



## **A More Responsive United Nations Security Council: Necessary Reforms**

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Brigadier General Ferdous H. Salim  
Bangladesh Army



## **PKSOI PAPER**

# **A More Responsive United Nations Security Council: Necessary Reforms**

**Brigadier General Ferdous H. Salim**  
**Bangladesh Army**

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## ABSTRACT

The United Nations (UN) is often criticized for being irrelevant; an old-fashioned, monolithic giant that is unable to manage today's security environment. Its structure and decision-making processes have often failed to prevent grave humanitarian crises and genocides or intervene when needed. At the center of such criticism is the UN Security Council (UNSC), which is the apex body of the UN in matters of peace and security. Unless the UNSC is reformed for the future, the UN will become irrelevant and incapable of effective and timely interventions when needed. The objective must be to make the UNSC more capable and responsive, so that breaches of security and peace do not occur, or when they do, the UN can provide an effective response. Suggested reforms include restructuring the UNSC, changing voting procedures, improved decision-making processes, and reforming the most contentious issue, which is the veto. Though many reform efforts were tried in the past, the changes suggested in this essay are more "systematic" in their approach. Such reforms will not only make the UNSC more responsive to grave crises but will also alter the way states act and behave with each other.

## FOREWORD

Throughout the history of the Peacekeeping and Stability Operations Institute (PKSOI) and its predecessor, the Peacekeeping Institute (PKI), it has published a handful of strategy research papers written by international fellows. Brigadier General (Bangladesh) Ferdous H. Salim's paper, *A More Responsive United Nations Security Council: Necessary Reforms*, is one of these few papers.

BG Salim is an experienced peacekeeper, as are many of his colleagues in the Bangladesh Army. He has served in a variety of United Nations assignments that have given him a broad view of what ails the United Nations. And he has developed, through academic research and applied reflection, an approach to reforming the United Nations Security Council.

Many, if not all, members of the Permanent Five (China, France, Russia, United Kingdom and the United States) may disagree; however, as this paper notes, the global security environment is much different than it was when the United Nations was created. The changing nature of conflict and increasing technology have served to highlight structural difficulties, the power of the single veto and the decision-making process. This has led many to conclude that the current model is outdated, needs reform, and that any reform must be responsive, equal and representative. As about 77% of the world's population reside in Asia, Australia and Oceania, BG Salim's proposed changes are quite likely to generate robust discussions.

It is my pleasure to offer BG Salim's monograph as one way of thinking about the United Nations Security Council and its future.

Scot N. Storey  
Colonel, Director  
The Peacekeeping &  
Stability Operations Institute



## **A More Responsive United Nations Security Council: Necessary Reforms**

*The Great Powers have a special responsibility to enforce the peace, but the responsibility is to serve and not dominate the peoples of the World.*

President Harry S. Truman<sup>1</sup>

The League of Nations' failure to prevent World War (WW) II compelled world leaders to look for a fresh approach for maintaining peace between nations. Such a realization was instrumental in forming the United Nations (UN) in 1946. After WWII, this new-look UN ascended to a position of authority at the helm of international affairs, with the all-powerful UN Security Council (UNSC) at the center of its decision-making.

The UN Charter aimed to guide nation-states to act in a manner that would allow peace to prevail. The newly formed UNSC was envisioned as the guardian of world peace and "the cockpit of global politics."<sup>2</sup> In reality, the UN has been unable to go beyond the Charters it had framed seventy-five years back.<sup>3</sup> As an example, the UN articles that guaranteed the sovereignty of a nation-state against any external aggression (Article 51) and non-intrusion in a state's internal affairs (Article 2) are the very ones that rogue states and oppressive regimes take advantage to tyrannize their people. Consequently, the UN's inability to respond effectively due to its Charter, structure and functional limitations has often led to a crisis that could have been prevented.

Today the international system is different from the post-WWII era. The legacy of colonialism, alliances, humanitarian disasters, catastrophes, mass human sufferings, refugee crises, terrorism, and many other factors influence states to act in favor of, or against another. Conflicts are no longer



isolated or confined within the geographic limits of a country but are linked across borders and boundaries. Though states should not intervene in matters internal to another, they are often needed to enforce peace. The UNSC is responsible to discuss and authorize such interventions. In such cases, based on the UN Charter's Article 42, when the Permanent Five (P5) members of the Council either agree or abstain (and not put in a veto) and at least nine members of the Council concur, a resolution in favor of an intervention is possible.<sup>4</sup> The UNSC has often failed to perform this crucial function. Because of the structure and working methods of the UNSC, unless there is unanimous political will amongst the P5, it is impossible to bring a resolution, even if humanitarian suffering persists. Syria, Yemen, Bosnia, and Rwanda are examples of failures attributed to the UNSC and the UN, despite their many accomplishments.

To prevent such failures, following the 1994 Rwandan genocide, an international effort was undertaken to examine the responsibility of both a sovereign state and the international community to protect people from mass atrocities.<sup>5</sup> This effort resulted in articulating the "Responsibility to Protect (R2P) doctrine" that reframed the basic notion of sovereignty; it mentioned that state sovereignty is not only territorial, but it also implies the protection of its people.<sup>6</sup> "Where a population is suffering serious harm, as a result of internal war . . . and the state in question is unwilling . . . the principal of non-intervention yields to the international responsibility to protect," and the state will have lost its right over its own people; sovereignty cannot be used as a pretense to continue oppression.<sup>7</sup> Unfortunately, conflicts internal to a state continue even today, as the UN remains mired in international politics.

Despite efforts like the R2P, critics still argue that the UNSC has been for some time a hegemonic giant that needs reform. Its "concert vision focuses less on how the Security Council interacts with the rest of the world and more on its role as a mechanism for producing consensus among

major powers.”<sup>8</sup> The global security dimensions have also become more complex, and other powerful states have risen high enough to claim a permanent seat in the UNSC. The concept of “five for all” is losing relevance and their working procedures are coming under increased demands for reform.

