



REASSESSING THE UN SECURITY COUNCIL: LEGAL LEGITIMACY, VETO POLITICS AND PRACTICAL PATHWAYS TO REFORM

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Abstract-- The Security Council of the United Nations is a key pillar of the international legal framework, but its legitimacy is widely debatable. The authority of the Council comes from the UN Charter, on which the obligation to maintain international peace and security is particularly emphasized, but the Council's structure still reflects the political reality of 1945. The special role of the five permanent members and the recurring use of the veto have fueled the worry regarding an imbalance of powers, selective action and limited accountability; particularly when it comes to armed conflict and humanitarian crises.

This paper looks at Security Council legitimacy from the perspective of the dealings between legal authority, political practice and institutional reform. It looks at the veto as a Council power derived from the Charter, but also as a regular source of concern for the Council's legitimacy. It also takes into account the lack of Council representation from Africa, with the small number of states from Asia, Latin America and the Global South as a whole. The paper considers leading reform options, such as the G4 model, the Common African Position and the Uniting for Consensus approach, as well as procedural reforms that don't involve the amendment of the Charter.

The study suggests that either structural expansion or procedural reform are insufficient to deal with the legitimacy crisis in the Council. A more realistic approach lies in combining immediate accountability measures with long-term representational reform. In the interim, simpler steps can make a difference in how the Council operates by making it easier to explain when a veto was used, consulting more affected States, and empowering elected Council members to be more involved in its work. Finally, the paper suggests that the Council's future reputation relies not merely on the claim to reform itself in its composition, but equally to fairer, more open and responsible use of its powers.

Keywords: Security Council reform, Veto power, Institutional legitimacy, Representation, UN Charter amendment

1. INTRODUCTION

After the Second World War, the Security Council of the United Nations was formed as the main organ to ensure the maintenance of collective security. The Council has primary responsibility for maintaining international peace and security under Articles 24 and 25 of the UN Charter, and Member States agree to accept and implement its decisions. It may authorize force, impose sanctions and adopt decisions binding on all UN members. Article 27, however, introduces the concept of substantive decision making in a special voting system where only the concurrent votes of the five permanent members is required. This was intended to give the permanent members a decisive voice in the international security order and was explained as being essential to ensure the involvement of the major powers.¹

Eight decades later, the Security Council is being increasingly questioned about its legitimacy in wielding such power. Critics point to its failure to prevent or halt atrocities, the inconsistent enforcement of decisions and the influence of the political interests of permanent members.² In some cases, the Council has acted decisively while in other cases it has been divided or inactive when the humanitarian consequences are serious.³ Thus, the veto is one of its most controversial aspects. If one permanent member votes against, no action can be taken even if the other permanent members want to proceed with the resolution. The veto has thus been seen as a way to maintain

¹ Charter of the United Nations (adopted 26 June 1945, entered into force 24 October 1945) 1 UNTS XVI.

² Joy Gordon, 'The United Nations Security Council and the Emerging Crisis of Legitimacy' (Yale Journal of International Affairs, 1 December 2014) <<https://www.yalejournal.org/publications/the-united-nations-security-council-and-the-emerging-crisis-of-legitimacy>> accessed 22 June 2026.

³ Shanzeh Mirza, 'Abuse of Power or Justified: How the UN's P5 Use Their Veto' (Texas Undergraduate Law Journal, 9 December 2024) <<https://www.texasulj.org/blog/abuse-of-power-or-justified-how-the-uns-p5-use-their-veto->> accessed 22 June 2026.



the unity of the big powers as well as protecting their strategic interests from collective review.^{4&5}

The veto is not the only place where there is a problem of legitimacy. The current structure of the Council is not representative of current political realities, but of the power structure in 1945. There is no permanent seat for Africa, and the major states of Asia, Latin America and the rest of the Global South are excluded from the permanent category. This representational failure has led to the development of proposals like the G4 model, the Common African Position in the Ezulwini Consensus and the Uniting for Consensus (UfC) model. The proposals vary in how they address the issue of permanent membership, as well as regional representation and vetoes. The opposition between these positions is indicative of a general conflict between input legitimacy (fair and inclusive participation) and output legitimacy (the Council's capacity to act promptly and effectively).⁶

