The United Nations Security Council reform: Evolutions and future scenarios of the organisation.

Supervisor

Prof. Giuseppe Scognamiglio

Assistant Supervisor

Prof. Pasquale Ferrara

Candidate

Stefania Denni

ID number

633322

"We need to create a world that is equitable, that is stable and a world where we bear in mind the needs of others, and not only what we need immediately."

- Kofi Annan

I would like to dedicate my thesis to my mom Silvia, without whom I wouldn't be here doing what I love. She has always supported me no matter what and is continuing to do so.

The United Nations Security Council reform: Evolutions and future scenarios of the organisation.

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Introduction

In this thesis I will analyse the role of the United Nations Security Council (UNSC) and its necessity to be reformed. From its creation, the UN has been at the centre of many debates regarding whether or not a reform within its institution is needed.

The United Nations Security Council – UNSC is the body in charge of maintaining international peace and security in accordance with the principles and purposes of the United Nations. According to the UN Charter, his other tasks are:

1) investigate any dispute or situation likely to lead to international frictions;

2) recommend methods of solving such disputes or the terms for a possible agreement;

3) formulate plans for the establishment of an arms regulation system;

4) to determine the existence of a threat to peace or an act of aggression and to recommend the actions that should be undertaken;

5) invite members to apply economic sanctions and other measures that do not involve the use of force to prevent or stop aggression;

6) take military actions against a possible aggressor;

7) recommend the admission of new members;

8) exercise the functions of trusteeship of the United Nations in "strategic areas";

9) recommend to the General Assembly the appointment of the General Secretary and, together with the Assembly, elect the judges of the international court of justice.

The United Nations Charter, signed June 26, 1945, has established the SC but the first meeting of it was October 24, 1945 for the ratification of the Statute with only the five permanent members. It met for the first time as a plenum on 17 January 1946 in London: non-permanent members also attended the meeting, whose election took place five days earlier.

The purpose of the Council is established by Article 24 of the United Nations Statute, the council is given "the primary responsibility for maintaining international peace and security". Council decisions require a majority of at least nine of the fifteen members and all five permanent members, if it is a vote on a non-procedural issue.

My thesis deals with the need to reform the UN Security Council under many aspects from the double aspect of the decision-making procedures adopted within it and the composition of what today represents the highest world organ in charge of safeguarding peace and security.

My dissertation will be composed of three chapters; the first will be centred on the organisation itself. In the first place I will analyse the history of UN, how and why it was created in 1945. Here I will focus on the passage from the League of Nations to the United Nations. Then I will concentrate on its structure and scope, analysing in details its organs, functions and composition, focusing mainly on the role of the Security Council explaining in detail what makes it the centre of many debates.

The second chapter will be the core of my study. Firstly, I will concentrate on the meaning of the term reform, focusing on what is meant in the UN frame. It will be interesting to analyse why the only real reform done within the Security Council dates back in 1963 when the membership increased from 6 to 10 non-permanent members. Then I will deal with the different reforms within the SC; addressing the five main categories subjected to reforms, starting from the membership reform, so the proposes to enlarge the SC membership, moving to the, vey debated Veto power reform and then concluding with the last three categories (the desicion-making reform, the regional representation and the relationship between the SC and the General Assembly). In the frame of the regional representation reform I will mainly address two main regional organisations; the European Union and the African Union. We will see how much influence and how much possibilities they have to be represented as one. Furthermore, I will explain the overall positions by the member states on the above-mentioned reforms, mainly focusing on Italy and Great Britain. Concerning the

latter, I will analyse its position also considering the actual situation it is facing with the Brexit. After the analysis of these reforms I will debate on how they have affected the United Nations system, how and if they will take place and why they still haven't seen any significant changes.

My final chapter will vert on the United Nations after the Security Council reform and I will try to predict the possible future scenarios of the organisation. In this sense I would like to answer the question: "Is the organisation losing its power?". In answering this question, I will take into consideration what in my opinion should be done and improved in order to better shape the institution in order to better fit in the continuously changing international system.

Finally, I will draw some conclusions underlining the main points of my thesis, basing myself on the different questions I will address to several selected people and on my personal opinion.

Throughout my thesis I will report my interview with Ambassador Cardi, who kindly answered some questions regarding the future scenarios of the Security council which I have used also in my thesis to draw some conclusions.

Chapter 1: The United Nations

1.1 From the League of Nations to the United Nations

A first philosophical reference to a pacifist conception of supranational communities can be found in the famous political work of Immanuel Kant of 1795 "Perpetual peace" in which the German philosopher proposes his own project of legal order to protect world peace.

Starting from the Geneva Convention of 1864 an international pacifist diplomatic movement has developed and reached its maximum expression in the Hague Convention of 1907. The latter is an international treaty created by the Hague Conference of Peace in 1907 which followed that of the 1899. A third peace conference in The Hague, initially planned for 1914 and later rescheduled for 1915, never took place due to the outbreak of the First World War.[1] The " Confederation of Hague States" was the name given by the jurist and pacifist Walther Schücking to the States adhering to the 1907 Hague Convention, constituted a global alliance that stands out for the diplomacy of nations.[2]

Following the failure of the Hague Convention of 1907 which was represented by the outbreak of the First World War, the idea of the League of Nations seems to have originated from the English politician Edward Gray, who at that time held the office of Secretary of State in the British Empire for foreign and Commonwealth affairs. The idea was later adopted by the president of the United States of America Thomas Woodrow Wilson and his adviser, Colonel Edward M. House, who saw in it the instrument to avoid events such as the World War one which was still ongoing.[3] The idea was in fact inserted by Woodrow Wilson in the "Fourteen points", the speech that Woodrow Wilson held on January 8, 1918 in front of the two chambers of the United States Congress gathered in joint session. In the historic speech, the US president set out his strategy to end the First World War and lay the foundations for a stable and lasting world peace.[4] This strategy inspired his action at the Paris peace conference of 1919-1920, the meeting in which at the end of the First World War the states that had participated in it set the terms of peace.