Regardless of all criticism, the UN, and the UNSC as its central body are still too important to discard. It is with such resolve that this paper examines what reforms the UNSC needs and how they can be accomplished to make it more responsive to humanitarian crises when they occur and intervene when needed to. The study shall mainly focus on the structural and functional reforms of the UNSC.

## The History of Forming the UN and UNSC

The concept of collective security requires nation-states to mutually respond to a common threat to any one member of the alliance. Throughout history, there are examples of such collective security alliances. However, on a global scale, it was first in 1899 during the International Peace Conference at The Hague that the nations of the world elaborated on the “instruments for settling crises peacefully, preventing wars and codifying rules of warfare.”<sup>9</sup> In 1902, this effort resulted in “the Convention for the Pacific Settlement of International Disputes,” and the establishment of “the Permanent Court of Arbitration.”<sup>10</sup> The UN’s predecessor, the League of Nations came into being after WWI under the treaty of Versailles “to promote international cooperation and to achieve peace and security.”<sup>11</sup> The League hoped to garner the strength of nations combined to prevent wars and promote peace. Due to the League’s failure to prevent WWII—and the devastation and horrors of a long global war—the three major powers of that time, the United States (US), the Union of Soviet Socialist Republics (USSR) and Britain started planning a newly structured UN even before WWII had ended. On January 1, 1942, the US President Franklin D. Roosevelt first coined the name “United Nations” where “representatives of 26 nations pledged their Governments to continue fighting together against the Axis Powers.”<sup>12</sup> These

nations, especially the victors of WWII, were instrumental in bringing about the new concept of collective global security. In Moscow, in October 1943, “the Allied Powers vaguely committed to establishing an International Organization, based on the principle of sovereign equality of all peace-loving states.”<sup>13</sup> President Roosevelt opined “the doctrine of collective security and peace is indivisible and that all states must unite against states that breach the peace.”<sup>14</sup> These discussions continued even after the war. Eventually, in the interest of collective security, China and France were included in the inner coterie of the UN; these five nations finally formed the UNSC.<sup>15</sup>

As the negotiations continued, the seeds of dissent were often evident during various debates, especially over the role of the UNSC, and the veto power. At the Yalta conference in 1945, as the great powers declared that the voting issue of the UNSC had been resolved, critics point out that it is right from that moment that the UN tilted “towards being a concert of great powers rather than a global governing body.”<sup>16</sup> During deliberations, many nations opined differently on the UNSC’s overarching power in the UN framework. The French suggested, “Narrowing the veto power, allowing the smaller states more input into council military operations, and expanding the powers of the General Assembly.”<sup>17</sup> The Australian Foreign Minister, Herbert Evatt was even more critical when he said:

*The proposed Council had great effects and showed obvious signs of having been drawn up in the interests of major powers, preoccupied with problems of military security and inclined to ensure for themselves privileges to which they deemed themselves entitled by reason of their contribution to victory in World War II.*<sup>18</sup>

After intense diplomatic negotiations, the UN Charters were finally accepted in the San Francisco conference of 1946. Despite such historic achievements, even the UN’s

most ardent supporters “became convinced that the Charter had not gone far enough; it had placed too much authority in the hands of a great power Council.”<sup>19</sup> Even so, from 51 members in 1946, the UN has now expanded to be the largest multinational organization that includes 193 member states and two non-member states (the Holy See of Vatican and Palestine). From the ruins of two World Wars, and despite all criticism, the UN still stands as the only viable body to preserve peace and security across the globe.

### The Global Security Environment-Difficulties for the UN

The global security environment has changed significantly since 1945. From great power rivalry and proxy wars, the security dimensions are now interconnected, complex, uncertain, often intense, localized events with global second and third-order effects. Conflicts originate from disputes over physical boundaries, religion, ethnicity, economics, domination, terrorism, propaganda, vengeance and many other reasons. In such an ambiguous and volatile environment, it is impossible to discern the physical boundaries among peace, competition, and conflict. This has forced nations to adapt and tailor their security apparatuses to mitigate such varying threats. With the rapid pace of technology and information, the future security environment seems even more difficult to predict. Conflicts now erupt rapidly in a matter of days and hours. The Arab Spring, the fall of the Iraqi regime, Syria, and the Rohingya crisis in Myanmar are examples of localized events creating global impacts very rapidly. Unless organizations responsible become more responsive, they lose relevance. Such is the case with the UNSC. Because of its complex decision-making process, the UNSC is caught up in a slow tide of international diplomacy and political rifts. Moreover, if a P5 threatens or uses the veto, it then is impossible for the UNSC to take any reasonable action at all, despite the magnitude of a crisis. Any meaningful action is more difficult when conflicts are “intra-state.” As evident in Figure 1, since

1945, intra-state and civil conflicts are significantly more in number than inter-state ones. However, intra-state conflicts are not purely internal; they do have global effects and consequences. In many cases, ex-colonial masters, proxy powers or opposing powerful states have blocked resolutions that could have prevented a crisis. As such conflicts continue the UN is impaired by Articles 2 and 51 of its Charter, which guarantee sovereignty and non-interference. Jennifer M. Welsh quotes Adam Roberts in her paper on “The Charter and Humanitarian Intervention” by mentioning that the articles were so framed so that they did not frighten the states of their loss of rights to self-defense and sovereignty.<sup>20</sup> Unfortunately, great powers have used these articles to block “interference” in Bosnia, Yemen, and Syria.<sup>21</sup> That is how “great power politics” prevents the UNSC from taking the morally correct and responsible decision.

