

# ***How Should the United Nations Security Council Respond to Changing Balance of Power?***

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**Abstract:** Together with the United Nations' achievements comes constant criticism. The Security Council, as one of the core organs of the UN, has been a center of contention. The lack of practical responses to the Ukraine crisis since 2014 invokes another round of skepticism about the Council's functionality and demand for reform. This paper does not consider the current dilemma exceptional. In contrast, this is merely another example that illustrates the Council's increasing incapability when encountering the changing balance of power. Therefore, this paper claims the Council needs a robust reform to re-adapt to the grand trend. The first part briefly introduces the Council's history to illustrate some possible fundamental issues in the Council. The second part analyzes the Council's contemporary dilemmas when encountering crises involving great powers, such as Ukraine. Finally, the paper evaluates the existing plans for reform and proposes a new direction for consideration. Even though the Council has been suffering from weakness recently, it is unlikely that the world can completely abandon it soon before finding a more appropriate replacement. Therefore, this paper's work is an initiating framework for future reform. But more research and discussion are necessary for a more elaborate scheme for practice.

**Keywords:** United Nations, Security Council reform, humanitarian intervention, balance of power, veto power

## **1. Introduction**

The United Nations Security Council (UNSC) has played an essential role in dealing with international peace and security issues since its founding in October 1945. Many people believed the Council signaled a revolution from the old League of Nations to a more independent and

effective international institution. However, the world cannot circumvent great power relations when discussing international affairs. In many circumstances, the Council failed to fulfill its core mission, especially when one or more great powers with veto powers were involved. This invokes skepticism on whether the Council is flawed because of its fundamental structure, such as the existence of the veto power.

In addition to the possible long-standing issues, the contemporary trend also poses challenges for the Council. As the United States (US) Congressional Research Service directly claims in its report to the Department of Defense, the international order since World War Two (WWII) has fundamentally changed. For example, some believe the change is underscored by the “increased strategic partnership between China and Russia [1]. Russia, from the other perspective, argues for the same situation. In his article, director Trenin explicitly claims the US-Russia rivalry is back, and the result is Russia's Eastward tendency, seeking a closer tie with China [2]. While a specific new pattern is uncertain, the balance of power among countries has been evolving significantly. And this also triggers people's questions about the current Council's qualification to fulfill its mission.

Therefore, this paper claims the current Council has been incapable of managing the changing balance of power, so it needs a robust reform. The report will have three major sections: history, present, and future. The first part of the history section will examine the history of the veto. With historical examples, it attempts to explore how the Council has been a tool for the great powers in the world to use to the advantage of their own. The second part will illustrate legal inconsistency in the UN system, with two war cases that the Council failed to fulfill its mission. Then the present section starts by analyzing the European Union (EU) as an increasingly essential factor in the current international arena. This lays the foundation for the second part to focus on the Ukraine Crisis that causes another round of criticism of the Council and demand for reform. Finally, after elaborating on the Council's challenges and possible direction of reform, the paper concludes with a forecast of the Council's future. The last section will evaluate existing proposals for reform that are rejected and then provide suggestions for a viable option.

## 2. History

### 2.1. Tool of the Great Powers – The History of the Council's Veto Power

How did the Council come into existence? What role did it play in major historical events? How was it evolved in the issues between great powers? How had it been performing as such an important international organization? More specifically, under what circumstances or what triggered its permanent member to excises its Veto power? By answering these questions through historical analysis, this part aims to demonstrate how the Council has been a tool for the great powers in the world to use to the advantage of their own and thus call for its reform. The first section introduces the history of the origin of the Veto power of the Council. And the second section provides a historical example in which great powers use their Veto power for their benefit in a war.

#### 2.1.1. History of the Origin of the Council's Veto Power

The United Nations Security Council is one of the six principal organs of the "United Nations." It is organized so it can work continuously, and each Council member must always have a representative at UN Headquarters. The Council is the only UN agency that has the authorization to take military actions.

At the end of World War II, the US, China, the Soviet Union, and other countries called for establishing an international intergovernmental institution to maintain world peace and security. On October 24th, 1945, the *"United Nations Charter"* signed in San Francisco, US, came into effect.

The UN was formally established with its headquarters located in New York (“United Nations Security Council”). China, the US, the Soviet Union, the United Kingdom (UK), and France, as the five victorious countries in World War II, have then become permanent members of the United Nations Security Council (aka. P5). The greatest privilege of “P5” is to hold veto powers -- Any resolution of the UN cannot be passed as long as one permanent member votes against it. This seemingly unequal clause is intended to maintain the long-term existence of the UN. This is the legal power conferred on the five permanent members by the *UN Charter* and has the highest international legal effect.