Broadly, the discussions surrounding reform have been ongoing within the General Assembly for many years, but the process of structural change is complicated by the need for support from all Member States as well as ratification by the five permanent members of the Security Council. Thus the states which are now enjoying the status quo have the legal authority to block matters that could diminish their status quo. This challenge has pushed the focus on reforms that can be made without a formal change to the Charter. The General Assembly's veto initiative under Resolution 76/262, for example, provides for an Assembly debate following the use of a veto and creates a public forum in which the vetoing state may explain its decision.⁷ The proposals on voluntary veto restraint, transparent reporting and broader involvement of elected members and diversification of the penholder system also aim to improve accountability in institutional practice.⁸ The measures do not take away the veto but can increase its political hurdles and make the decision-making process more transparent.

The Council's crisis of legitimacy and the political manipulation of the veto and the various proposals for membership reform have been the subject of existing scholarly studies.⁹ But there has been relatively less research on feasibility and legitimacy. A reform can be desirable but impractical, and a small procedural change could be feasible and produce some institutional change.¹⁰ There is thus a need to compare near-term changes which do not mandate Charter amendment with structural changes and to think about how they could be implemented in a realistic sequence.

This paper tackles this need by exploring current reform debates and the incremental and structural options. It assesses the potential for legitimacy deficits to be alleviated through veto-accountability mechanisms and changes to working practices. It then contrasts these measures with the G4 and Common African Position proposals for expanding permanent membership. The paper places a strong emphasis on the need for procedural, as well as structural, reforms to be implemented but does not suggest that such reforms are a quick fix for structural change, rather that they are a realistic step that can enhance transparency, participation and responsiveness as political momentum builds for broader reform. In this way, the study seeks to identify a realistic path towards making the Security Council more representative, open and effective.

2. LITERATURE REVIEW

This article illustrates scholarly response to the debate on the security council between legal authority and institutional legitimacy. Articles 24, 25 and 27 of the UN Charter give the Council responsibility for international peace and security, require members to carry out its decisions, and preserve the voting position of the five permanent members. However, even without legal standing, it is clear that the Council is not perceived as being

⁴ Ian Hurd, 'Myths of Membership: The Politics of Legitimation in UN Security Council Reform' (2008) 14 *Global Governance* 199.

⁵ Matthew D Stephen, 'Legitimacy Deficits of International Organizations: Design, Drift, and Decoupling at the UN Security Council' (2018) 31 *Cambridge Review of International Affairs* 96.

⁶ *Ibid.*

⁷ UNGA Res 76/262, 'Standing Mandate for a General Assembly Debate When a Veto Is Cast in the Security Council' (26 April 2022) UN Doc A/RES/76/262.

⁸ Security Council Report, 'Penholders and Chairs' (UN Security Council Working Methods, 13 February 2024)

<<https://www.securitycouncilreport.org/un-security-council-working-methods/pen-holders-and-chairs.php>> accessed 22 June 2026.

⁹ Antoinette Scherz and Alain Zysset, 'The UN Security Council, Normative Legitimacy and the Challenge of Specificity' (2020) 23 *Critical Review of International Social and Political Philosophy* 371.

¹⁰ Vahid Nick Pay and Przemyslaw Postolski, 'Power and Diplomacy in the United Nations Security Council: The Influence of Elected Members' (2022) 57(2) *The International Spectator* 1.



fair or deserving of support. Further, Hurd (2008) says that political acceptance is as important as legal rules¹¹; Binder and Heupel's (2015) analysis of General Assembly discussions shows that negative evaluations of the Council prevailed over positive evaluations. States judged the Council by its effectiveness, representativeness, procedures and consistency.¹² In a similar way, Scherz and Zysset (2020) evaluate legitimacy based on the purpose, powers, and procedural principles of the Council.¹³ Stephen's concept of 'legitimacy drift' describes how the design of an institution that was previously adopted in 1945 can become more or less powerful as a function of global shifts in power and membership over time without a corresponding reform.¹⁴

The question of veto is at the heart of this debate. One of the interpretations sees it as a necessary condition for the participation of a collective of major powers and thus the possibility of collective security. Another perspective emphasizes that vetoes help the national interest prevail on the Council's duties to act on behalf of the membership. The issue becomes one of the Council's inability to act with uniformity in the event of armed conflict or mass atrocities. Johnstone (2008) draws a connection between this problem and a 'deliberative deficit', because general international decisions can be influenced by a limited process of negotiation, and by a lack of public justification.¹⁵ Hurd (2008) acknowledges that reforms are not necessarily enough to eliminate hierarchy, as there are struggles over status and recognition to be fought in reform plans.¹⁶ The legitimacy problem therefore is related not only to the distribution of power but also to the way of exercising power.