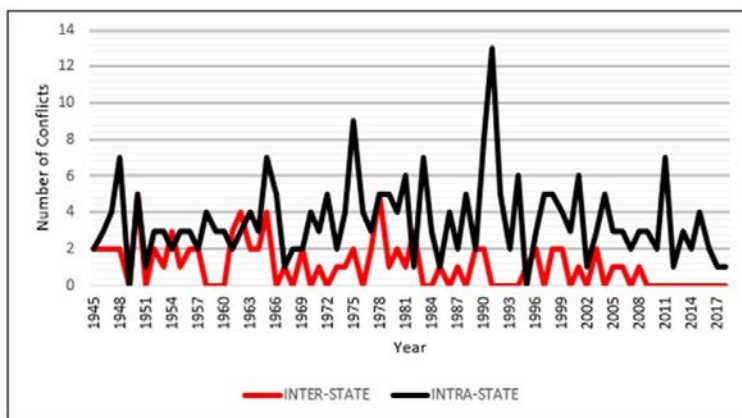


Figure 1. Conflicts of the World (1945-2018)<sup>22</sup>

The UN’s primary objective was to prevent inter-state conflicts; but with rising numbers of intra-state ones, the issue of state sovereignty and how another state may coercively intervene (if needed) raises difficult questions. As stated in

Article 2 of the UN Charter, internal domestic issues (like civil wars/intra-state conflicts) are the jurisdiction of the state in question. It says:

*Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.*<sup>23</sup>

Thus, it is obvious that the UN is only able to authorize an intervention when the UNSC sanctions it. When the UNSC fails to provide necessary decisions because of such dichotomies of the Charter, rogue regimes and rulers take advantage of it to continue repressing their people as the UN stands by.

### Functional and Structural Difficulties of the UNSC

The Treaty of Westphalia in 1648 is an important reference point in international relations as it emphasized the concept of modern states and a state's sovereignty. The "Westphalian principles, especially the concept of sovereign states, became central to international law and to the prevailing world order."<sup>24</sup> Subsequently, the UN embedded the concept of "state sovereignty" in its Charters, which is now an internationally accepted principle. The UN's Article 24 entrusts the UNSC for maintaining peace and international security.<sup>25</sup> The Council enjoys an exclusive authority under international law; its resolutions (unlike those of the General Assembly) are binding on UN member states and, though they are not always obeyed, they define what is acceptable conduct (and what is not) in the international system.<sup>26</sup>

Decisions in the UNSC must be concurred by a majority of nine members out of 15, and all P5 members must either affirm or abstain.<sup>27</sup> This decisional system is the center of controversy since its inception as it unduly reinforces the power and influence of the P5.<sup>28</sup> It is also the origin of the paralysis of the UNSC during humanitarian catastrophes where in case of an absence of consensus between the permanent members, the UNSC is unable to fulfill its mission of maintaining or restoring peace.<sup>29</sup> These are evident in three distinct periods (post-WWII, post-Cold War, post 9/11) as described beneath.

The Cold War era was marked by stark bipolarity, decolonization, freedom and nationalistic movements. Both the US and USSR led alliances competed for influence and advantage around the globe. Proxy wars and national revolutions backed by superpowers were abundant. Influenced by superpowers, the UNSC failed to effectively prevent, protect or manage conflicts. Korea, Vietnam, and Bangladesh are a few examples of the consequences of such great power struggles. Many Arab, Asian and African countries became centers of opposition or proxies of conflicting interests of superpowers. The UNSC, the supposed bedrock of peace in the world, became a stage for superpower rivalry. This created a huge dent in its credibility as an effective body. The rivalry was also evident from their voting patterns. Table 1 portrays how superpowers voted as per “party-lines” in the UNSC. As seen, there is not a single instance where both the US and USSR/Russia voted commonly against an issue, indicating stark differences of opinion on all matters only because they opposed each other.

Serial	Period/Bloc	Former USSR /Russia	USSR/Russia plus China	China	US	US and Allies	US and USSR/Russia both
1	Vetoes 1946-91	90	-	1	43	21	0
2	Vetoes 1991-2019	14	11	2	16	0	0

Table 1. Vetoes by Major Power Blocs (1947-2019)<sup>30</sup>

Most of the vetoes (Serial 1 in Table 1) were about accepting new members in the UN or were related to major conflicts of the time. Amongst all, the Chinese veto of 1971 reinforces the reason for this research, and that is, the need for intervention when the humanitarian situation demands, despite supposed breaches of sovereignty and its associated legal difficulties. In 1971, when the Liberation War of Bangladesh was in its ninth month and a genocide was happening, debates ensued whether the delegation of the new country in making should be called to the Council for presenting their case. The Chinese vetoed the proposal by saying:

*The Chinese delegation is of the view that inviting the so-called representatives of Bangla Desh-that is, the representatives of rebellious elements within East Pakistan-to participate in the deliberations of the Security Council . . . would be tantamount to asking the Security Council to interfere in the internal affairs of a sovereign State, Pakistan. That is totally contrary to the provisions of the Charter of the United Nations with regard to non-interference in the internal affairs of Member States.<sup>31</sup>*



The Chinese position is an example of how a P5 can block the UN from intervening by vetoing it, despite a genocide of three million people. Never should the Charter be the reason why mass atrocities go unnoticed.

After the Cold War, for a brief period, the world sighed with relief as the UNSC responded to Iraq's invasion of Kuwait via resolution 678.<sup>32</sup> It was the first real test of the UNSC in this new era. During this crisis, the UNSC seemingly restored its lost credibility. Politically, it was a success and it led people to believe that the UNSC would be able to handle all problems similarly.<sup>33</sup> However, even if the Cold War had ended, the voting patterns in the UNSC remained the same (as in Serial 2 of Table 1).

From the middle half of the 1990s until 9/11, the world saw an explosion of intra-state conflicts that stretched the UN's resolve and UNSC's credibility as a viable organization. Previous successes were overshadowed by failures in Bosnia, Rwanda, and others. The world stood by as civilians were massacred, and the UNSC, without the political will to intervene and act, suffered its greatest crisis since the end of WWII. Apart from conflicting interests, procedural delays too can cause a crisis to further inflate. Table 2 amplifies this by portraying how long it took the UN to respond to the Rwandan crisis, allowing it to escalate. Such inaction is an indication of the political unwillingness to be involved in an issue that has no apparent "value." During such periods of political rift or unwillingness in the Council, the General Assembly has no authority to force an action or decision without the UNSC's approval. Ultimately, when the UNSC is unable to provide direction, there is no alternative organ that can take up the collective security responsibilities of the UN.