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[1] Martin Grandjean, Analisi e visualizzazioni delle reti in storia. L'esempio della cooperazione intellettuale della Società delle Nazioni, 2017

[2] http://avalon.law.yale.edu/subject_menus/lawwar.asp titolo, autore, data ultimo accesso

[3] https://www.ourdocuments.gov/doc.php?flash=false&doc=62

[4] ibid.

Wilson's proposal to create a supranational organization to safeguard world peace was accepted by the Paris peace conference of 1919-1920 on January 25, 1919. The task of drafting the statutes of the organization, the convention of the League of Nations, was entrusted to a special commission. Wilson himself was chosen as chairman of the commission, following his wishes. In addition to the US president, the commission included among its members Edward M. House (United States of America), Robert Cecil and Cecil Hurst (United Kingdom), Léon Bourgeois and Ferdinand Larnaude (France), Vittorio Emanuele Orlando and Vittorio Scialoja (Italy), Makino Nobuaki and Chinda Sutemi (Japan), Paul Hymans (Belgium), Wellington Koo (China), Jayme Batalha Reis (Portugal), Milenko Radomar Vesnitch (Serbia).[5]

A definitive form of the Statute of the League of Nations was approved on 28 April 1919 and included in the first part of the Treaty of Versailles of 1919 (Articles 1-26). The treaty was signed in the Gallery of Mirrors of the Palace of Versailles (Versailles, France) on 28 June 1919 by 44 States (31 of them had taken part in the First World War alongside the Triple Entente).[6]

Although it was precisely the efforts of US President Wilson to give birth to the League of Nations, the United States never joined because of the opposition that the Republican Party did in the Senate particularly of politicians Henry Cabot Lodge of Massachusetts and William E. Borah of Idaho preventing the ratification of the Treaty of Versailles of 1919.

On January 10, 1920 in London, the Treaty of Versailles of 1919 came into force with the official recognition of the ratification by the States that had signed it on June 28 1919. This official recognition is considered the act that officially ended the First World War. A few days later, on January 16 1920, in Paris the Council of the League of Nations met for the first time, there, one of the three main organs in which the League of Nations was structured.[7]

After a series of remarkable successes and some early failures in the 1920s and 1930s, the League of Nations was unable to prevent the assaults of the Axis powers of the 1930s. The outbreak of the Second World War finally proved that it was no longer possible to successfully support the peace proposals of the League of Nations and therefore, at the end of

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[5] Erik Goldstein *The First World War Peace Settlements*, 1919–1925, Routledge (2013)

[6] Michael S. Neiberg (2017). *The Treaty of Versailles: A Concise History*. Oxford University Press

[7] Michael S. Neiberg (2017). *The Treaty of Versailles: A Concise History*. Oxford University Press

the war, the United Nations were established which inherited many of the agencies and commissions of the League of Nations.[8] For a short time it was decided to continue the activity of the League of Nations in parallel with that of the United Nations but without the Soviet Union and the United States. However, this attempt failed.

The League of Nations was structured into three main administrative bodies: the Secretariat, at the head of which was the general secretary, the council and the assembly. The organization also had numerous agencies and commissions. Any provision or resolution needed the unanimous vote of the members of the Council and the majority of the votes of the Assembly. Any independent state could become a member of the League of Nations if it accepted the obligations of the Statute of the League of Nations and that was deemed suitable by the Assembly (the admission of a State in the League of Nations was voted by the Assembly).

The members of the Secretariat were responsible of preparing an agenda for the Council and the Assembly and for publishing the time of the meetings and the subjects on the agenda, thus carrying out a civil service for the League itself. Each member of the League of Nations was represented and had a seat in the Assembly, which held its sessions once a year in September.

The Council of the League of Nations had the authority to intervene in all matters concerning global peace. It was initially composed of four permanent members: the British Empire, France, Italy and Japan, elected by the Assembly of the League of Nations. The first four three-year members were Belgium, Brazil, Greece and Spain. The United States, although it should have been the fifth permanent member, did not enter the Society because, as previously stated, following the 1918 elections, the US Senate majority party opposed the ratification of the Treaty of Versailles, effectively excluding the United States, entered since then in the so-called isolationism, also by the Council of the League of Nations.

The number of non-permanent members in the Council varied over the years: at first, on September 22nd, 1922, it raised from three to six and on September 8 1926, up to nine non-permanent members. Germany, at the time the Weimar Republic, then entered the Council as a permanent member, bringing the number of seats to a total of fifteen members, until Japan (in 1933), Germany (in 1933) and Italy (in 1937) did not abandon the League of Nations.

