

PROBLEMS OF REFORMING THE UN SECURITY COUNCIL AND IMPROVING ITS EFFECTIVENESS

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ABSTRACT

The most important legal result of the World War II was the Charter of the United Nations (UN) – a universal international treaty, aimed at saving future generations from the disasters of a new world war by creating the UN Security Council, which was entrusted with the main responsibility for maintaining international peace and security. However, during the entire period of its activity, the UN Security Council was often paralyzed and could not significantly influence the world situation.

The article discusses possible models for improving the activities of the body, the expansion of its membership, the problems of working methods, including the use of the veto, and also analyzes the positions of the Member states of the Organization on the reform of the UN Security Council. In conclusion, the need for reforms of the Security Council system to ensure peace and cooperation of the States of the world community is emphasized.

KEYWORDS: *United Nations (UN), Security Council, Reform, Permanent Members, Non-Permanent Members, Veto, Terrorism.*

INTRODUCTION

By universal recognition, the United Nations has become the most effective and universal system for regulating international relations at the global level in the entire history of mankind. But even this fact does not turn the UN into an ideal mechanism, all the functions of which would be fully realized. Therefore, since the second half of the last century, the world community has begun to discuss the special need to reform the Organization[1].

Some UN institutions eventually cease to reflect the real political balance of power, many of the most important decisions are no longer respected by States, and direct violations of international law occur periodically with the connivance of the Organization. One of these problematic bodies is now the Security Council, which is entrusted by the UN Charter with "the primary responsibility for the maintenance of international peace and security"[2].

The reform of the UN collective security system should begin with the Security Council and its mechanisms. Such a reform cannot be carried out without the broadest support of the UN members. However, it is not possible to solve this problem perfectly, so the adoption of some intermediate or temporary model of reform is the most acceptable[3].

The structure of the UN Security Council, regulated by Chapter 5 of the Charter, still reflects the global political balance of power during the Second World War. The main feature of the status of States with permanent membership in this body is the ability to veto decisions on the merits. The right of veto is never explicitly mentioned in the UN Charter, but its operation is assumed to be logical based on Article 27: "Decisions of the Security Council on all other issues [not procedural-approx. the votes of the 9 members of the Council, including the concurring votes of all the permanent members of the Council, are considered accepted." [2]

The issue of Security Council reform has been studied in the science of international law from various perspectives. However, the authors usually address the problems of implementing the powers of the Security Council, expanding its membership and using the right of veto (Attached is a table with the permanent members of the UN Security Council who use the right of veto) when making decisions on the merits (O. Sorokina[4], S. V. Dodonova[5], R. A. Kalamkaryan[6], D. Ya. Kapustin[7], S. N. Snegina[8], Yu. N. Maleev[9]).

Experts, despite all the restraint in the issue of UN reform, do not deny the problems and note: "The mechanism for joint problem solving in the Security Council does not always work effectively, not all its resolutions are implemented, and opportunities are not used enough" [10]. UN Secretary-General Antonio Guterres also said in April 2018 that the UN Security Council no longer reflects the real picture of the world and inevitably loses its ability to resolve major international crises. A new stage in the discussion of the problem can be associated with the following facts: 1) calls for Russia's exclusion from the Security Council have become increasingly frequent [11]; 2) In September 2017, the United States announced a new UN Reform Declaration, which was signed by more than 130 countries [12]. This document, consisting of 10 points and posted on the official website of the US Mission to the UN, contains nothing but well-known statements: the need for reform as such; the need to reduce duplicate UN bodies; support for the Secretary-General's aspirations in this direction, etc. But despite the broad support of the majority of countries, some of the most influential states refused to sign this document, citing the fact that global changes in the system cannot be made by empty declarations, but it is quite possible to shift the political positions of some countries.

President of the Republic of Uzbekistan Shavkat Mirziyoyev made a statement at the 72nd session of the UN General Assembly, where he stressed that Uzbekistan supports the gradual reform of the UN Security Council [13].

Furthermore, the joint statement on further deepening and expanding the strategic partnership between the Republic of Uzbekistan and Japan noted that the parties reaffirmed the importance of the reform of the UN Security Council in order to transform it into a more effective body that should ensure high representativeness and reflect the real situation in the international community of the 21st century.

The same opinions were supported at the meeting of the leaders of Uzbekistan and Germany. Uzbekistan and Germany, as reliable, important and long-term partners, noted that our countries closely cooperate within the framework of international structures, such as the UN, OSCE, on global and regional issues. Uzbekistan supports Germany's desire to become a permanent member of the UN Security Council [14].

Since 1993, an open-ended working group has been established at the General Assembly, dealing specifically with the problem of reforming the UN Security Council and developing resolution

53/30 of November 23, 1998[15]. An important component of this resolution is the provision that it will not be so easy to reform the UN Security Council now, since in order to make serious decisions on this issue, including resolutions, it is necessary that at least two-thirds of the participants in the General Assembly vote for it. Later, many more attempts at reform were made, including the issue of equitable representation on the Security Council being put on the agenda at the sessions of the General Assembly. But as can be seen from the current state of the UN Security Council, not all such events have been successful.