Date	Resolution	Content	Action
October 1, 1990	The Rebels of Rwanda (RPF) commence cross border attacks into Rwanda		
March 12, 1993	812 (1993)	- Passage of Humanitarian Assistance - Cease RPF/Rwanda hostilities - Approves forming an Observer Mission	Only form a Military Observer Mission
June 22, 1993	846 (1993)	- Affirms Observer Mission	Deploy observers in 15 days
October 5, 1993	872 (1993)	- UNAMIR approved (peacekeeping) - Monitor/observe/demine/humanitarian assistance	Deploy within six months
April 7, 1994	The Rwandan genocide of the Tutsi minority starts on a large scale		

Table 2. Chronology of the Rwandan Conflict<sup>34</sup>

After the 9/11 terrorist attack, once again the world united against a common enemy. It gave the UNSC a fresh chance to prove its relevance and efficiency. UNSC Resolution 1373 condemned these attacks as an act of terrorism and authorized US military intervention as an act of self-defense.<sup>35</sup> Here, parallelism exists between the period following the invasion of Kuwait and the one following 9/11 where both demonstrate a temporary quasi-unanimity inside the UNSC.<sup>36</sup> It proves that, when a crisis is not influenced by political agendas, the UNSC can be effective and responsive. However, such hope was short-lived as the UNSC again failed to intervene in Syria or Yemen because of conflicting interests between the P5. Similar disagreements are also evident in the case of the Rohingyas of Myanmar. Though the UNSC is held responsible for these failures, the structure, and the way, the decisions are made inside the Council are to be blamed, not the organization.

The difficulties of the UNSC are apparent in three areas: (1) its structure, which is the way the UNSC is formed into permanent/non-permanent members, (2) the issue of “veto” and its use/misuse, and (3) the decision-making process where the UN General Assembly (UNGA) has no authority when the UNSC is unable to reach a decision, even if

humanitarian sufferings continue. Reform requires the study of each.

### Structural Difficulties

Besides the P5, the UNSC comprises of 10 non-permanent members who are elected for two-year terms by the UNGA. For non-permanent members, the allocation of seats is “five for African and Asian States; one for the Eastern European States; two for the Latin American and Caribbean States; and two for Western European and other States.”<sup>37</sup> Critics argue that the allocation of non-permanent member seats as per this ratio is not demographically representative or “equitable” geographically.<sup>38</sup> Also, all states are supposed to be considered “equal” by law; but in the executive decision-making process, they are not. Non-permanent members have no way of blocking a P5’s decision. Furthermore, other aspiring nations of the world are asking for permanent membership, to which no progress has been made so far. Thus, the UNSC suffers from the following structural difficulties:

- The UNSC is controlled by the P5; the collective voice of 193 states is irrelevant in the UN decision-making process.

- The organization acknowledges that there are other emerging powers in the world but disagrees about their inclusion as permanent members.

- The UNSC does not account for regional preferences.

- Continental representation is inaccurate. Asia, Australia, and Oceania have the highest population and number of countries as a region yet have only one permanent seat in the Council.

- The present composition of the UNSC is from 1965. Since then, geopolitically, the world has changed. The

UNSC should reflect the realities of today rather than basing itself on a Cold War era form.

### The Veto and its Criticism

The veto is the most debated issue during any reform discussions of the UNSC. Under Article 27 of the UN Charter, UNSC decisions on all substantive matters require the affirmative votes of nine members and no veto by a P5.<sup>39</sup> A P5 veto prevents the adaptation of a proposal, even if it has received the required votes. Abstention is not a veto, though all five permanent members must concur to amend the UN Charter or to recommend the admission of a new member state. Procedural matters are not subject to a veto, but they can be used to avoid the discussion of a non-procedural issue.<sup>40</sup>

As discussed earlier, the veto has always drawn sharp criticism as it supposedly discriminates between the P5 and other members.<sup>41</sup> The P5 argue that this privilege implies the “ability to exercise international responsibility,” and not only power.<sup>42</sup> However, in an organization that champions democracy and human rights, the veto is an obvious contradiction. As Richard Butler, Permanent Representative of Australia to the UN once said, “It is absolutely clear that the Security Council we have today is yesterday’s Security Council. It cannot do the job we need done today and will certainly need in the future.”<sup>43</sup> Similarly, as Roberto R. Romulo, Foreign Minister of the Philippines told the Assembly, “It is ironic that in the midst of the rapid spread of democracy . . . and the expanding membership of the United Nations, the Security Council remains unrepresentative in its size and the geographic distribution of its membership, and undemocratic in its decision making and working methods.”<sup>44</sup> Those supporting the

veto insist that the most powerful countries must have special privileges at the UN so that they remain in the organization.<sup>45</sup> Many view this compromise as unjust and blame the UNSC and the veto as only a platform for protecting interests, not peace.<sup>46</sup> This is contrary to the values of equality in the UN. Powerful nations use the Council when it suits them and turn their back on it as they choose.<sup>47</sup>

Apart from being the largest procedural obstacle against any reform of the UNSC, the veto can also stall any peace effort or prevent an intervention during grave humanitarian situations. However, the veto, no matter how powerful, cannot prevent unilateral interventions, especially if it was a P5. Thereby, it is deemed as being obstructionist and biased. Consequently, the UN has become more a tool for power politics rather than an organization that promotes freedom and equality. For the UN to remain as an advocate of freedom and equality, the veto process must be reviewed and reformed.

### The Decision-making Process

The decision-making process in the UNSC is beyond any reproach or interference. The UNGA, the largest body, is physically outside the domains of power in the UN. As per the Charter, its role is “propositional” in nature. It cannot authorize an action, and always needs to refer to the UNSC for any such requirement. This “upper and lower” house structure of the UN is discriminatory. Chapter IV of the Charter states:

*The General Assembly may . . . make recommendations . . . to the Members or to the Security Council or to both.*

*The General Assembly may discuss any ques-*

*tions relating to the maintenance of . . . peace and security . . . Any such question on which action is necessary shall be referred to the Security Council . . . either before or after discussion. While the Security Council is exercising in respect of any dispute or situation . . . the General Assembly shall not make any recommendation with regard to that . . . unless the Security Council so requests.*<sup>48</sup>

The UNGA's ceremonial role and the political impasses created in the UNSC both are responsible for where the UN is today. Humanity cannot remain silent as genocides happen. The UNGA must be empowered to complement the UNSC so that UN responsibilities are not ignored because of political feuds.