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[8] http://avalon.law.yale.edu/20th_century/leagcov.asp#art7

Italy and Japan came out of their own will in contrast to the League of Nations concerning their military intervention, respectively in Ethiopia and Manchuria. The Council met five times a year, or in extraordinary sessions if necessary. Between 1920 and 1939 a total of 107 public sessions were held.

The League of Nations was entrusted with the supervision of the Permanent Court of International Justice and several other agencies and commissions created to resolve international conflicts. Many of these organisms were then absorbed by the United Nations after the Second World War. The international labor organization and the international court of justice became the International Court of Justice and the health organization was transformed into the World Health Organization.

The members of the League of Nations were initially the signatory states of the 1919 Treaty of Versailles, with the exception of Germany and the United States. The Statute of the League of Nations, the Convention of the League of Nations, had indeed been included in the 1919 Treaty of Versailles (Articles 1-26). Initially, 42 States were members of the League of Nations (the signatory states of the 1919 Treaty of Versailles were 44), 26 of which were non-European.

Germany was initially not admitted into the League of Nations because it was considered not worthy of such political recognition, as well as lack of diplomatic capacity, having been one of the States responsible for the start of the First World War. Destabilized by the civil war that ended in 1921, initially even Russia did not enter the League of Nations. The Soviet Union, born in 1922 from the ashes of the Russian Empire, was admitted only in 1934, as its communist government worried and intimidated. The fury of the Russian imperial family which took place in 1918 and which the other governors considered an act of useless cruelty contributed significantly to the fears. The Soviet Union was later expelled from the League of Nations when it invaded Finland and occupied Estonia, Latvia and Lithuania in 1939.

The period of maximum expansion of the League of Nations was from 28 September 1934 to 23 February 1935, in which the Member States were 57.

For the governments the heritage of the League of Nations was certainly not an attraction. The reticence towards it was justified, at least from the political point of view; and it was understandable that putting a new organization of peace could be a better solution. The mile stone so the constitutional premise of the future union for war and peace purposes, is the

Atlantic Charter ratified on August 14, 1941 as a simple common declaration of the inspiring principles of the United States' national policy. These principles, which include, among other things, respect for the right of all people to choose the form of government, the promotion in favor of all states, large or small, winners or losers of the access, on an equal footing, to the world's trade and raw materials necessary for their economic prosperity, the implementation of a more complete cooperation among all peoples in the economic field, in order to ensure all the best conditions work, economic progress and social security, the establishment of a peace that gives all nations the means to live safely within their borders and that guarantees to all people, in all countries, to live their lives free from fear and need, abandonment, for reasons both realistic and ideal, of the use of force. The USSR and China, as well as other states on January 1st , 1942, sign the United Nations Declaration which, in addition of using the name "United Nations" for the first time, creates the first nucleus of that organization which, arising in fact as an alliance solely for war purposes, had to progressively become a general international organization for the maintenance of peace.

A further step in the process of this transformation took place in the Moscow Conference, in October 1943, at the end of which the four great powers - "are aware of their responsibility to guarantee the liberation of themselves and of the peoples who are allies of the threat of aggression, and recognizing the need to establish and maintain international peace and security with the minimum expenditure of the world's human and economic resources for armaments "- they collectively declare that "their common action, committed to the continuation of the war against their respective enemies, will be continued for the organization and maintenance of peace and security"[9]; and that they "recognize the need to establish a general organization based on the principle of the sovereign equality of all peace-loving States and open to the participation of all such states, large or small, for the maintaining peace and international security "[10]. From these principles and general communal declarations - confirmed in Tehran on December 1,1943 the establishment of an international organization, elaborated by the American, English and Russian Governments. The Chinese government signed the declaration in Dumbarton Oaks on October 7, 1944, to which a part is added (Section C of Chapter VI) concerning the procedure of voting in the Security Council. This was later defined in the Yalta Conference which ended on February 11, 1945. Proposals

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[9] UN charter: Chapter 1, art. 1.1

[10] Ibid.

were communicated a month later, from the four Powers to the other United Nations states invited to discuss them at the Conference of San Francisco.

When, in April 1945, the delegates of the States gave a conference in the Californian city of San Francisco to proceed with the foundation of the UN ratifying the United Nations Charter which officially created the UN. It was signed on June 26th 1945 and went into effect on October 24th.

1.2 Structure and scope of the organisation

The UN is now composed of 193 member states out of the 196 internationally recognized states in the world. The Vatican City and Palestine are permanent observers within the organization meaning that they cannot participate in the voting or the proposal of a resolution. The status of observer is granted by a resolution made by the General Assembly.[11]

In article one and two of the UN charter are listed the main scopes and principles that the UN designated.

Article 1

The Purposes of the United Nations are:

- To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;

- To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;

- To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and

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[11] http://www.un.org/en/sections/member-states/non-member-states/index.html

- To be a centre for harmonizing the actions of nations in the attainment of these common ends.

Article 2

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

- The Organization is based on the principle of the sovereign equality of all its Members.

- All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter.

- All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

- All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

- All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

- The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.

- Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter Vll.[12]

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[12] https://www.un.org/en/sections/un-charter/chapter-vii/index.html

As listed above, the main scope of the organisation is to maintain international peace and security and this can be done by cooperation between the member states. Nevertheless, in the 21st century a particular attention has been posed to the respect of human rights.