Throughout history, the usage of the veto power of the permanent members has gone through several different phases, reflecting the transition of the political balance of the Council. From 1946 to 1969, most of the members of the Security Council were alliances with the US. So the US did not exercise any veto because it won most of the votes. However, it was the Soviet Union that cast 93 percent of the vetoes because it wanted to reject most of the resolutions from the western world [3]. France and the UK exercised their veto occasionally to protect their colonial interests, and the Republic of China only vetoed once.

After the 1960s, the US became the country that vetoes the most because the emergences of the Third World countries (India, Socialist Federal Republic of Yugoslavia, etc.) frequently voted against western countries in the UN. This forced the US to exercise 56% of all the vetoes during that period. Comparatively, the Soviet Union and the People's Republic of China exercised nearly no veto [3].

After the end of the Cold war and the collapse of the Soviet Union, there was a short period of harmonious time in the Council. Veto number declined dramatically, and the number of resolutions passed each year increased until the beginning of the 21st century, mainly because of the civil war in Syria.

As of May 2022, Russia/USSR has used its veto 121 times, the US 82 times, the UK 29 times, China 17 times, and France 16 times. On April 26th, 2022, the General Assembly adopted a resolution mandating a debate when a veto is cast in the Security Council [3].

Therefore, from a historical point of view, a veto power can, to the greatest extent, prevent the UN from collapsing like other international alliances because of the disobedience of the great powers. Granting the five major victorious countries of World War II veto power will eliminate the motivation for the great powers to withdraw from the UN.

### **2.1.2. Example of Great Power Using Veto for Its Benefit**

Unlike the armed conflicts and wars discussed in the previous section of this research, the Cold War that took place in the last century is an excellent example of great power in the permanent members using their veto power to act for the benefit of their own instead of the majority.

The Council was ineffectual during the Cold War because of ongoing disagreements between the US and the Soviet Union. During that period, veto powers were nearly abused. The USSR clocked up an impressive 68 vetoes, with the US in second place with 61 vetoes [4]. And most of these vetoes aimed to block other countries from bringing a member of the UN. For instance, most of the veto occurred between 1946 and 1961, at the height of the Cold War, when the Soviet Union believed that Western powers were preventing its former satellite states from Eastern European socialist countries from joining the UN. Therefore, the Soviet Union retaliated against joining the UN with countries such as Austria, Ireland, Japan, and Libya. In contrast, the US voted against joining Angola, South Vietnam, and the Democratic/Socialist Republic of Vietnam (North Vietnam). China voted against Bangladesh and Mongolia joining the UN. The Soviet Union and the US also raised vetoes over candidates for the UN secretary-general.

During the nearly 50-year Cold War, the UN has become a tool for the two major international camps (the US and the Soviet Union) to check and balance each other for their interests, making it extraordinarily inefficient or even ineffective in handling international affairs.

Therefore, from the above examples and historical perspective, it is not difficult to see that although the veto guarantees the interests of various major powers to a great extent and ensures that they do not withdraw from the UN, the limitations of the absolute rights it grants to these countries are worth pondering. Just as researcher Peter Nadin states in his article "United Nations Security Council Reform," "Power in international politics is not a constant. The rise and fall of empires throughout history is testament to this fact" [5].

## 2.2. Discussion of the Legality of the Use of Force

The UN Charter has solid clauses that allow governments to deploy military force as a last option, based on internationally accepted bases of the rules indicating the use of force. These two pillars are collective self-defense under UN Charter Chapter VII section 51 [6]. It declares that until the Security Council creates and implements the essential measures to promote peace, nothing in the current Charter shall impede the collective or individual's fundamental right to self-defense if an armed attack is planned against a UN member state. Second, the Security Council's endorsement of using force in specific circumstances to promote peace and uphold international stability provides a strong justification for states' use of force, as described in Chapter VII paragraphs. However, the definition of force in the UN Charter and ICJ statute does not explicitly address the circumstances in which sovereigns are permitted to use armed force and what constitutes self-defense, which has led to legal inconsistencies and led some states to disregard the fundamental principles of international law. The following sections will examine two specific war cases to justify the above statement.