In the Millennium Declaration of 2000 All States expressed their determination to intensify efforts "to achieve a comprehensive reform of the Security Council in all its aspects"[16]. In the 2005 World Summit Outcome[17] The heads of State and Government of the UN member States expressed support for the early reform of the Security Council as an integral part of the overall efforts to reform the UN in order to make it more representative and effective, and thereby ensure increased legitimacy of its decisions.

Discussions on the reform of the Security Council have been going on almost since the first years of the UN's existence[9]. The issue of reform was repeatedly considered within the Organization, where special working groups were created for this purpose. In particular, in the report of the High-level Panel on Threats, Challenges and Change, "A safer world: our shared responsibility", 2004[18], which was created to develop models for the reform of the Security Council, it is emphasized that the Council was created in such a way as to be not just a representative, but a responsible body.

As we can see, despite the presence of quite constructive considerations, no changes are taking place yet. However, it should be noted that States are ready to start negotiations on reform, as was demonstrated at the intergovernmental negotiations at the UN headquarters in New York on February 19, 2009[19], after that, negotiations on the substance of the reform began on March 4.

Under heavy pressure from troop-contributing countries, the Council's working methods have become more transparent and the Council itself somewhat more accessible to non-member States, but its reliance on informal consultations rather than open meetings as a decision-making venue remains prominent[20].

Of course, the difficulty of solving this issue is due to the clash of political interests of different States. But on the other hand, in the scientific and journalistic literature, many options for implementing the reform have been proposed, and most of them may indeed be acceptable only for a part of the world, but not for all or at least most of the States. In this regard, we will try to consider the most common points of view on the reform and collect the key provisions in one visual table. For convenience, we will sort these proposals based on three key criteria: the composition of the Security Council, the question of the status of the veto, and the "instruments" for implementing Security Council decisions.

Composition of the Security Council	Right of veto	Instruments
Replace the State's membership in this body with <u>regional international organizations</u> .	<u>Revocation</u> of the right of veto.	Strengthening <u>the power apparatus</u> (transfer to the disposal of the Security Council of the national forces)[21].
Introduce a new category of countries-elected <u>for a longer term</u> , but with the possibility of immediate re-election[10].	<u>Restrictions</u> on the use of the veto in the discussion of certain topics (genocide, terrorism, etc.). It is assumed that States will comply with these restrictions on a voluntary basis[22].	<u>Removing a number of issues from the competence of the Security Council</u> to the General Assembly for decision-making by a majority vote, which will weaken the position of countries with the right of veto[23].
Increase the number of <u>permanent and non-permanent</u> members, thereby significantly expanding the composition of the body.	<u>Temporary restriction</u> of the veto for the violator of the current Security Council resolutions[24]. For example, a State that does not comply with the current resolution will be prohibited from using the veto in the next 2-3 votes.	
Increase the number of <u>non-permanent</u> members only.	<u>Changing the power of the veto</u> – in order to reject a decision, you will need to put forward not one, but two vetoes[23].	

It seems that the solution to the problem lies in the most universal formula of the combination of these proposals. For its construction, we will determine some aspects that connect this theoretical problem with reality:

1. Without the existence of clear criteria on the basis of which new countries will be attracted to the UN Security Council, the question of justice in relation to the associated powers will arise. By analogy, India-Pakistan, Brazil-Argentina, Germany-Japan, etc. Thus, the choice should be as reasonable and legitimate as possible in the eyes of the world community.
2. When choosing any criteria for the inclusion of countries in the Security Council, it should be borne in mind that their indicators that meet these criteria will inevitably change over time.

This means that the legitimacy of countries ' membership in the Security Council will change accordingly. Based on these considerations, the representation in this body will have to be reviewed again.

3. Countries with a strong status will strive to maintain their position, which they are likely to succeed due to the large influence they have over everyone else. Therefore, it is unlikely that it will be possible to change the current composition of countries with the right of veto. But it is possible to organize such a system of voting on the right of veto, when it is used by one of the permanent members of the UN Security Council, a group of countries (for example, a composition of five or seven countries), created once from non-members of the Security Council, will decide the issue by a simple majority, to prevent future fatal consequences and abuse of the right of veto by permanent members of the Security Council.
4. It is unacceptable to expand the Security Council to an enormous size, as this will lead to a cumbersome body and, as a result, greater inefficiency. This is often said by representatives of the diplomatic circles of most countries.
5. Now the principle of equitable geographical distribution, which literally "breathes" the entire UN Charter, is suffering. For example, African, Latin American, and Asian countries do not have the right of veto.
6. The involvement of poorly developed countries does not guarantee their independence, and as a result, their effectiveness in the work of the body, since the practice of "buying" their votes in international organizations is widespread. The issue will become purely financial.