The birth of international human rights law is closely linked to that of the United Nations. The reasons for this are found, in addition to the correspondence of the historical period, in the progressive awareness of the political world of the existence of a close relationship between the protection of human rights and the maintenance of peace. This is shown in the Charter of the United Nations of 1945 which indicates the aim of the Organization to "maintain international peace and security" and to "promote and encourage respect for human rights and fundamental freedoms for all without distinction of race, sex, language or religion"[13]. The United Nations Charter contains a series of norms dedicated to human rights, in which functions are attributed to the organs of the Organization and a series of obligations are imposed on the Member States. Under Article 68 of the Charter, which recognizes the faculty of the Economic and Social Council to establish committees aimed at protecting human rights, the Human Rights Commission was created as a body with specific competences in the field. During a gradual reform of the human rights guarantee system, the Commission was first supported by the United Nations High Commissioner for Human Rights, a body with predominantly bureaucratic functions established in 1996, and, in 2006, replaced by the Council Human Rights Council. The latter has many affinities with the Commission both from the organizational and functional point of view but is characterized by being a subsidiary body of the General Assembly and not of the Economic and Social Council. The reference to human rights contained in the Charter's standards was specified by a separate document known as the International Bill of Human Rights. This document includes the Universal Declaration of Human Rights, drawn up by the Commission and approved by the General Assembly on 10 December 1948. The Declaration can be considered as the birth certificate of international human rights law. Over the years, the Universal Declaration of Human Rights has played the key role in bringing to light the international human rights issue, which has become an affair that is no longer exclusively domestic and has contributed in a fundamental way to the creation of international standards and national legislation.

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[13] Chapter 1 of the UN Charter - https://www.un.org/en/sections/un-charter/chapter-i/index.html

Since the 1990s, the attention of international organizations has gradually focused on adopting strategies that are suitable for fighting and eradicating poverty. The continuous comparison that the growing globalization allows between the different, and very often unacceptable, global economic and social realities has contributed, without a doubt, to sensitizing international opinion on the multiple aspects of the deterioration of the quality of life. The need to find solutions to this problem and to undertake a united effort in this sense, has ensured that at the September 2000 Millennium Summit the UN member states approved the Millennium Declaration, whose principles have been translated into the Millennium Development Goals. Through these objectives, the international institutions involved in the fight against poverty explicitly incorporate targets for reducing human poverty into their strategies. The objectives are interrelated and refer not only to the more strictly economic aspect of poverty, the increase in income, but also to other fundamental components to guarantee an acceptable level of quality of life. A series of targets are connected to each of the 8 Millennium Goals, these are concrete results that the Member States have committed to achieving by the year 2015.

The Charter created six organs or branches which all have different functions; the General Assembly, the Security Council, the economic and social council, the Trusteeship council, the International Court of Justice and the Secretariat.[14]

General Assembly

The General Assembly is the body where all the member states are represented and it's the principle organ of the United Nations. The first meeting was held January 10th, 1946 in the Westminster central hall in London and was composed of the first 51 member states of UN.

The general assembly has mainly advisory functions: it examines the general principles of cooperation for the maintenance of peace and international security, and adopts, with regard to these principles, recommendations both to the member states and to the Security Council.

It discusses any issues related to peacekeeping and international security that are submitted to it by any Member State and can make recommendations regarding any such matter to the state or states concerned. Any matter for which action is required is delegated to the Security Council before or after the discussion. However, despite being deprived of executive power (which therefore remains in the hands of the Security Council), the General Assembly can

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[14] http://www.un.org/en/sections/about-un/main-organs/index.html

draw the attention of the Council to situations that are likely to endanger international peace and security. A general secretary, with the consent of the Security Council, informs the General Assembly, at each session, of all matters relating to the maintenance of peace and international security which it is dealing with - or has ceased to treat - the Security Council.

The General Assembly receives and examines the annual and special reports of the Security Council; these reports include an account of the measures decided or undertaken by the Council to maintain international peace and security. The General Assembly also receives and examines the reports of the other organs of the United Nations and examines and approves the general budget.

Since 1950, with the "uniting for peace" resolution, in the event of inaction by the Security Council (for example blocked by the veto of a permanent member on urgent decisions) the UN General Assembly can take its place thus becoming a body executive able to impose sanctions or make decisions also on the use of force.

Each member state can have up to five representatives in the Assembly but has only one vote. The decisions of the General Assembly on the main issues are taken by a majority of two thirds of the members present and voting. These issues include: recommendations regarding the maintenance of peace and international security, the election of non-permanent members of the Security Council, the election of members of the Economic and Social Council, the election of members of the Trusteeship Council, the admission of new members, the suspension of rights and privileges or the expulsion of a member, questions relating to the functioning of the trusteeship regime and budgetary issues. Decisions on other matters are taken by majority of the members present and voting.[15]

The General Assembly meets in ordinary annual sessions. An ordinary session begins on the third Thursday of September and lasts until mid-December. The assembly also meets in special sessions where circumstances require it. Special sessions are convened by the general secretary at the request of the Security Council or a majority of United Nations members. The delegates of the Assembly, before the plenary sessions, work in thematic commissions which are:

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[15] http://www.un.org/en/ga/

- I commission - DISEC (Disarmament & International Security): In this commission disarmament and international security are at the centre of its fuctions;

- II commission - ECOFIN (Economic & Financial): This commission covers the economic and financial issues;

- III commission - SOCHUM (Social, Cultural & Humanitarian): social, cultural and humanitarian issues are at the basis of the SOCHUM;

- IV commission - SPECPOL (Special Political & Decolonization): This committee works on special policies and decolonization;

- V commission - Administrative & Budgetary: The former covers administrative and budgetary matters;

- VI commission - Legal: This last commission covers the legal affairs of the General Assembly.