The debate on representation has since shifted from the point of simply increasing the size of the Council. The G4 calls for more permanent and non-permanent seats,¹⁷ and the Common African Position calls for at least 2 permanent seats on the African continent with equal veto powers if it is to remain.¹⁸ UfC believes that there should be more elected members rather than additional permanent seats.¹⁹ These models represent varying conceptions of equality, either in terms of geographical inclusion, inclusion of great contributors, or more frequent elections. The research also confirms that the permanent members are not in control of all activities within Council. Pay and Postolski (2022) demonstrate that elected members can play a part in negotiations by building coalitions and possessing expertise and perseverance.²⁰ The same view is shared by Brosig and Lecki (2022) who argue that coordination between elected African states can generate agency, but that is limited by the unequal resources and permanent-member privilege of states.²¹

A parallel stream of reform looks at efforts that don't involve a Charter amendment. These comprise, among others, broader involvement of affected states and increased openness of meetings, as well as expanded responsibilities for the penholder and more detailed reporting about the use of the veto. The General Assembly resolution 76/262 of 2022 establishes a permanent rule for an Assembly debate within 10 working days of a veto and the Council's special report.²² It does not eliminate veto, but it raises it to the political level and forces a state using the veto to justify itself in front of the membership. The effects, however, need to be carefully evaluated. In an empirically-oriented study, Tørstad (2024) showed that a more transparent procedure not only decreased

¹¹ Hurd (n 4).

¹² Martin Binder and Monika Heupel, 'The Legitimacy of the UN Security Council: Evidence from Recent General Assembly Debates' (2015) 59 *International Studies Quarterly* 238.

¹³ Antoinette Scherz and Alain Zysset (n 9).

¹⁴ Matthew D Stephen (n 5)

¹⁵ Ian Johnstone, 'Legislation and Adjudication in the UN Security Council: Bringing Down the Deliberative Deficit' (2008) 102 *American Journal of International Law* 275.

¹⁶ Hurd (n 4).

¹⁷ G4, 'Joint G4 Statement by Brazil, Germany, India and Japan on Security Council Reform' (20 June 2024)

<https://estatements.un.org/estatemnts/10.0010/2024062010000000/aSFFne2CVcjS/VsWRFpxyeGgp_en.pdf> accessed 22 June 2026.

¹⁸ African Union, The Common African Position on the Proposed Reform of the United Nations: The Ezulwini Consensus (2005).

¹⁹ Uniting for Consensus Group, 'A Model for Security Council Reform' in Letter dated 27 February 2024 from Kuwait and Austria, UN Doc A/78/809.

²⁰ Vahid Nick Pay and Przemysław Postolski (n 10)

²¹ Markus Brosig and Martin Lecki, 'The African Three (A3) at the UN Security Council: Translating Agency into Influence?' (2022) 49 *Politikon* 254.

²² UNGA Res 76/262 (n 7).



some of the criticism but also failed to enhance perceived procedural legitimacy.²³ Transparency can be most helpful if paired with meaningful participation – not used as a replacement for it.

The institutional changes, however, have brought a new face on the issue of reform without solving the major differences. The Pact for the Future (2024), which adopts a future-focused perspective, sets out to strengthen the Council's representation and inclusiveness, transparency, efficiency, effectiveness, to deepen its democratic and accountability aspects, particularly with regard to the lack of African representation.²⁴ It also calls for priority to be given to intergovernmental negotiations. These statements reinforce the political impetus for reform, but do not eliminate the obstacles to Charter changes, which require the support of two-thirds of the UN members, including all of the permanent ones.

