "Pandora's Box" and showed that even a small state like Armenia can irresponsibly

violate all the principles of international law and fail to implement four UN Security Council resolutions (822, 853, 874 and 884), which have a peremptory character, what to say about the leading states of the world. International law is not a buffet from which one can choose what one likes; international law implies rights and obligations for all.

Another example of non-compliance with a UN Security Council resolution is Iran's nuclear program. In 2006, the UN Security Council adopted Resolution 1696, which required Iran to suspend all uranium enrichment activities and submit to international efforts to address concerns about its nuclear program. However, Iran continued to pursue its nuclear program and refused to comply with the resolution. In response, the Security Council adopted additional resolutions, including Resolution 1737, which imposed sanctions on Iran and called on it to suspend uranium enrichment activities. Despite the imposition of sanctions and diplomatic efforts to persuade Iran to comply with the resolutions, the country continued to develop its nuclear capabilities and expand uranium enrichment activities. The case of Iran showed the limitations of sanctions and diplomatic efforts in forcing the country to comply with international norms and rules.

Conclusion: Summarizing the above, it is important to note that the UN Security Council is one of the main UN bodies responsible for maintaining global order and security. However, in light of rapidly changing geopolitical conditions and growing global threats, the UNSC must adapt to new challenges¹.

One of the important reforms that need to be undertaken is the expansion of the Security Council's membership to reflect a more equitable and balanced representation of the world.

In addition, the UNSC's decision-making process should be improved to speed up crisis response and conflict prevention. The UNSC should also adopt a more proactive approach to peace and security, including more active engagement on global issues such as climate change and international terrorism.

Finally, it is important to increase the transparency and accountability of the UNSC to build trust between the UN and its members, as well as among the public. This could include broader discussion of decisions taken, more frequent reporting on activities, and improved mechanisms for checking and balancing the UNSC's actions.

Overall, a stronger and more effective UNSC is necessary to maintain global order and security in an era of change. The international community must unite in

¹ *Suksen Kh.* Reformirovanie Soveta Bezopasnosti OON: voprosy i vyzovy [The reformation of the UN Security Council: Issues and challenges] // *Zhurnal razvivayushchikhsya obshchestv* [The journal of developing societies]. 2018. Pp. 391–408; *Tkhakur R.* Budushchee Soveta Bezopasnosti OON: reforma, rasshirenie ili zamena? [The future of the UN Security Council: reform, enlargement or replacement?] // *Global Governance*. 2018. Pp. 187–204.

support of these reforms to ensure that the UNSC continues to fulfill its important mission in the world.

Reference

Azumendi B., Kherrans L. Reforma Soveta Bezopasnosti OON: mezhdunarodnyy zhurnal po pravam menshinstv i grupp [The UN Security Council reform: between principles and practice] // *Mezhdunarodnyy zhurnal po pravam menshinstv i grupp* [International journal on the rights of minorities and groups]. 2017. Pp. 128–149. (In Russian)

Chivvis K. S. Ukreplenie Soveta Bezopasnosti OON: plan deystviy [Strengthening the UN Security Council: a plan of action] // *Survival*. 2018. Pp. 77–88. (In Russian)

Gryaznova O. N., Proskurina O. V. Reforma Soveta Bezopasnosti OON: problemy i perspektivy [Reform of the UN Security Council: problems and prospects] // *Vestnik MGIMO-Universiteta* [The Bulletin of MGIMO-University]. 2018. V. 16. No. 4. Pp. 17–28. (In Russian)

Haas P. M. The United Nations Security Council: from the Cold War to the 21st century // *International Studies Review*. 2018. Pp. 138–143. (In English)

Khaimovich M. L. Reformirovanie Soveta Bezopasnosti OON: istoriya, problemy i perspektivy [Reforming the UN Security Council: history, issues and prospects] // *Mirovaya ekonomika i mezhdunarodnye otnosheniya* [Global economy and international relations]. 2019. V. 63. No. 2. Pp. 72–84. (In Russian)

Krasnov A. A., Kozhanov A. I. Reformirovanie Soveta Bezopasnosti OON: problemy, predlozheniya, perspektivy [Reforming the UN Security Council: issues, proposals, prospects] // *Mir i politika* [World and politics]. 2018. V. 26. No. 1. Pp. 49–60. (In Russian)

Kuper A. F. Pereosmyslenie Soveta Bezopasnosti: sushchestvennaya reforma ili strategicheskaya adaptatsiya? [Rethinking the Security Council: substantive reform or strategic adaptation?] // *Mezhdunarodnye otnosheniya*. 2018. Pp. 385–399. (In Russian)

Likht G. Budushchee Soveta Bezopasnosti OON: reforma ili zamena? [The future of the UN Security Council: reform or replacement?] // *Mezhdunarodnaya politika* [The International politics]. 2019. Pp. 753–767. (In Russian)

Suksen Kh. Reformirovanie Soveta Bezopasnosti OON: voprosy i vyzovy [The reformation of the UN Security Council: Issues and challenges] // *Zhurnal razvivayushchikhsya obshchestv* [The journal of developing societies]. 2018. Pp. 391–408. (In Russian)

Tkhakur R. Budushchee Soveta Bezopasnosti OON: reforma, rasshirenie ili zamena? [The future of the UN Security Council: reform, enlargement or replacement?] // *Global Governance*. 2018. Pp. 187–204. (In Russian)

Information about the authors

Durmishkhan Afkhazava (Kazan, Russia) — Candidate of Legal Sciences, Associate Professor of the Department of International and European Law of the Faculty of Law of Kazan (Volga Region) Federal University (18 Kremlevskaya St., Kazan, 420008, Russia; e-mail: durmishkhan.afkhazava@gmail.com).

Heydar Bayramov (Kazan, Russia) — Second-year Master's degree student of the Department of International and European Law of the Faculty of Law of Kazan (Volga Region) Federal University (18 Kremlevskaya St., Kazan, 420008, Russia; e-mail: Atillagts1501@gmail.com).

Valeria Morozova (Kazan, Russia) — Second-year Master's degree student of the Department of International and European Law of the Faculty of Law of Kazan (Volga Region) Federal University (18 Kremlevskaya St., Kazan, 420008, Russia; e-mail: vm89199101295@gmail.com).

Recommended citation

Afkhazava D.G., Bayramov G. F. O., Morozova V.D. Reforming the UN Security Council in an era of change. Kazan University Law Review. 2024; 1 (9): 62–69. DOI: 10.30729/2541-8823-2024-9-1-62-69.