Secretariat

The General Secretariat constitutes the administrative apparatus of the UN and ensures its daily functioning. The head is the general secretary, appointed by the assembly upon proposal of the council. As the highest official of the organization he has both administrative and executive tasks and political responsibilities. At the moment the secretary general of the United Nations is the Portuguese António Guterres in charge since January 1st 2017.

The United Nations Charter assigns administrative and political functions to the Secretary-General. As the highest administrative official, the Secretary General is assigned the tasks that fall within the United Nations organizational, technical, financial and representation sphere. In this context, it is up to it to prepare the work of the main bodies, participate in their meetings and distribute the related documentation. Other activities concern the preparation of the budget and the financial administration of the UN, the convening of the special sessions of the Assembly, the appointment of personnel, the registration and publication of international treaties concluded by the Member States, the preparation of the list for the election of judges of the International Court of Justice. In the field of external relations, the Secretary General concludes international agreements with states, members or non-members, and with other international organizations.

Its political functions are carried out by delegation of the General Assembly and the Security Council or independently. The delegated political-diplomatic functions (such as good offices, mediations, inquiries) concern the settlement of disputes (international disputes), the organization and management of peacekeeping operations. Ownership of autonomous political powers gives the general secretary the right to draw the attention of the Security Council to any issue that may threaten the maintenance of peace.[16]

Economic and Social Council

The Economic and Social Council of the United Nations (ECOSOC) is the United Nations body with the main competence on international economic, social, cultural, educational and health relations and issues, and of coordination of economic and social activity of United Nations and various organizations related to them.

The purpose of the Council is established by Article 62 of the United Nations Statute: planning economic development and technical and financial assistance to the least developed countries, as well as promoting studies or reports on economic, social, cultural and health issues. It consists of fifty-four members elected every three years by the General Assembly. [17]

Trusteeship Council

When the United Nations was founded in 1945, about 750 million people, almost a third of the world population at that time, lived in territories dependent on colonial powers. Today they are less than 2 million and live in the 17 non-autonomous territories that still exist. The decolonization process, which changed the history of our world, was born with the UN and was the first great success of this world organization. Recognizing the principle of self-determination, the UN Charter refers to the responsibility of States towards territories under their administration as a "trust administration" in which the interests of citizens are of primary importance. The Charter, therefore, established the Trusteeship Council as one of its main organs and assigned it the task of supervising the administration of the territories placed under the trusteeship regime. The main objective of this regime was to promote the progress of the inhabitants of those territories and their progressive journey towards self-government or independence.

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[16] http://www.un.org/en/sections/about-un/secretariat/index.html

[17] https://www.un.org/ecosoc/en/

The Trusteeship Council is composed of the five permanent members of the Security Council: China, the United States, Russia, France and the United Kingdom. The purposes of the trusteeship regime have been largely met because all 11 trusted territories have achieved autonomy or independence, either as separate states or through their union with neighboring independent countries.

This success has been joined by others and the commitment of the United Nations has continued. In 1990, the Assembly proclaimed the International Decade for the Elimination of Colonialism (1990-2000), which included a specific action plan. A second International Decade for the elimination of colonialism followed in 2001. The end of the Second Decade coincided with the 50th anniversary of the Declaration on the granting of independence to colonial countries and peoples. And then, the General Assembly declared the 2011-2020 period the third international decade for the elimination of colonialism. With the independence of Palaos, the last territory under the protection of the UN, the Council suspended its activities on 1 November 1994 and amended its regulations to meet not annually, but only if necessary, by its own decision or by decision of its President or at the request of the majority of its members or of the General Assembly or the Security Council. Through a special committee it continues to monitor the situation of the remaining 17 territories and works to facilitate the path to complete self-determination. The Council examines and discusses the reports presented by the administrative authority by analyzing the political, economic, social and educational progress of the population of these territories and examines the requests that come from them and carries out periodic visits and other special missions. [18]

International Court of Justice

Jurisdiction of the United Nations Organization, listed among the main bodies in the art. 7, par. 1 of the UN Charter. It is based in the Hague.

The Statute of the Court is attached to the Charter of the United Nations. All the member states of the UN are therefore adherents to the Statute of the Court, while the States that are not members of the Organization can adhere to it under the conditions established, case by case, by the General Assembly and the Security Council.