### 2.2.1. Terrorism/Self-defense Case (War in Afghanistan)

On September 11st, 2001, four coordinated attacks took place on US territory. The US identified Al-Qaeda as the terrorist organization responsible and Osama Bin Laden as the chief orchestrator of the attacks. The US determined that Osama Bin Laden and core Al-Qaeda operatives were located in, and is supported by, the Taliban government in Afghanistan. The US demanded that the Taliban regime close the Al-Qaeda training camps, surrender Osama Bin Laden, and open their territory to US inspections. The Taliban refused, and the US commenced Operation Enduring Freedom.

However, there is no one universally accepted definition of terrorism at present. This is because the act of terrorism is committed for various reasons and the intentions of those who commit it, when examined by those attempting to interpret a cause, lead to conversations mired in reactionary, emotional stances as well as ones that are politically charged. Therefore, this operation falls into the category of self-defense.

The first installment of Operation Enduring Freedom was the invasion of Afghanistan by US military personnel and the commencement of armed strikes against Al-Qaeda operatives in Afghanistan. Two Security Council resolutions and 1373 condemning the 9/11 attacks and imposing measures concerning the suppression of terrorism are generally recognized *in the preamble* as the "inherent right of individual or collective self-defense in accordance with the Charter" [6,7,8]. The US argued that the 9/11 attacks were "armed attacks" and that its military action in Afghanistan was justified based on self-defense. Only Iran and Iraq challenged the legality of the US operation in Afghanistan.

### 2.2.2. Case Analysis I

This section will determine whether (a) there is a breach of the prohibition on the threat or use of force; (b) whether it is justified by any exceptions that exist in international law.

In most cases, there are exceptions to the prohibition of the use of force as follows: authorization of the Council, states' consent, and self-defense. In the meantime, it is necessary to seek the legal basis for using force in Afghanistan in the aftermath of 9/11 under self-defense and the conditions to use force: Customary international law principles of necessity and proportionality to limit the use of force.

- Proportionality to the threat and the continued risk of attack: there is a plausible argument for the continued risk of attack and arguably proportionate given the severity of the attack since the USA was aiming for the Al-Qaeda's strongholds and not the entire country.

- Necessity: this war was to prevent further attacks, so it was arguably necessary.

- UN Charter is unclear that the attack must emanate from a non-state actor, but that seems to be the general presumption.

To conclude, the initial stage of Operation Enduring Freedom was approved and supported by the international community. Nevertheless, it is contentious whether the US received permission from the UN Security Council to attack nations like Iraq that have been overrun by terrorism and whether a resolution authorized the use of force.

### 2.2.3. Humanitarian Intervention Case (War in Kosovo)

In a speech by the foreign ministers, NATO established its two main objectives regarding the Kosovo crisis on May 28th, 1998. As the Yugoslav military fought during the air strikes on Yugoslavia from March to June 1999, a substantial exodus of Kosovar Albanians and NATO invaded after the multilateral plan fell through and justified the operation as humanitarian warfare. Countless people were in immediate danger as a result of the Kosovo crisis. Thus, the essential criteria of substantial bodily harm were met. Such a massive scale of civil rights violations required international military involvement.

### 2.2.4. Case Analysis II

The controversy over whether NATO's action in Kosovo was legal establishes clearly that Operation Allied Force lacked a solid legal basis under international humanitarian law. This argument centers on the UN, the international organization that maintains peacekeeping. The absence of an explicit UN authorization for the NATO air operation proved contentious. Similar to the UN, it is frequently regarded as the leading international agency that justifies military involvement based on its global reach and extensive safety and humanitarian obligations. The UN Charter highlights that, as already established, the idea of non-intervention and its judicial system is intended to deal with interstate hostility rather than meddling in a country's internal affairs [9].

Furthermore, NATO's use of force in Yugoslavia was not authorized by the UN Security Council. Additionally, NATO did not claim that a military attack on another country had taken place; instead, it contended that NATO's actions were under the United Convention, in part because the UN Charter prohibits only unilateral attacks by independent states. The main legal issue, however, is whether NATO member states—the US and the EU—that sent military personnel to participate in a NATO missile strike violated the UN Charter by attacking a UN member country: (a) in the absence of UN Security Council approval and (b) in the absence of an assault or immediate threat of invasion against them. This is because NATO is not a UN member [10].

To summarize the entire situation, NATO intervened in Kosovo in 1999 for humanitarian reasons. The prior Ceasefire provided some legitimacy for NATO's efforts, even though the UN did

not formally authorize the involvement. It benefited more from the agreement among international observers that Army of Yugoslavia (FRY) troops in Kosovo were responsible for violating the civil freedoms of the Albanian community. Due to the moral and ethical considerations and the application of military pressure, NATO's mission was referred to as a "humanitarian intervention." In other words, it is morally correct but not legal.