### Reform Efforts So Far

Reforming the UNSC, which is the UN's central powerhouse, is a difficult proposition since any amendment needs consensus from two-thirds of the UNGA and all P5 members.<sup>49</sup> Even the UN Secretary General António Guterres while mentioning "reform" of the UN, cautiously avoids mentioning the UNSC. As he explains: "The goal of reform is a 21st-century United Nations focused more on people and less on process, more on delivery and less on bureaucracy. The true test of reform will be measured in tangible results in the lives of the people we serve—and the trust of those who support our work."<sup>50</sup>

Despite criticisms, the UNSC has been quite successful in peacemaking, building and enforcing on many occasions.<sup>51</sup> More than reform, these were the results of the political will of the UNSC. But as multi-polarity increases

in the future, achieving a political consensus will be tougher. Hence, the need for a flexible decision-making process with more empowerment and representation in the Council and beyond. The UNGA must have a say in certain Council matters, especially when there are grave humanitarian concerns. While the UNSC is marred by geopolitical alignments, the UNGA's role cannot be relegated to mere ornamentation. As ex-Secretary, General Kofi Annan said:

*In the general assembly where all states are represented on a basis of sovereign equality, their sheer number has helped produce an agenda crowded with items that either overlap or are of interest to only a few States. Repetitive and sterile debates crowd out the items that really matter. Decisions . . . command little or no attention beyond the confines of the general assembly chamber.<sup>52</sup>*

The 1965 UNSC reform only increased the non-permanent members from six to 10.<sup>53</sup> However, no reform effort so far could change the way the P5 exert their influence in the Council or resolve the need for interventions when mass atrocities were evident.

In 1992, the UN Secretary General Boutros Boutros-Ghali presented two reform proposals—"An Agenda for Peace" and "An Agenda for Development."<sup>54</sup> Still, these documents did not suggest any changes in the UNSC. He, however, mentioned that, "As for preventive deployment ... the time had come to consider such action . . . with the consent of the parties concerned: for example, in conditions of internal conflict . . ."<sup>55</sup> Though Mr. Ghali did anticipate occasions when interventions might be needed during intra-state conflicts,

he also understood the difficulty of sanctioning them without the consent of both the nation in question and the UNSC.

In 1993, the UNGA took up the issue of reform with much more vigor. Pursuant to UN resolution 48/26, the UNGA “decided to establish an open-ended “Working Group” to consider . . . increase in the membership of the Security Council, and other matters related to the Security Council.”<sup>56</sup> The major issues considered by the Working Group included increased memberships, expansion of the UNSC, including the prerogatives and powers of the permanent members, decision-making in the Security Council, including maintaining, limiting or abolishing the veto, relations between the Security Council and the General Assembly and other organs, etcetera.<sup>57</sup> Ten years later, at the general debate of the 2003 session, “Member States strongly supported the overall process of reform. Heads of State and Government and other high-level participants of the UNGA . . . generally committed themselves to reform of the Security Council but made clear the parameters within which they would expect that reform to occur.”<sup>58</sup> The discussions mostly centered on the possible size, geographic representation, the veto reform and the relationships with the UNGA. Finally, in 2004, a “High-level Panel” formed by the UN Secretary General made certain recommendations that outlined four basic principles for any change to the UNSC.<sup>59</sup> These were:

- Increased involvement in decision-making of countries who contributed more.
- Decision-making process should involve more nations.
- Effectiveness of the UNSC should not be impaired.
- Reforms should contribute to accountability and increase democracy.



Basing on these caveats, two models for change were suggested in the 59th session of the UNGA.<sup>60</sup> Model A suggested six new permanent seats without a “veto.” Model B proposed a new category of eight four-year renewable-term seats and one new two-year non-permanent (and non-renewable) seat.<sup>61</sup> Both models were opposed by many member states and by the panel itself when it said that during proposing changes, the veto was “an important function in reassuring the . . . most powerful members that their interests would be safeguarded.”<sup>62</sup>

Kofi Annan, the UN Secretary General (1997–2005), endorsed the High-level Panel’s initiative in his detail report of 2005 where, among many issues, he mentions, “In my view no reform of the United Nations would be complete without reform of the Security Council.”<sup>63</sup>

As mentioned before, amongst all the issues related to the reform of the UNSC, the veto is the most difficult one. It actually “affects the work of the Council in ways that transcend its actual use during voting.”<sup>64</sup> Often, a draft resolution is not even “formally tabled” because of a threat by a P5 of vetoing it.<sup>65</sup>

In the face of mounting criticism over the years, states have often combined collectively to convince the P5 to use the veto judiciously, especially “in cases of genocide and large-scale human rights abuses.”<sup>66</sup> In 2013, a group of states formed the “Accountability, Coherence and Transparency (ACT)” cross-regional group aiming to increase the effectiveness of the UNSC by “putting constraints on the use of the veto.”<sup>67</sup> The ACT formulated a code of conduct “meant to encourage timely and decisive action by the Council,” and urged the P5 to refrain from using their veto in situations involving mass atrocity crimes.<sup>68</sup> Not all P5 members have endorsed this code of conduct.

After decades of discussion, this is the extent of UNSC reform so far. But blaming only the P5 for such stagnancy is unreasonable. All member states have a stake in the UN too. Substantial reform requires the collective will of all members.

### Suggested Reforms of the UNSC

Any reform of the UNSC must contribute to responsiveness, equality, and representation. Responsiveness implies a decision-making process that would enable the UN to “effectively” intervene when needed to and enforce resolutions required to maintain peace. Equality and representation suggest the inclusiveness of new members in the Council and empowering the UNGA to complement the UNSC. While suggesting changes, the caveats mentioned by the High-level Panel are considered as the parameters for reform.