Thus, there is a gap in the literature. Normative studies lay out the basis for why more equitable procedures and representation are required by the Council, empirical studies quantify how perceptions of legality are perceived, and institutional studies outline specific models for reform. Relatively few works attempt to justify the likely legality and political viability of these measures or to outline in any realistic order the steps which could be taken to implement them. The present study seeks to fill this gap by examining veto accountability, working-method improvements and enhanced roles for elected members in comparison to the G4 and Common African Position. It explores representation, deliberation, and effectiveness as interrelated elements and examines what mix of short-term and long-term reforms is most likely to enhance the Council's authority.

3. RESEARCH QUESTIONS

1. To what extent can veto accountability measures and reforms to the Security Council's working methods improve its transparency, participation and legitimacy without requiring an amendment to the UN Charter?
2. How far can structural reform proposals, particularly the G4 model, the Common African Position and the UfC model, address the Council's representational deficit while preserving its ability to act effectively?

4. RESEARCH METHODOLOGY

This study adopts a qualitative doctrinal and comparative method. It covers articles 24, 25, 27 and 108 of the UN Charter, relevant General Assembly resolutions, Security Council records and positions of the reform as reflected in official records. The study compares the G4 proposal, the Common African Position and the UfC model. It also employs illustrative case studies of Ukraine, Syria and Gaza to examine the practice of veto. The effectiveness of the reforms is assessed based on their legal basis, political viability, and their potential to improve representation, transparency and institutional effectiveness.

5. DISCUSSION AND COMPARATIVE ANALYSIS

5.1 Legal Authority, Legitimacy and the Veto: While the Security Council has legal jurisdiction under the UN Charter, this does not necessarily make it legitimate, provided that there is more to that. Articles 24 and 25 provide Council primary responsibility for international peace and security, and member states are made responsible to implement its decisions. Article 27, however, enables each permanent member to prevent the adoption of a substantive resolution. This also brought the big powers into the collective security system, but can also mean that no action is taken when a permanent member or close ally is involved in a conflict.²⁵

There are various situations that make this challenge difficult, such as what has been witnessed in Ukraine, in Syria and in Gaza. The Russian Federation blocked a draft resolution on its military action in Ukraine.²⁶ Collective responses to violence and humanitarian need were limited in Syria due to repeated disagreements among the permanent members. During the Gaza conflict, vetoes delayed or prevented agreement on ceasefire proposals and

²³ Vegard Tørstad, 'Can Transparency Strengthen the Legitimacy of International Institutions? Evidence from the UN Security Council' (2024) 61 *Journal of Peace Research* 228.

²⁴ UNGA Res 79/1, 'The Pact for the Future' (22 September 2024) UN Doc A/RES/79/1.

²⁵ UN Charter (n 1) arts 24, 25 and 27.

²⁶ United Nations Security Council, 'Security Council Fails to Adopt Draft Resolution on Ending Ukraine Crisis, as Russian Federation Vetoes' (25 February 2022) UN Press Release SC/14808, <<https://press.un.org/en/2022/sc14808.doc.htm>> accessed 29 June 2026.



other measures. These are not examples of all vetoes being illegal as the Charter grants the right to veto.²⁷ They demonstrate that a rule can be legally acceptable and yet be unpopular because it consistently leads to actions that are delayed, of uneven application or inaction.

The main concern is not the mere existence of disagreement. In a war and peace institution, there is never been an agreement emerging out of politics. The issue escalates when the Council is unable to provide a routine reply to similar dangers. It gives the impression that the gravity of a crisis is not the only thing that propels decisions. Permanent members' interests and alliances also play a role in determining whether or not action is taken. This reduces confidence that the Council represents the interests of the broader UN community, but primarily as a tool for negotiating relations between great powers.²⁸

5.2 Veto Accountability and Procedural Reform: General Assembly Resolution 76/262 offers a concrete answer, by opening a debate subsequent to a veto and requesting the Security Council to present a special report. It does not affect Article 27 anymore or force any permanent party to change its vote. It's useful for providing public explanations. A veto, which was previously largely restricted to the Council, must now be justified in front of the rest of the UN members.²⁹

Not only does the program enhance accountability by putting the veto into public discourse, it also gives other states room to ask questions about the program, and keeps a record that will help determine consistency over time. However, its impact should be clearly and carefully expressed. Public criticism may have little influence where a permanent member considers major security interests to be involved. The mechanism only starts once a proposal is vetoed. It cannot get back to the rejected resolution or act quickly to eliminate the crisis.