### **2.2.5. Conclusion and Possible Solutions**

A conclusion is made from the first case that: the explicit requirements of circumstances under which a party must decide to use force to foster domestic and international stability have caused the international and customary rules to suffer. The UN Charter outlines two conditions in which using force is an option. However, they are still ambiguous, which leaves a loophole for some countries to demand the use of force. For example, the legitimacy of the war in Iraq is still debatable. Moreover, the use of force against terrorism is not defined. The second case study indicates that: even though a forcible liberal intervention that did justice and saved lives under international humanitarian law still can be deemed illegal. However, the fact was otherwise. What's more, there are no related terms concerning the participation of a military alliance in war. Therefore, reform is urged to resolve existing paradoxes.

Possible solutions can be discussed in various forms. For instance, an amendment to the UN Charter regarding specifying circumstances of the use of force under self-defense; defining the "proportionality to the threat and the continued risk of attack," governing continuous military operations; regulating the use of force against terrorism; as well as the role of the military alliance in the war. The requirement for amendment is to gain two-thirds of the members of the General Assembly and be ratified by two-thirds of the members of the UN, including all the permanent members of the Security Council [6]. Though challenging, it will benefit all UN members in the long term. An alternative is to propose a new treaty between nations, which is relatively less complicated than the first approach. Nevertheless, it might not include all countries for different reasons, such as political stances.

## **3. Present**

### **3.1. The EU's Role and Influence in Today's World**

#### **3.1.1. What is the EU?**

Europe is defined from the perspective of geography, while the EU concerns more with politics. The foundation of the EU is regarded as a milestone in European integration. From the European Coal and Steel Community (ECSC), founded in 1952, to the current EU, which comprises 27 European countries not only from western Europe but also from eastern and central Europe, the EU's area has dramatically expanded over the past 29 years. It governs common economic, social, and security policies. We have seen its ups and downs as time went by. When countries work together, the EU is powerful, but getting it to work together is hard.

#### **3.1.2. How does the EU Work?**

The EU is not a state but a confederation that, on some issues, has united governance. The EU consists of the European Council, the Council of the European Union, the European Parliament, the European Commission, the Court of Justice of the European Union, the European central bank, and the European court of auditors... The Council of the European Union and the European Parliament are legislative institutions, while the European Council and the European Commission are in charge

of the general direction and legislative proposal. The Court of Justice of the European Union has judicial rights in hand. These five institutions set up a classical model of separation of three powers, which makes the EU similar to a state to some extent.

### **3.1.3. Strength—Case Study of the Ukraine Crisis**

The Russia-Ukraine war is between Russia and the West (Europe and US). Europe has sensed danger. Although Russia geographically belongs to the European continent, from the perspective of culture, it is more like an Asian country. Russia believes in Orthodox, while most of Europe is Catholic or Protestant. Orthodoxy is conservative and mystical; Catholicism emphasizes philosophy and logic. The deep-rooted difference in the culture has played a role in the decision for Europe to support Ukraine in issues concerning refugees, humanitarian aid, financial assistance, and armed forces for people in need.

The EU's support for Ukraine quickly worsened Russia and the EU's relationship. Ever since the war began on February 24th, 2022, sanctions have been continuously imposed on both sides. On February 21st, 2022, Germany directly suspended certification of Nord Stream 2, which is the new gas pipeline set to increase supply from Russia to Germany through the North Sea, bypassing Ukraine. This sanction was a strike against Russia. However, the EU was relatively mild at the beginning, whose sanctions were only an amendment of its Special Economic Measures Regulations imposed against Russia beginning in 2014. The first sanction, from which we may assume that at first EU wanted to watch what was going on and then make decisions. Still, on February 22nd, the Russian parliament authorized Putin to use military force, EU found that the situation was quite complicated. Therefore, on that day, it imposed the first package of sanctions on Russia, including an import ban on goods from the non-government-controlled areas of DNR and LNR, restrictions on trade and investments, and export ban for certain goods and technologies, restrained Russian access to the EU's capital and financial markets and services, and more travel bans and asset freezes for several Russian individuals.

In terms of finance, the sanctions have limited the central bank of Russia's ability to access its foreign reserves of over \$600 billion and restricted their banking system from accessing the international payments system. This means that the ability of the Russian government to stabilize the currency market has been taken away. Also, the ability of the government to fund the war will be weakened. If the war lasts long enough, Russia may finally fall into a domestic economic crisis [11].

From this case, we can learn that when member states of the EU share a common interest, the EU can act as the counterpart of a big country that is capable of posing a threat to other big economies in the world.