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[18] http://www.un.org/en/sections/about-un/trusteeship-council/index.html

The Court is made up of 15 judges, elected, regardless of nationality, among persons of high moral standing, who possess the requisites required in the respective States for the appointment of the highest judicial offices, or who are jurisconsults of recognized competence. The judges remain in office for 9 years and can be re-elected. The composition of the Court - which is renewed for a third every 3 years, with the election of 5 judges - must ensure the representation of the main forms of civilization and the main legal systems of the world. Judges must carry out their duties independently and impartially, and for this purpose enjoy diplomatic privileges and immunities (Diplomatic Agents). The election of judges involves two phases: the first consists of the nomination of the candidates by the States; the second, in the election by the Security Council and the General Assembly, which carry out independent votes by absolute majority (in the Council there is no distinction between permanent and non-permanent members).[19]

The Court has two main competences: contentious jurisdiction, relating to the solution of international disputes (international dispute), and consultative competence, for the formulation of opinions requested by the bodies authorized to do so. As far as litigation jurisdiction is concerned, only States can be parties to the proceedings, since international organizations are excluded from the jurisdiction of the Court. The court's jurisdiction is subject to the condition that the States parties to a dispute have expressly accepted its jurisdiction. In general, the Court may exercise special (or optional) jurisdiction and mandatory jurisdiction. The first occurs when the Court resolves a dispute that has already arisen, which is submitted to it by the parties through a specific agreement, called a compromise. Instead, there is mandatory jurisdiction when the instrument that establishes it gives each party the power to unilaterally establish the process before the Court. The legal basis of compulsory jurisdiction (which still has a consensual basis) is twofold: it may derive from jurisdictional clauses contained in the treaties, with which the States have expressed consent to submit to the Court certain future disputes, or ad hoc declarations of acceptance of the obligatory jurisdiction of the Court, rendered on the basis of the art. 36, par. 2, of the Statute. Then there are the judicial regulation treaties (mostly bilateral) which concern all disputes (or broad categories of possible disputes) that may arise between the parties and attribute to each the power to refer them to the Court.

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[19] https://www.icj-cij.org/en/history

The litigation proceeding ends with the issuing of a definitive and irrevocable sentence. The Court's ruling presents the objective and subjective limits of the thing judged: it is obligatory for the parties in dispute and regarding the dispute decided. Failure to comply with a sentence gives the party in charge the right to appeal to the United Nations Security Council for any necessary measures.

The consultative competence of the International Court of Justice is governed by art. 65 of the Statute of the Court itself and by art. 96 of the UN Charter, which allow the General Assembly and the Security Council to ask the Court for an opinion on any legal question, while the other organs of the United Nations and specialized institutions of the United Nations can ask for opinions only on legal questions that arise in the context of their activities, subject to authorization by the General Assembly. The opinions of the Court, while authoritative, are not binding for the bodies that have requested them.[20]

Because of its importance and centrality, the Security Council will be analysed separately, in the next paragraph.

1.3 Structure and Composition of the Security Council from its creation until now

The decision to create a system of collective security a body with a restricted composition was adopted in the preparatory phase of the establishment of the United Nations at Dumbarton Oaks by the Great Powers and then consecrated by the San Francisco Conference in 1945. In creating the UN charter, the so-called "Big five"[21], established an organ which was in charge of maintaining international peace and security. The functions and powers of the Security council (SC) are listed in art. 24 of chapter V of the charter and are the following:

Article 24

- In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.

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[20] https://www.icj-cij.org/en/how-the-court-works

[21] Those are the five states which won WWII

- In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII, and XII.

- The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.[22]

The members of the Council are divided into permanent members and non-permanent members. The latter are elected periodically by the General Assembly. Article. 23 of the Charter states that the Security Council is composed of fifteen members of the United Nations but The Republic of China, France, the USSR (today: Russia), the United Kingdom and the United States of America are the permanent members of the Security Council.[23] The General Assembly elects ten other members of the United Nations as non-permanent members of the Security Council, having special regard, first of all, to the contribution of the members of the United Nations to the maintenance of peace and international security and other purposes of the Organization. Such members are elected every two years.

The voting procedures in the Security Council, governed by art. 27 of the Charter, are the result of the compromise between the United Kingdom, the Soviet Union and the United States achieved in Yalta in February 1945 which enshrines the right of veto.[24] Art 27 states:

- Each member of the Security Council shall have one vote.

- Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members.

- Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.[25]

The veto power of permanent members is motivated by the special responsibilities of these states in maintaining peace, in the light of the events of the Second World War. In fact, in

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[22] Cited from the UN website- http://www.un.org/en/sections/un-charter/chapter-v/index.html

[23] http://www.un.org/en/sections/un-charter/chapter-v/index.html

[24] https://www.un.org/securitycouncil/content/voting-system

[25] http://www.un.org/en/sections/un-charter/chapter-v/index.html

1945 the great powers considered it necessary to take control of international relations by agreeing with each other on possible collective actions in defense of peace.

"Article 30 of the Charter stipulates that the Security Council shall adopt its own rules of procedure, and in 1946 the Council adopted its Provisional Rules of Procedure (S/96). Subsequently the Provisional Rules of Procedure were modified on several occasions; the last revision was made in 1982 (S/96/Rev.7) in order to add Arabic as the sixth official language, in conformity with General Assembly resolution 35/219 of 17 December 1980." [26]

The Council has the main responsibility for maintaining peace based on collective security system expressed in chapters VI (settlement of disputes) and VII (actions against threats and violations of peace, and acts of aggression) of the Charter (Collective security). According to chapter VI, the Council has powers of an exclusively conciliatory nature, which are expressed in making recommendations to the parties to a dispute that could endanger international peace or security (international dispute). Chapter VII instead confers to the Council powers of a coercive nature, which can be expressed, on the basis of the assessment of a threat to peace, of a violation of peace or of an act of aggression (Article 39 of the Charter), in the adoption of preventive measures (Article 40) or measures directed against transgressing States, both of an economic nature (Article 41 of the Charter) and involving the use of military force (Article 42 of the Charter).[27]

Council decisions require a majority of at least nine votes. With the exception of the votes on procedural issues, no decision can be taken in the event that a negative vote, or veto, is expressed by a permanent member.