### The Structure of the Security Council

The first issue to be resolved is the structure of the UNSC. For long, countries like Canada, Brazil, India, Japan, and Germany have been trying to obtain permanent membership in the Council. These nations cite their economic potential, physical size, contribution to the UN or their population sizes as justifications for their claim. Various P5 members have opposed their demands due to different conflicting interests. In certain cases, even if permanent membership had been agreed upon, the veto power was not promised.<sup>69</sup> Though these discussions have been prolonged for years, no change could be made yet. Nevertheless, the inclusion of any new permanent member should not be an arbitrary process and if elevated to this status, they should not be denied the veto power.

Structural reform of the UNSC must first address

how many members the Council should have. Some argue that geographic representation in terms of the population across the continents can be a criterion to ascertain the memberships in the UNSC. However, the population alone should not be the criteria for determining spots; the number of nations of a continent/region should also be a guideline. Table 3 portrays the global population percentage by continents, number of countries and new membership proposals. It suggests an increase of six permanent and one non-permanent member as per continent, population percentage and number of countries. The proposed vacancies only show the number of seats available, and not who they will be. The seats have been rearranged on a “continent + region” basis. It would not be mandatory to fill all the vacancies. The term for non-permanent members could continue as existing, while the selection process for the aspiring permanent members would be a “systematic” and “criteria-based” filtration method, as described later in more detail.

Area	Number of Countries	Global population %	Permanent Seats		Non-permanent Seats	
			Now	Proposed	Now	Proposed
Asia, Australia, Oceania	62	60.199%	1	3	5	3
Africa	54	16.958%	-	2		3
Europe and Russia	44	9.686%	3	4	3	3
The Americas	35	13.155%	1	2	2	2
Total	195	≈100%	5	11	10	11

Table 3. Global Population by Continent, Number of Countries and Members<sup>70</sup>

The first step for aspiring permanent members would be to place their candidacy to the UNGA. A minimum of 2/3rd majority both by the UNGA and

the region they belong to would be needed. In the case of multiple candidacies, regions would rank nations as per votes received. This approach ensures that the UNGA has more authority, the regions have a voice. It also encourages positive diplomatic relations between nations.

The second step is to determine how much monetary contribution a nation makes for the UN. The US is the highest payer of UN dues, which is fixed based on several factors as per group of nations. The lowest among the P5 is Russia (2.405%), while Japan is the highest among the non-P5 member states. Though many states contribute through peacekeeping operations, the rate affixed for a nation is an important factor to determine contributions to global peace. A certain percentage can be fixed for screening aspiring permanent members. Basing on Table 4 figures, a minimum of 2.5% financial contributions can be determined as the minimum needed from any aspiring permanent member state. The general apportionment as per UN resolution 73/271 may remain in vogue for others.<sup>71</sup>

Country	Percentage	Country	Percentage
USA	22	Canada	2.734
UK	4.567	South Korea	2.267
France	4.427	Italy	3.307
China	12.005	Japan	8.564
Russia	2.405	India	.834
Germany	6.09	Brazil	2.948

Table 4. UN Budget Apportionment among a Few Members<sup>72</sup>

The third step would be to evaluate the human rights

situation of an applicant member by using a “Human Rights Index,” or HRI. Unless a state has a commendable record in this regard, it would be objectionable to include them as a permanent member. Though the HRI is often controversial, it is a key indicator for assessing a nation’s conscience and good behavior. Aspiring permanent members must have a commendable human rights track record. The Universal Declaration of Human Rights is also an important document in this regard, and is accepted as a major factor for shaping or “modifying the behavior of states.”<sup>73</sup> Though the document does not prescribe a ranking, many international organizations and independent watchdogs (like the Freedom House) do have indices to rate a nation’s human rights situation. Such ratings under the auspicious of the UN Human Rights Council might be an effective tool to screen new permanent members in the UNSC. For example, Freedom House’s index of states (Table 5, Column b) could be used as a possible HRI.<sup>74</sup> As evident, developed nations that uphold the rule of law (who also happen to aspire for permanent membership) generally have a high score in the global rankings. As a baseline, to qualify, a member state may acquire an aggregate of 75 or higher. A similar ranking by the CATO Institute (Table 5, Column c) also has a comprehensive ranking for judging human freedom. Their “freedom rank” could also be a subsidiary tool to judge the human rights situation in a country. An approximate ranking within 75 might be accepted as a potential threshold limit. The UNGA/UNSC may discuss the appropriate indices and rankings needed for the qualification of aspiring permanent members.

Countries	HRI	Freedom Rank (Cato)	Good Governance
(a)	(b)	(c)	(d)
Norway	100	10	97.60
Canada	99	5	94.71
Australia	98	4	92.79
Japan	96	31	94.23
Germany	94	13	93.27
United Kingdom	94	8	87.98
France	90	32	91.83
United States	86	17	92.31
Brazil	78	123	36.06
South Africa	78	63	66.35
India	77	110	63.94
Russia	20	119	50.96
China	14	135	69.71

Table 5. HRI, Ranking of Free Nations and World Bank’s Good Governance Ranking<sup>75</sup>

In the fourth step, aspiring permanent members must portray “good governance” as an essential feature. Like the HRI, such indices are often severely criticized by many. Even so, this must be a pre-requisite and the World Bank indices (Table 5, Column d) could be a dependable matrix for ascertaining the rank of member states. As a suggestion, a score of 60 could be the minimum prerequisite.

The process described above for shortlisting aspiring permanent members of the UNSC is new. For it to succeed, the P5 and the UNGA need to agree on the indices and the steps and ratify the process. If agreed upon, the newly promoted nations may have a 5-10 year probationary period to prove their eligibility. In this period, any nation failing to maintain its standards in any of the fields shall vacate its permanent seat for other aspiring nations of that region. Figure 2 displays the process of selecting aspiring permanent members.