### **3.1.4. Weakness—Case Study of the Polish Constitution**

On October 7th, 2021, Poland's Constitutional Court ruled that the Polish constitution takes precedence over EU law. The ruling, issued after Polish Prime Minister Mateusz Morawiecki raised an issue, has sparked a wave of criticism within Poland and across the EU. EU institutions have accused Poland of failing to implement the ruling of the European Court of Justice (ECJ), and some elements of the Polish judicial system remain unfavorable to the EU. Polish authorities do not recognize the jurisdiction of the ECJ over the country's justice. During a special debate in the European Parliament, Prime Minister Mateusz Morawiecki answered questions from MEPs and EU officials on the topic. In response to the Polish ruling, the European Commission said it would put additional pressure on Poland regarding compliance with the rule of law. The backdrop to the whole affair is the European Commission's continued refusal to fund Poland's

economic recovery program, which means that Poland will lose billions of euros in funding for its economic recovery in the post-epidemic era.[12]

The ruling by Poland's Constitutional Court has worsened relations between Poland. The Polish government, for its part, argues that the EU institutions' actions undermine Poland's sovereignty and are a form of financial blackmail. The EU institutions will likely take further action against Poland on the issue of respect for the rule of law. However, as can be expected, for both sides, only some form of compromise is the only way out of the conflict.

This case indicates that sometimes the EU's powers are limited in areas where member states view sovereignty to be of primary concern. After all, the EU is not a federation. Decisions made in Brussels are the consensus of all countries. They will inevitably take into account the divergent interests of each country, which will weaken the power of the major countries in the EU.

### **3.1.5. US-EU Relation**

The integration of the EU is both an opportunity and a challenge for the US. It is an opportunity because the war between Russia and Ukraine has made the EU and the US closer. The US has provided military aid for Ukraine and, in some ways, the EU. Would the close partnership between them continue in the future? Many researchers and scholars have pointed out that, although the EU and the US share a lot of challenges, they have different answers to the same question, which means they might choose different paths to deal with issues under the current situation.[13] For example, both the EU and the US regard China as the main problem they need to cope with, while when dealing with it, the EU cannot be as strong as the US, for it cannot afford to lose China as its biggest market under the circumstance that the EU is behind the US in economic, military and scientific fields.

### **3.1.6. China-EU Relation**

The improvement of Europe-US relations may bring them together to deal with issues concerning China. Previously part of the reason for the divergence in the U.S.-EU relationship is that while the EU and the US share similar assessments of China, their policy responses are invariably conditioned by local and regional circumstances. As a regional organization with many small- and medium-sized members, the EU avoids making binary choices between Washington and Beijing. This is undoubtedly somewhat frustrating for the US, which sees China as one of its top foreign policy priorities. Now China annoys Europe with its vague attitude on almost everything concerning the war--although not involved in the war, it is a potential strategic supporter of Russia. On April 26th, 2022, China carried out trade support which cuts its applied MFN tariffs on coal imports to zero from 3-6 percent, which is considered to disproportionately benefit Russian exports displaced from other markets.

The war turns Europe towards rivalry with China, but can it last?[14] In other words, it is believed that without support from the US, surely Europe will not do that, while even with strong support from the US, Europe also needs to think twice before it does anything which harms the relationship with China. In many member states, bilateral trade and investments still drive relations with China. The EU is considerably more dependent on economic ties with China than with Russia: EU-China trade is worth €2 billion a day.

Sanctions on Russia and sanctions on China are different stories. Europe relied on the Chinese market too much as it could not afford the loss. Therefore, only if Europe optimizes its economic structure and diversifies trade sources can it finally get rid of one-sided economic alignments, which make it vulnerable in front of China.



### 3.2. Influences of the Ukraine Crisis on the Security Council

The underlying reason beneath the appearance of the Ukraine Crisis is the changing balance of power. While we have witnessed the EU responded firmly with practical sanctions in the last section, the Council, assigned with the mission maintain peace and security, seems to have no concrete response to the crisis. However, it is actually unfair to accuse the Council of not striving to make efforts. But the efficacy remains questionable.

The first part is a detailed review of the Council's responses to the crisis. This part argues that the Ukraine crisis demonstrates the failure of the SC in managing great power conflicts so that it must be reformed to re-function. This implies the fundamental nature of the current inefficiency, which is changing the balance of power among great powers with veto powers. It leads to the second part, a robust discussion on the Council's shortcomings in the current crisis and the overall structure. This will illustrate the emergency of the reform for the Council. Finally, the paper will propose a general direction in which the Council can improve.