When an issue threatening international peace is brought to the attention of the Council, the first step is to find ways to resolve the dispute peacefully. In these cases, the Council can initiate mediation or illustrate hypotheses to reach an agreement. In the case of fighting, the Council seeks instead to obtain a ceasefire. It can send peacekeeping missions to enforce the truce and keep the opposing factions separate.

In an attempt to strengthen its decisions, the Security Council can impose economic sanctions and order an arms embargo. On rare occasions, however, the Security Council has authorized

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[26] https://www.un.org/securitycouncil/content/procedures-and-working-methods

[27] https://www.un.org/securitycouncil/content/repertoire/relations-other-un-organs

Member States to use "all necessary means", including collective military actions, to ensure that its decisions are respected.[28]

Finally, the Council makes recommendations to the General Assembly regarding the candidacy for the role of General Secretary and the admission of new members to the UN.

1.4 The centrality of the Security Council and the collective security

In the early years, UN prevention and peacekeeping were achieved through a joint effort by Council members and UN staff. Subsequently, due to the Cold War, the Council's work was often characterized by conflicting relations between the USSR on one side and the United States and Europe on the other. Slowly, the Security Council and the General Assembly gave more powers in conflict management to the Secretariat and to the Secretary General. With the end of the Cold War, there was renewed interest in crisis management, UN mediation and peace operations. Furthermore, there was a constant activity carried out by the so-called Groups of Friends, a group of countries inside and outside the Council, whose purpose was to influence the actions of the Council in relation to any involvement in certain states (this is the case of the struggle for the independence of East Timor in 1999 which saw the participation of important ambassadors).

The UN Charter assigns to the Security Council the competence to carry out the necessary actions for the maintenance of order and peace between States, also allowing the use of force for international police purposes. This function is governed by the cap. VII of the UN Charter and establishes the following principles.

- The Council may initiate any investigation to establish violations of peace or aggression (art. 39).

- The Council can urge the States concerned to take provisional measures necessary so that the situation does not increase.

- The Council can order sanctions against a State, but not involving the use of force (interruption of communications and economic relations by other States).

- Finally, the Council can decide to start armed actions necessary to maintain order and peace between states.

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[28] https://www.un.org/securitycouncil/content/voting-system

With reference to the first point, the threat of peace can materialize not only through external war actions, but also through civil war or political decisions that violate human rights.

In a 1974 Declaration the UN General Assembly defined the concept of aggression, which manifests itself in military invasion or occupation, even if temporary, bombing, blocking of ports and coasts, sending mercenaries, making available to its own territory for attacks against other people's territory (indirect armed aggression) and other actions judged aggressive by the Council. This definition, however, does not affect the actions of the UN.

To remember that the cap. VI of the UN Charter also provides for a conciliatory function of the Council, which joins the one assigned by art. 14 at the General Assembly.

The action of the Security Council for the protection of peace is expressed in three phases, exposed by the cap. VII of the Charter:

a. provisional measures (Article 40). Momentary measures, requested of the parties to a conflict interested in solving it, which prevent the situation from worsening (e.g: request for a ceasefire), and from which the Council deduces whether or not to pass on more serious measures. The provisional nature of these measures means that they must not prejudice the rights, claims or position of the parties concerned. They are an invitation, a recommendation of a non-binding nature.

b. measures not involving the use of force (Article 41). The Council can bind the member states of the UN to adopt measures of varying intensity against a state that, in the unquestionable judgment of the council itself, threatens or violates peace (eg, interruption of diplomatic relations, total economic blockade).

c. measures involving the use of force (articles 42 and following). This is the final decision that implies the use of military force against a state guilty of aggression, threat or violation of peace or even to intervene in a civil war. This measure is an international police action, which can be undertaken by any military means that allows to maintain or restore peace. By adopting these measures (operational resolutions) the Council does not order or recommend anything to the Member States, but acts directly, through armed national contingents, but under international command headed by the Security Council itself. The centrality of the management of the military organization guarantees the objectivity and impartiality of the operation and the control that it is solely aimed at acts strictly indispensable to the maintenance of peace. Moreover, in this way, any military initiative is taken away from the

individual State that is not justified, pursuant to art. 51, as a legitimate individual or collective defense.

The provisions of the articles have never been applied. 43 et seq. on the basis of which there is the obligation for Member States to enter into agreements with the Council to establish the number, preparation and location of the forces used by the Council when the need arises.

The Council has so far intervened:

a) Creating police forces (peacekeepers) for peacekeeping (peace keeping operations). The main characteristic of this intervention is the delegation by the UN Security Council to the General Secretary for the retrieval of international forces and for their command through agreements with the Member States. Another characteristic is the consensus of the States on whose territory the UN forces operate, but often this element is missing, since we find ourselves operating in territories with no more sovereignty and prey to anarchy. The purpose of the forces that operate in peace keeping is the maintenance of peace, acting as a buffer between the contenders and helping them to re-establish security conditions from which to generate negotiations. They cannot use weapons, except in self-defense (limited use of force). Often, they act in agreement with the civilian personnel of the UN working on the ground to restore normal political and institutional life after a civil war, through the creation of democratic bodies and the holding of free elections.