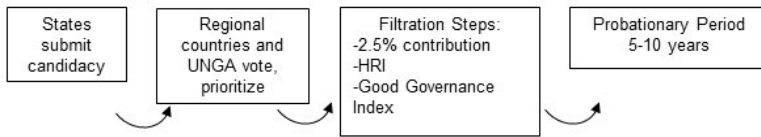


Figure 2. The Process for Selecting New Permanent Members of the UNSC<sup>76</sup>

### Incorporating the R2P in the UN Charter

As mentioned earlier, the R2P doctrine “refers to the obligation of states toward their populations and toward all populations at risk of genocide and other mass atrocity crimes.”<sup>77</sup> Its purpose was to ensure that crimes against humanity were not eclipsed by the clauses of sovereignty, and reminded the international community of its collective responsibility to act in the event of such crimes. It was based on three guiding pillars:

- Pillar One: Every state has the responsibility to protect its populations from four mass atrocity crimes: genocide, war crimes, crimes against humanity and ethnic cleansing

- Pillar Two: The wider international community has the responsibility to encourage and assist individual states in meeting that responsibility.

- Pillar Three: If a state is manifestly failing to protect its populations, the international community must be prepared to take appropriate collective action . . . in accordance with the UN Charter.<sup>78</sup>

Ultimately, in 2005, the UN accepted the R2P under three pillars, which were, “(1) the state responsibility to protect, (2) international responsibility to assist a state, and (3) international responsibility to act when a state is unwilling or unable to do so.”<sup>79</sup>

However, the R2P has not been incorporated in

the UN Charter, hence, it is not legally binding for the UNSC to follow. The Council is not obligated to “automatically undertake a military endeavor as soon as it happens.”<sup>80</sup> At the same time, critics of R2P say that it is an “infringement on national sovereignty,” in answer to which proponents say that it is only when a state fails to intervene does the principle come into effect.<sup>81</sup> When a state fails to protect its people from mass atrocities, the question of sovereignty is unjustified.

To implement the R2P, national leaders in the UN will have to deal with three problems while deliberating a case: does a mass atrocity situation exist, and does it warrant international intervention? What should be the course of action? And, how can resources be mobilized “rapidly enough to make a difference.”<sup>82</sup> To answer these, the UNSC needs the clout and will to navigate and provide an adequate and timely response to any situation.

As mentioned earlier, there is an urgent need to ratify the R2P as a legally binding document that can be deliberated through a due process once mass atrocities are evident. Because, even if the R2P was obligatory, the decision-making process of the UNSC can still stall any intervention effort. As a solution, a newly instituted Commission under the UN Secretary General may act as the legal body to determine the gravity of the situation, deliberate on the issue of infringement of sovereignty, advise the nation in question, and if failed, recommend urgent intervention or action to the UNSC, which would be mandatory for the UNSC to discuss and prohibitive to reject its tabling. Any P5 member would have the authority to abstain, and if after discussions it is vetoed, the issue must be taken to the UNGA for consideration and approval or rejection by the majority. This structure of decision-making can be incorporated into the UN Charters under Chapter VII with amendments that reflect the decision-making process, explain or define “humanitarian crisis,” and rationale for supposed interventions. This process is explained in detail later in the essay.

The issue of infringement of sovereignty and circum-



stances requiring intervention is a legally complicated issue, and it must be carefully explained. As interventions are generally coercive, only the UN has the authority to provide the needed legitimacy. As a prerequisite, the UN needs to determine that a grave situation exists that justifies an intervention, such as, threats of a dangerous crime (terrorism, bombings, hostage), genocide (mass selective killing like Bosnia, Rohingya, Rwanda), famine and epidemics (Ebola crisis), gross violation of human rights (Islamic State in Iraq), illegal arms trades (Iranian rockets smuggled to Hezbollah), and ensuring the right of self-determination (Namibia, East Timor).<sup>83</sup> In these situations, the UN must accept the possibility of intervention through a reformed decision-making process.

### The Veto and the Reformed Decision-making Process

As discussed earlier, the inability of the UNSC to come to a consensus can cause a conflict or humanitarian catastrophe to erupt or inflate. Generally, the P5 do not disagree when disasters are natural (e.g. earthquakes, eruptions, tsunamis). Whenever it is an “inter” or “intra-state” conflict, the decision-making process becomes difficult due to various reasons cited before. The need to intervene can be overruled by the threat or use of the veto. So far, efforts to obliterate or modify the veto have failed. Abolishing it is logically impossible. What might be more reasonable is to ensure that human suffering does not go unnoticed, rather than total veto abolishment. From that perspective, a “two-veto” system might be introduced. Rather than a single veto, at least two vetoes should be the minimum to discard an issue of grave concern in the UNSC. This would prevent a single P5 member from blocking a resolution merely because of it being against its own interest. The “two-veto” rule still provides the opportunity for su-

perpowers to veto an issue with the help of their allies and offer a perception of balance in the Council.

As a part of veto reform, the issue of the “double veto” by the P5 must be discussed to explain how the superpowers exercise a monopoly over what issues would be brought to the tables of the UNSC. On matters that are not procedural, “Decisions of the Security Council . . . shall be made by an affirmative vote of nine members including the concurring votes of the permanent members.”<sup>84</sup> This allows a P5 to veto a potential issue by labeling it as “non-procedural or substantive.”<sup>85</sup> Thereby, a P5 can veto any non-procedural agenda from even being brought to the attention of the Council. Thus, when a grave situation (like a genocide) is noticed, and the UNSC is unable to provide a decision, Article 27 of the UN Charter must be amended to enable the UNGA to be the driving force. By empowering the UNGA, non-procedural issues requiring attention will not go unnoticed. This decision-making process is described beneath.

First, the UNSC must acknowledge grave atrocities by allowing them to be tabled. If the issue is vetoed (by two vetoes or more) or no concrete direction is provided, the commission or country tabling the matter must have the right to present it to the UNGA. If the UNGA votes by a minimum of 2/3rd majority in favor of intervention or a certain resolution, the UNSC is then required to discuss the UNGA resolution to manage or prevent the crisis. A “no veto” bar would then be imposed; however, any P5 may abstain from voting. In such cases, if an intervention is required, it must be passed in the UNSC by at least a 2/3rd majority, and no veto will be accepted. The proposed decision-making process is shown below.