#### 3.2.1. The Council's Responses

The Council has attempted several times, and some of them lead to certain responses. Firstly, the Council responded to Russia's invasion on February 24th with a meeting the next day. Submitted by Albania and the US, the Council drafted a resolution to end the Ukraine crisis. Even though eleven among fifteen members voted "yes," Russia used its veto power to terminate the initiative [15]. In the first attempt, the Council had urged all parties to obtain necessary measures to de-escalate the situation. However, one repeated phrase used was "call upon." For example, "the Council would have called upon the parties to abide by the Minsk agreements and to work constructively in relevant international frameworks" and "would have called upon all parties to allow and facilitate the rapid, safe and unhindered access of humanitarian assistance" [15]. Even if the Council passed the draft, the primary responses were verbal instead of practical policies. On the other hand, after the Council failed, the messages were still sent by other parties like individual countries, other international institutions, and non-governmental organizations (NGOs). This situation significantly undermines the credibility of the Council.

The second attempt in response to the above failure was almost immediate. The Council decided to call an emergency special session in the General Assembly. This proposal was considered procedural, so that was not subject to the veto power, though Russia still rejected to express the firm attitude [16]. The resolution claimed that "the lack of unanimity of its permanent members at the 8979th meeting has prevented it from exercising its primary responsibility for the maintenance of international peace and security" [17]. This is not an individual case by chance. The Council has perceived the current pattern. Its report reveals that since 1990, only one of eighteen motions did not receive any negative votes from the permanent members [18]. It indicated the challenge of reaching consensus among the permanent five and how profoundly their veto power can hinder the responding process if there are no limits.

However, this procedural motion that circumvents the permanent five is not a panacea. Instead of robust practices, the Council strived to make statements to express "deep concern" and "strong support." even the word choice of "war," "dispute," or "special military operation" in the statement could trigger Russia to use veto power to restart the motion. The latest response on May 6th was the first time the Council reached the first unanimous action [19]. However, a statement is weak support for people murdered in the Ukraine crisis. It invokes another round of skepticism on the efficacy of the Council.

### 3.2.2. The Council's Challenges

The above section reveals that the shortage of effective response results from the permanent five's veto power. But the overarching challenges are much more serious and urgent. There are two types. The first one is the fundamental principles rooted in the UN charter. Chapter VI of the Charter appoints the Council to invite and moderate parties to settle disputes through peaceful measures [20]. And instead of intervening directly, the Council can only make recommendations for the settlement. Chapter VII further empowers the Council to determine threats to breaches of the peace and acts of aggression and to react to maintain or restore peace and security [21]. However, the Charter leaves plenty of room for interpretation. The Council must start by determining what can be considered a threat to peace. Then it needs to decide what adequate responses are. All of these terminologies are subjective to countries' definitions. For example, Russia could have argued that this is a special military operation to protect Russians in Ukraine from being persecuted by it instead of an act of aggression. In addition, both steps require consensus to proceed, which is the most challenging part, given the utterly different interests of countries.

These differences have existed since the establishment of the UN. But the contemporary trend is evolving rapidly. Therefore, this presents the second critical issue for the Council, which is how to maintain efficacy. The most profound trend in current international affairs is likely to be the switch from a unipolar world with US supremacy to a rather multipolar world with China, Russia, and the European countries all demanding more voices in the international arena. With President Biden calling Russia an "opponent" and China a "serious competitor," the ties between China and Russia seem to be forged more vibrant by the US [22]. On the other hand, the US has assembled its allies, especially the UK, to counterstrike. This formation of blocs abates countries' flexibility to vote in the Council since they simply need to stand with the bloc members to show support. Even though this is the worst case, rigidity of the friend-versus-enemy division will impede the Council from reaching the necessary consensus to react.

### 3.2.3. The Council's Future

The rooted structural causes and the contemporary trend make the answers to two essential questions important in forecasting the Council's future. Firstly, what role the UN expects the Council to play. According to the Charter, most of the responsibility of the Council is to make recommendations, call upon actions, and settle disputes. Even though these are all necessary functions that comply with the UN's core value of peace and security, these will distract the Council from responding efficiently with practical policies to true emergencies like the Ukraine Crisis. Secondly, how the Council can manage the great power conflicts within it. Similar to other cases, the Ukraine crisis is another tragedy that results from friction among great powers. It is almost impossible or meaningless to abolish a great power's veto power since its power grants it the right to take unilateral actions. And the changing balance of power is deteriorating the situation. The reform seems urgent. Therefore, the next section will investigate the existing proposals and make suggestions for a broad direction.