Transparency needs to go hand-in-hand with participation. Being open is not enough to make the Council look more legit. A process may seem open without being truly so if the driving forces of the main negotiations are still restricted to a few states. Earlier consultations with affected states, organizations and elected Council members should accompany such open debates and special reports. Along with a veto, a permanent member should also give some legal and factual justification in a mass-atrocity situation.

In view of the practical considerations, to abolish the veto is much more difficult than to observe it voluntarily. The France-Mexico initiative and the Accountability, Coherence and Transparency Code of Conduct seek to discourage veto use in mass-atrocity situations.³⁰ They maintain a juridical position of the permanent members of the Charter but are based on voluntary compliance and also do not impose any legal obligation. Nonetheless, they can foster a perception that the veto must be exercised sparingly and be backed by arguments. This would introduce a new norm, but it would not stop political selectivity, it would simply make it less convincing if it actually occurred.

5.3 Working Methods and Elected Members: The other realistic option for change for the Council is the reform of its working methods. The penholder has a lot of power in drafting, negotiating, and timing. The most important files have been in the hands of the permanent members frequently. Distributing penholder duties would enable elected members to have a greater influence on the development of proposals and minimize concentration of procedural control.³¹

Elected members can influence Council work when they act together, develop expertise and coordinate with regional groups. They can propose draft language, meet informally and develop consensus throughout varying voting groups. However, they have a disadvantage due to their smaller resources and terms of office of two years. Their involvement would be more significant if they were better informed to participate and were given appropriate assistance and a genuine voice in the running of Council files. Representatives should be able to influence the decision making, not just to be in the chamber for a short time.

5.4 Competing Models of Structural Reform: Structural reform relates to the more fundamental issue of representation in the Security Council and under what conditions. The G4 are pushing for more permanent and

²⁷ United Nations Dag Hammarskjöld Library, 'UN Security Council Meetings and Outcomes Tables: Vetoes since 1946' <<https://research.un.org/en/docs/sc/quick/veto>> accessed 29 June 2026.

²⁸ Scherz and Zysset (n 9); Binder and Heupel (n 12).

²⁹ UNGA Res 76/262 (n 7); UN Charter (n 1) art 27.

³⁰ France and Mexico, Political Declaration on Suspension of Veto Powers in Cases of Mass Atrocities (2015).

³¹ Security Council Report (n 8).



non-permanent seats at the UN.³² Under the Common African Position, two permanent seats in Africa should be added in the permanent council with equal rights to the permanent members as long as the veto is still in existence.³³ UfC is against new permanent members but in favour of more elected seats. Each model has a real disadvantage, but it also brings about various socio-political and institutional costs.³⁴

The G4 model would be a more representative model in terms of states with high economic, political and peacekeeping influence and the representation of excluded regions. The challenge is gaining consent to identify and empower new members. It may be less objectionable to the P5 to allow for expansion without the immediate veto, but that would introduce a second tier of permanent membership. Expansion of veto rights would ensure formal equality – though may raise the prospect of deadlock.

The Common African Position reflects good regional equity. Africa constitutes a substantial part of the UN membership and frequently appears on the Council's agenda, but has no permanent seat. Such expansion would secure only moderate grounds for the legitimization process. Difficult questions remain over the selection of African members and veto rights. Some of these issues can be avoided with the model of UfC, which is characterized by an enlarged elected membership and maintains electoral accountability. It would however not alter the P5 hierarchy in much, nor guarantee permanent regional presence.

None of these models entirely contains the main paradox of representation versus effective decision-making. Larger Councils can be broader, but less cohesive. New seats can cancel out old exclusions, and establish new forms of privilege. Elected seats may increase participation but have no effect on the overall power balance. Reform should thus be evaluated in terms of regional proportion, vote, accountability, and power to sway decisions, recognized by new members of Parliament.