CONCLUSION

Thus, we have now found out that in order to objectify the process of admitting new members to the UN Security Council, it is necessary to develop a number of criteria on the basis of which the selection of countries would be made. Such criteria have been proposed many times before, and the most notable among them are those proposed by the United States of America back in 2005. These criteria include: "The scale of the national economy; the size of the population; military power; commitment to democracy and human rights; the ability of the country's armed forces to participate in UN peacekeeping missions; opportunities for financial participation in peacekeeping activities; financial contribution to the UN system and the country's activities in the fight against terrorism and the proliferation of weapons of mass destruction"[22]. Certainly, such criteria may cause dissatisfaction of some political forces, since, for example, due to the provision on the military power of the state, the often-nominated candidacy of Japan may be rejected due to the "pacifist" article 9 of the state Constitution, which prohibits having a military army. However, this is also the difficulty of the much-needed reform of the Security Council-it is necessary to find a compromise that is equally acceptable for the whole world, and not for a specific political grouping of countries.

REFERENCES

1. Shaforostova, K. I. (2018). Reform of the UN Security Council: A detailed analysis of options. International Student Scientific Bulletin. No. 5.
2. United Nations (1945). The UN Charter of 1945, Retrieved January 16, 2022, from <https://www.un.org/en/about-us/un-charter/full-text>.

3. United Nations (2008). Reports of the Secretary-General on the work of the Organization for 2008. Retrieved January 16, 2022, from <https://www.un.org/securitycouncil/ru/content/secretary-generals-reports-submitted-security-council-2008>.
 4. Sorokina, O. Yu (2008). The powers of the UN Security Council and the actions of regional organizations to maintain peace. International. publ. and private law. No. 2: 35-37.
 5. Dodonova, S. V. (2006). International legal foundations for strengthening the collective security system: abstract of the cand. legal sciences': 12.00.10. Rus. university Druzhby Narodov. - M.
 6. Kalamkaryan, R. A. (2007). The Security Council and the International Court of Justice: contribution to the cause of ensuring international security and law and Order. State Law and Law. Nauka, No. 6: 74-84.
 7. Kapustin, D. Ya. (2006). The United Nations and the international legal framework for maintaining international peace and security. International. Law. No. 4: 5-31.
 8. Snegina, S. N. (2006), Evolution of the UN's activities for the maintenance of international peace and security: abstract of the cand. legal sciences': Center perspective, economy, research. Academy of Sciences Rep. Tatarstan. Kazan.
 9. Maleev, Yu. N. (2006). The UN Security Council and issues of international governance. International law. No. 1: 24-47.
 10. Kalyadin, A. (2016). Reform, which will help the UN Security Council. International life.- No. 6: 120-136.
 11. Svobodnaya pressa (2018). Russia is being expelled from the UN Security Council. Retrieved January 16, 2022, from <https://svpressa.ru/politic/article/195531/>.
 12. The U.S. Mission to the United Nations (2017). Declaration of Support for United Nations Reform. Retrieved January 16, 2022, from <https://usun.usmission.gov/declaration-of-support-for-united-nations-reform>.
 13. Official web-site of the President of Uzbekistan (2017). President Shavkat Mirziyoyev addressed the 72nd Session of the United Nations General Assembly. Retrieved January 16, 2022, from <https://president.uz/en/lists/view/1063>.
 14. National News Agency of Uzbekistan (2019). The Presidents of Uzbekistan and Germany held talks. Retrieved January 16, 2022, from <https://uza.uz/uz/posts/zbekiston-va-germaniya-prezidentlari-muzokara-tkazdi-28-05-2019>.
 15. United Nations (1998). United Nations General Assembly Resolution No. 53/30, Question of equitable representation on and increase in the membership of the Security Council and related matters. Retrieved January 16, 2022, from https://www.un.org/ru/ga/53/docs/53res_nocte.shtml.
 16. United Nations (2000). United Nations Millennium Declaration: United Nations General Assembly Resolution of 8 Sept. 2000 Retrieved January 16, 2022 https://www.un.org/ru/documents/decl_conv/declarations/summitdecl.shtml.
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- 17.** United Nations (2005). 2005 World Summit Outcome. Retrieved January 16, 2022, from https://www.un.org/ru/documents/decl_conv/declarations/outcome2005_ch1.shtml.
- 18.** United Nations (2004). A safer world is our shared responsibility: UN General Assembly resolution of 2 Dec. 2004. Retrieved January 16, 2022, from https://www.un.org/ru/events/pastevents/a_more_secure_world.shtml.
- 19.** United Nations (2009). After 15 years of preliminary discussions, States have declared their readiness to start negotiations on Security Council reform. Retrieved January 16, 2022, from <https://news.un.org/ru/story/2009/02/1140781>.
- 20.** Malone, D. M. (2004). The UN Security Council: from the Cold War to the 21st Century. Boulder, Colo.: Lynne Rienner.
- 21.** Kiku, D. (2015). Prospects for the reform of the UN Security Council: the right to choose. International life. №10: 43-50.
- 22.** Yurchenko, M. M. (2017). UN-70: problems of reformation. World Economy and International Relations. No. 5: 88-98.
- 23.** Mirzayan, G. (2017), Organization of the United States. Expert. No. 39: 46, 47.
- 24.** Privalov, A. (2017). On the unrealistic reform of the UN. Expert. No. 39: 10.