## 4. Future

### 4.1. Group of Four Proposal and Veto Reformation

The last section refers to an ongoing crisis that the Council failed to de-escalate to illustrate the urgency of reform. But this has been a controversial topic that many countries attempt to solve. However, each of the existing proposals has its strength and drawbacks. Therefore, this section will evaluate these options and make further suggestions for the Council's future accordingly.

#### 4.1.1. Criteria for Evaluation

The evaluation of proposals should follow the following criteria: effectiveness, legitimacy, and political viability. In terms of the effectiveness of the reformation, the reformation should guarantee the committee after the reformation is more efficient in passing resolutions and responding to everchanging global conflicts; In terms of the legitimacy of the reformation, the reformed Council should demonstrate a better representation of countries and international power division compared to Council before reformation; In terms of political viability, it is noteworthy that when evaluating method of reform, the likeliness of getting pass the proposal should also be taken into consideration. Two proposals are brought forward concerning respectively towards the enlargement of the Council and the restrain of the veto power, namely the G4 proposal and the veto reform. With all the evaluations suggested above being taken into consideration, the G4 proposal is preferable to the veto reform.

#### 4.1.2. Group of Four Proposal

The G4 proposal was first brought forward by the government of Germany, Japan, Brazil, and India, aiming to enlarge the number of seats in the security council to ensure the complete representation of different regions in the security council. The countries proposed to increase the permanent seats in the security council from 5 to 11, including two seats for Africa, 2 for Asia-Pacific, 1 for Latin America, and one for other regions. Also, the proposal suggests increasing the number of non-permanent members by 4 or 5 and evenly dividing between Africa, Asia-Pacific, Latin America, and Eastern Europe. In addition, veto power for the new permanent member will not be exercised for at least 15 years after the reform. [23]

The G4 proposal does reform the Council in a more effective way, in which the percentage of the resolution getting passed increases regardless of the quality of the resolution. As opposed to the general view that an enlarged council will encumber the speed of decision-making in passing resolutions, the research named *Projecting General Assembly Voting Records onto an Enlarged Security Council: An Analysis of the G4 Reform Proposal* done by Jan Niklas Rolf suggests that with empirical data supported, an increase in both permanent seat and non-permanent seat will make it more likely that "the abstaining votes of P5 members are overruled" by the absolute majority in the Council.[24] Also, the author pointed out that the ability of the Council to pass a resolution will not be undermined when the decision threshold is adjusted following the increase of seats. Thus, instead of slowing down the decision-making process of the Council, it is evident that once the Council implements the G4 proposal, the Council will likely be more responsive to global issues.

In terms of legitimacy, it is undoubtedly that the Council, after reform, would have more representation around the world in all of the regions than the one before. In Article 23 of the UN Charter, the text explicitly claims that when the UNGA selects non-permanent members, equitable geographical distribution should be considered at first.[25] Considering that the very first purpose of the Council is to address conflicts and international security issues from all parts of the world, and in achieving this goal, a representation that is as full as possible is necessary. The member of seats in the Council decided decades ago that a reform to keep it up with the new international order is legitimate.

Last but not least, the political viability of the proposal is also worth evaluating. Conclusions are drawn by *The Diplomat News* [26] that despite support for different countries' bids, objections also appear because of regional rivals. A typical example is Pakistan's objection to India's bid or Argentina's against Brazil's bid. Also, the historical element is a reason for some objections among the P5 countries. Such as China and Russia's implicit against Japan's bid since it is believed that

Japan owes them a more formal atonement. Considering China's domestic public opinion towards Japan resulted from the Japanese invasion during WWII, it is hardly possible that neither the general public nor the government would support Japan in bidding for a permanent seat. Similarly, despite the generally optimistic situation for India's bidding, it is noteworthy that China's anti-India propaganda has always been mainstream on its domestic social media platform.[27] It is unlikely that the Chinese government will be willing to support India in its bid when it is meant to give up all the effort on anti-Indian propaganda it has done these years while facing a huge social backlash due to the prevailing anti-Indian idea in Chinese society as well. In general, all four of the G4 countries are facing objections from different regional blocs or individual countries to different extents. Among them, Japan's bid for a permanent seat is most likely to be rejected due to the historical conflict it has with two permanent members. Yet, besides Japan, situations are comparably optimistic for the other three countries.