5.5 Feasibility and Reform Sequencing: Article 108 is the main blocker to structural reform. Charter amendment requires approval by two-thirds of the General Assembly and ratification by two-thirds of UN members, including all permanent members. The P5 can therefore block an amendment affecting their position. The lack of a strategy that emphasizes short-term structural reform is unlikely to work.³⁵

Before venturing to any amendment of the UN Charter, a realistic reform process should begin with what can be done without one. The first phase needs to reinforce accountability of vetoes during debates in the General Assembly, expanded special reports and reasons. The second should engage people in wider representation through the shared representation of penholdership and greater involvement for elected members. The third should seek agreement on Council expansion, due attention being paid to the underrepresentation of Africa and the broader underrepresentation of developing states.

This is a step-by-step process, however, and should not be seen as a solution for structural reform. Procedural changes will not make any difference to the unequal legal situation caused by permanent membership and the veto. They can still enhance decision-making processes and demonstrate that more widespread involvement need not compromise the quality of Council action. The more feasible track is one whereby there is immediate accountability and reforms of the working methods, followed by negotiated regional expansion, aimed at creating fairness, with a view to achieving effective practical results. It acknowledges and accepts that reform is limited, but it doesn't just enable it to get away with inaction.

6. RECOMMENDATIONS

Amid broad political pledges and distant hopes for an amendment to the Charter, a reform of the Security Council is not possible without substantial concrete steps. As structural change is a longstanding challenge, the pragmatic approach should start with measures that can increase accountability, participation and transparency through the current legal system. The recommendations listed below support measures, both immediate and long-term. These measures are intended to increase the accountability of the use of the veto, enhance the influence of elected members and maintain clarity for future expansion. These reforms could certainly not eradicate the more systemic

³² G4 (n 17).

³³ African Union (n 18).

³⁴ Uniting for Consensus Group (n 19).

³⁵ UN Charter (n 1) art 108.



disparities in the Council but could help mitigate their impact while broader discussions take place.

6.1 Adopt a Written Veto-Justification Procedure: Each time a permanent member exercises the veto, a written statement must be made to both the General Assembly and the Security Council in the first forty-eight hours. The statement shall specify the basis of the veto in the Charter, and explain why less restrictive alternatives have been rejected, and how the vetoing member will address the threat of peace in an alternative manner. This can be done using a Security Council presidential note and urgent action through the practice of the General Assembly without changing Article 27. The explanation should be set out in a special report compiled pursuant to Resolution 76/262 and put on a public record system.³⁶

6.2 Create a Mass-Atrocity Review Trigger: Whenever the Secretary-General, the UN High Commissioner for Human Rights or an independent international fact finding body determines that there is a serious risk of genocide, crimes against humanity or war crimes, a specific review process should be followed. In such cases, the Council President should convene an open meeting before the vote, unless immediate action is required. If a permanent member is to be placed in opposition to a veto, he/she shall be asked to brief the factual findings in public. This would not end the veto, but it was intended to render its use on grave humanitarian occasions more questionable to justify and would reinforce the already existing initiative for voluntary restraint.³⁷

6.3 Reform the Penholder System through Rotation and Co-Penholdership: The Council should implement a rotational process through a policy that will allow half or more of all country-specific and thematic files to be led concurrently by one permanent member and one elected member. An African elected member should be ordinarily co-penholder for files relating to Africa. Draft resolutions should be circulated to all Council members no less than 72 hours prior to the voting, unless the situation is urgent. These measures would give the elected members the opportunity to develop draft resolutions at a stage when they were not merely reacting to pre-prepared texts by permanent members.³⁸

6.4 Establish a Support Unit for Elected Members: The UN Secretariat should create a small technical unit for elected Council members. It should provide legal research, drafting assistance, sanctions expertise and institutional records from earlier Council negotiations. The unit should begin supporting incoming members three months before their term starts and continue until the completion of their presidency and committee responsibilities. This would reduce the resource gap between elected members and the permanent missions of the P5, making participation more effective in practice.³⁹

6.5 Set a Measurable Reform Timetable: Structural reform measures should be taken within a well-defined negotiation program, rather than subject to an annual process of discussion. The General Assembly should mandate the Intergovernmental Negotiations process to develop, within two sessions, a final draft that incorporates the G4 proposal, Common African position and elected-seat model. The next step would then be for member states to mark their stance on membership categories, regional allocation and veto rights. Five years after enacting, a formal review conference should be held to determine whether any procedural changes have enhanced transparency and participation, and whether adequate support is present for the potential Charter amendment.^{40&41}