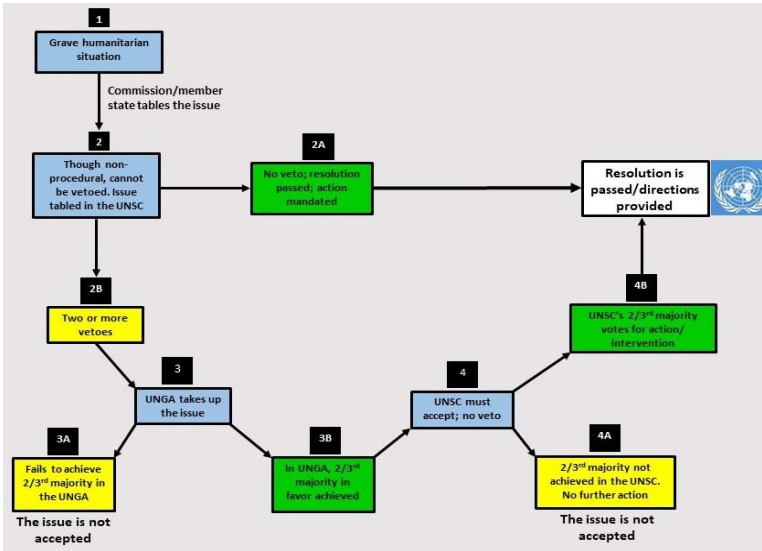


Figure 3. Proposed Decision Making Process<sup>86</sup>

### Implementing the Reform Proposals

The challenges for implementing the reform proposals are huge. However, nations cannot stand by in good conscience and see the world’s largest collective security organ fail or become irrelevant.

The proposals may be further studied by an independent commission and then presented to the UNGA/UNSC for discussion. Once debated and agreed upon, the UNGA/UNSC can ratify the relevant charter and articles. The proposals have a fair chance of success, as the new permanent membership process is not arbitrary; it is a criteria-fulfilling “systematic” process. The commission would then scrutinize the applicants and present the findings to the UNGA and UNSC, after which they would accept the new members into the Council.

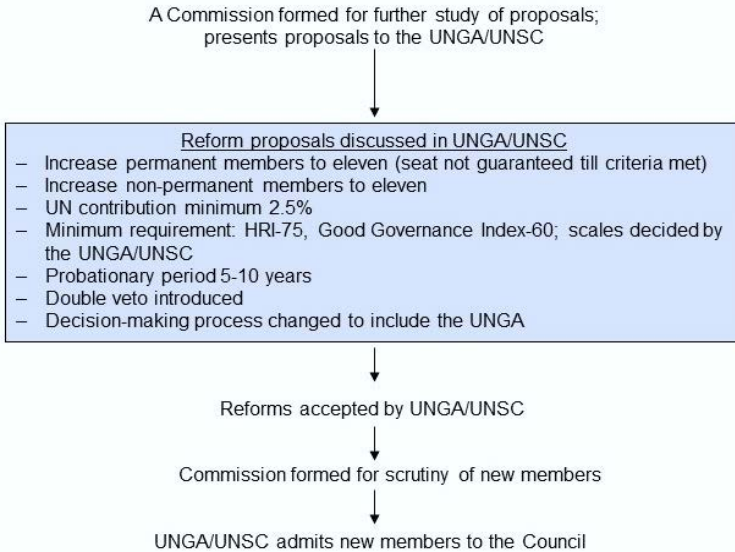


Figure 4. The Reform Process and Proposals<sup>87</sup>

## Conclusions

Historically, the UN “was a creature of great power politics, not international bureaucracy.”<sup>88</sup> Created on the “assumption that five of the strongest nations have the right and duty to safeguard the globe,” today, global security guarantees can no longer be assured by only the P5.<sup>89</sup> Now the world needs a more effective and responsive UN; an organization that can live up to the collective security pledges it promised.

For the UN to succeed, the moral obligation to do the right thing is imperative. Power politics and vested interests should not be why humanitarian catastrophes go unnoticed. Recent efforts like the R2P are encouraging, but the UN has still failed to end mass atrocities in Yemen, Syria, Myanmar, and others. If not reformed, the UN will continue to fail to respond effectively to such crises in the future.

In many cases, the UN’s failures can be attributed to its

central decision-making body, the UNSC, which is plagued by the power-politics of the P5. Amidst conflicting P5 interests, humanitarian suffering is often ignored, willfully or haplessly. To avoid such political deadlocks, the fundamental structure and decision-making process of the UNSC must change. It must be representative of the peoples of the world as per population and nation. Suggestions to increase permanent members from five to 11 and the non-permanent members to 11 reflect that need. However, the elevation to permanent membership in the UNSC would not be an arbitrary process. An account of a nation's human rights, quality of governance, and contribution to the UN can be suitable indices for selection. This systematic process will alter the way states behave with each other and encourage the betterment of their societies.

However, merely increasing the number of members in the UNSC does not make it more responsive. The Council's decision-making process also needs fundamental changes. The UNGA must be incorporated to complement the UNSC's efforts to assist in making decisions when a resolution cannot be reached.

Realistically, eliminating the veto, which is the most contentious and problematic aspect of the decision-making process is impossible. However, the authoritarian single-veto can be obliterated, and a two-veto requirement can be implemented as a compromise. When mass humanitarian suffering is evident, it must be recognized in the UNSC. If P5s veto it, the case can then be referred to the UNGA; and if a majority of the UNGA favor action, the UNSC must be obligated to reconsider it. A majority with a "no veto" bar in the UNSC would enable a resolution in favor of intervention or anything that would prevent a conflict or help return peace.

The power-sharing arrangements of 1945 cannot regulate the international system forever. The UN must reform itself for the benefit of humankind. Any notion that "reform is unnecessary" ignores the sweeping changes the world has seen since 1945. Reform is always a difficult proposition, and it will especially be challenging when it concerns a powerful body like the UNSC. Even so, as explained in this essay,

abrogation of the power of the UNSC through reform is not the objective, but to intervene when humanitarian situations demand it. When a civilian populace or society faces mass killing, ethnic cleansing or genocide, the moral imperative to intervene must be the “only” compelling factor. For that to happen, the UNSC must reform, and considering the proposals of this essay is a good start point

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