#### 4.1.3. Veto Reformation

The abuse of veto power is another aspect that the Security Council has been accused of. In the wake of Russia's action of vetoing a draft resolution demanding its unconditional withdrawal of military force from Ukraine territory, the General Assembly passed a resolution on a consensus that a meeting in the General Assembly will convene within ten days after a veto is cast by one of the P5 countries in Security Council, also known as "Standing mandate for a veto." [28]

Even though the resolution is already passed without a vote, its effectiveness, legitimacy, and political viability are still under controversy. To begin with, the entire resolution seems more of a symbolic action than a real panacea for the veto problem. The data from Dag Hammarskjöld Library indicates that up to May 26th, 2022, already 266 times has veto been used.[29] Despite the initial purpose of granting the P5 countries with veto power which is to guarantee global peace better, some of the P5 countries currently use the veto power as a way to protect better the national interest, which sometimes clashes with global security. Due to the non-binding nature of the UNGA resolution, the veto power of P5 countries is not regulated by this resolution. Moreover, The Zi Yee raised a claim in his article. *The new UN resolution on Security Council vetoes has no teeth* that the decision made by P5 countries is highly likely to use the veto to achieve their political aim "regardless of the level of international support they receive from the larger membership of the UNGA." [30] Also, what happened at the General Assembly in March supports his claim: Russia continues invading Ukraine regardless of the 141 overwhelming votes on a resolution condemning its military invasion. Thus, it is clear that the effectiveness of this reform proposal is limited.

On the other hand, the legitimacy of this restraint of veto power is also controversial. Although the resolution is unanimously passed, further action to regulate veto power will likely be shaken by the *UN Charter*, given that the veto power of the P5 countries is enshrined in the Charter. Nevertheless, in the supplement of UN Charter Article 27 regarding the use of the veto, the article points out that the right to veto does not assume that any of the P5 countries "would use their "veto" power willfully to obstruct the operation of the Council." [31] Thus, it can be assumed that as long as the Council can prove that the use of veto power by permanent members impedes the Security Council's operation, its legitimacy will not be in doubt.

Lastly, any future action to further regulate the veto power will likely be politically inviable. During the General Assembly meeting aiming to hold P5 countries in the Council accountable for the use of the veto, a delegate of the Russian Federation explicitly rejects any attempt to refrain from veto power. Similarly, China implicitly opposed the regulation of veto power by suggesting that this would cause procedural confusion. As the Russian delegate describes veto power as the "last resort," accompanied by the gradual isolation of Russia and China in international society,

these two countries are unlikely to make concessions on this topic.[32] Thus, the future of regulating veto seems gloomy, given this political unviability.

#### 4.1.4. Suggested Broad Direction of Reform

The ultimate question lays between adopting an ineffective veto resolution with high political viability and proposing a practical, radical veto reform that is likely to be opposed by some of the P5 countries. Three criteria are essential when evaluating proposals to reform the Council, as it represents part of the hope humankind held in changing and protecting global peace. However, maintaining effectiveness, legitimacy, and political viability have a ranking and tradeoffs. Among the three criteria held legitimacy the same, the G4 proposal would be more effective and politically viable than the veto solution and thus is a better resolution to adopt in reforming the Council.

However, as the rapidly changing international arena, perfection of the exiting option or other new options are necessary to be compatible with the future that is discussed in other section. This paper rejects the idea of including more countries in the Council since it aggravates the complexity and limits the Council more to countries' relations. Instead, a Security Council that is more independent from countries will be more soundable given the current trend. More detailed structures need to be planned in further negotiations, but the basic idea is to include a "rapid response force" in the Council. In conclusion, the Security Council should not be caged by countries. In contrast, it should be a relatively objective entity to observe, supervise, and adjust the world when necessary.

## 5. Conclusion

Admittedly, the Security Council had its structural advantages compared with its predecessor, the League of Nations. However, according to the detailed analysis above, it has been encountering two critical challenges. The first one is rooted in its fundamental structure, especially the existence of the veto power and the room for flexible interpretation in the legal system. In addition to these continuous controversies, the current evolving balance of power is the second indispensable factor. Countries like the US, China, and Russia, as well as powerful regional organizations like the EU, have been influencing the international arena and, therefore, the functionality of the Council. These have triggered waves of criticism and seemingly compatible reform plans. However, with the evaluation of existing proposals, even the current best option has its drawbacks. Therefore, in conclusion, more cautious, robust, and feasible reform plans are necessary for the Council's functionality, credibility, and efficacy in the future.

## Acknowledgement

Jing Zhong contributed the most and is the only first author and the rest in the team contributed equally to the work and should be considered as co-second authors.

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