6.6 Use Clear Indicators to Measure Progress: These reforms should be audited once a year by means of an enquiry to see if vetoes are followed up by a written explanation, if the debates of the General Assembly are on time, if the regional organisations concerned are given a seat in the driving seat, if the impact of draft resolutions is shared early on, and if affected organisations are heard. The inclusion in the Council's annual report of these indicators would allow member states to assess the achievement of actual institutional change versus new political commitments in the context of reform.⁴²

³⁶ UNGA Res 76/262 (n 7); UN Charter (n 1) art. 27

³⁷ France and Mexico (n 30).

³⁸ Security Council Report (n 8).

³⁹ Vahid Nick Pay and Przemysław Postolski (n 10).

⁴⁰ UNGA Dec 62/557, 'Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council' (15 September 2008) UN Doc A/DEC/62/557.

⁴¹ UNGA Res 76/262 (n 7).

⁴² UN Charter (n 1) art 24(3).



7. CONCLUSION

The UN Security Council continues to be the main body at the UN to keep peace and security in the world, but it cannot do so with the formal authority alone provided by the UN Charter. Its legitimacy also has to take account of the representativeness, reasonableness and effectiveness of its decisions. This research indicates that the primary challenge is between the Council's statutory duty and its political action. The veto is a tool at the disposal of permanent members to safeguard their vital interests, however, repeated applications or threatened applications of the veto during significant humanitarian crises have frequently hindered collective action at the right time. This has undermined trust in the Council and led to a perception that similar emergencies are not always managed equally.⁴³

This issue of legitimacy is not restricted to the veto. Despite the impressive expansion of UN membership and shifting world dynamics, the Council's current membership still bears witness to the political pact of 1945. There is no permanent African representation and major Asian and Latin American and Global South countries are not included in the permanent category. This imbalance manifests in symbolic equality, but it also adversely impacts participation in practice. The Council's credibility becomes difficult to defend when it repeatedly decides on conflicts in regions that have little voice in the decision-making process.⁴⁴

Expanding the Council alone will not be enough to solve the problem. The inclusion of more permanent members can have a positive effect on the representation of specific regions, but can also result in a replication of the status quo or a greater risk of deadlocks. Each of the proposed models (G4, Common African and UfC) speaks to a different element of the issue and each has failed to achieve the political support necessary for Charter amendment. There is a better way: keep pressing for structural reform, and adopt steps that can be phased in.

Immediate reforms should focus on measures that can be adopted without amending the Charter. Discussions in the General Assembly after a veto, written explanations by vetoing states, more involvement and consultation by elected members, and greater use of co-penholdership are positive steps toward enhancing transparency and deliberation. These cannot replace the special position of the P5, but they can increase the burden of legitimate backing of their use. Evaluation of their success should be objective, rather than general political pronouncements. Such a yearly reporting would reveal both how much the Council had changed its ways and whether it was merely pledging the same reform agenda repeatedly.

However, there is a need for further improvement in the design of representations in the longer term. Specifically, the underrepresentation of developing states and the lack of membership in the permanent body for Africa should be addressed. One pragmatic measure could be to let new members sit on the P5 only with a future veto, but the status quo changed and it shouldn't be left in perpetuity.⁴⁵ Any expansion should also be accompanied by procedures that allow the Council to respond effectively to any threat to peace and security.

The study thus concludes that the Council's legitimacy can be enhanced only if given a combination of short-term and long-term measures. Procedural accountability should start immediately, changes to working methods should expand opportunities to participate meaningfully, and structural negotiations should take place within a defined time frame. It acknowledges political constraints on reform and does not place reform within those constraints.⁴⁶ The security Council's future authority will rely not only on the force at its disposal, but to what degree it is able to use in an ethical, transparent and accountable way.

⁴³ Antoinette Scherz and Alain Zysset (n 9).

⁴⁴ Martin Binder and Monika Heupel (n 12).

⁴⁵ France and Mexico (n 30)

⁴⁶ UNGA Res 79/1 (n 24); UN Charter (n 1) art 108.