In fact, after the failures of shipments in Somalia and Yugoslavia, peace keeping is less and less used and the Security Council is oriented to authorize the use of military contingents by the Member States under its control.

b) by delegation of the use of force by individual States: several times, during the Cold War and in the 1990s, the Council, instead of using the previous hypothesis, authorized the States to use force against or internal of another State, leaving them command and control of the operations, albeit under his authority. In two cases these were real wars (South Korea - 1950; Kuwait - 1991). Minor uses of force, assisted by measures not involving the use of force and peace-keeping operations, were used in Afghanistan in 2001 to support the post-Taliban government.

This delegation, with which the Board seems to dispose of the responsibility, does not fall within the cases provided for by articles 42 et seq. but rather in art. 51[29], when it recognizes the right of legitimate collective defense to reject an armed attack. However, more and more often there are interventions in situations of civil war, that is when it is not possible to recognize a previous armed aggression of one State against another. → So it can be assumed that the delegation to the States is foreseen by an unwritten rule that has been affirmed in practice.

c) international tribunals for the punishment of war crimes. Tribunals for war crimes and crimes against humanity committed in the former Yugoslavia (headquarters of the Hague) and in Rwanda (Arusha). The legitimacy of these courts, by recent experience, would be found outside the UN Charter, although, according to the Tribunal for the former Yugoslavia, it would derive from the art. 41, as an atypical measure not involving the use of force. For Conforti it is more plausible to refer the two Courts to Article 24, as the right of belligerents and war measure exercised by the United Nations in the name of the international community.[30]

d) creation of post-war territorial administrations. Temporary local institutions and governments, or a sort of military occupation, even if motivated by higher interests, usually entrusted to the UN or NATO. The function is to foster the development of democracy and self-government, in order to transfer to the local institutions, in a reasonable time, the power held by the provisional ones. Alongside this measure are coordination actions with military forces.

The collective security system, headed by the UN Security Council, also includes regional organizations (eg NATO, OSCE, League of Arab States, etc.) created for the purpose of developing cooperation between Member States, provide for the resolution of disputes and promote the common defense towards the outside. According to the art. 53 of the Charter, regional organizations appear as decentralized UN bodies. Any coercive action taken by them must be authorized, in fact, by the Security Council. They are also part of the concept of legitimate individual and collective defense envisaged by art. 51, which admits the reaction to

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[29] UN Charter art. 51 https://www.un.org/en/sections/un-charter/chapter-vii/index.html

[30] Conforti, Benedetto (2000), *Le Nazioni Unite*, Padova, CEDAM.

an armed attack by both the attacked State and by third States, even more if they are joined to the first by defensive alliances on a regional scale. Organizations can act coercively against a State even without the authorization of the Security Council, if an urgent attack is already carried out.

The main dilemma remains, however, relative to the serious will of the States to finance actions of intervention to ensure stability and security to the citizens of other States. Furthermore, the interference of the community of states in the internal sovereignty of another state is still considered as an illegitimate interference in the internal politics of the state itself.

In order to ensure the most peaceful stability as possible, since 2000, the Council has launched several missions a year (between one and four) and established regular visits to certain countries to monitor progress and have direct contact with local politicians on key issues.

Chapter 2: The UN reforms

2.1 What is meant by "Reform" within the UN

With the ongoing changes that we are having within the international scenario, the United Nations have to update continuously in order to continue protecting international security and grant perpetual peace. With the publication of An Agenda for Peace (1992), An Agenda for Development (1994) and An Agenda for Democratization (1996), the then General Secretary Boutros Boutros-Ghali launched an ambitious program to reform the United Nations in order to strengthen, democratise and adapt the organisation's structure and operating methods to the changing international context, marked by the end of the cold war.

Nevertheless, the ambition of continuous improvement was not easy to obtain. Since its creation, there haven't been a big amount of reforms, the most significant ones are few. On the institutional level, the only initiatives carried out to date, date back to the secretariat of Kofi Annan (1997-2006), who chose to focus his agenda above all, on peace and human rights reforms, favouring the creation of the Peace-building Commission and of the Human Rights Council (both proposals contained in the 2005 In Larger Freedom report).

The Peace-Building Commission was born in 2006 from concrete needs "on the ground". In fact, the traditional peace-keeping missions of the United Nations generally came to a conclusion in coincidence with the signing of peace agreements between the parties. The empirical evidence, however, has demonstrated that about half of the countries involved in a conflict, especially if of a civil nature, tend to fall back into the spiral of violence within five years of signing such agreements. In order to reduce this risk, the Commission, an intergovernmental body composed of 31 members, works in post-conflict contexts with the mandate to mobilise the necessary resources and promote integrated medium-long term strategies for the reconstruction of infrastructures, institutions and networks social. It currently works in six African countries: Burundi, Sierra Leone, Guinea, Bissau, Liberia and the Central African Republic.

In 2006 the Human Rights Council was established, replacing the previous Human Rights Commission. Despite its essential function as a center for the irradiation of international human rights law, in the last years of its work the Commission for Human Rights had become the object of repeated criticism for the excessive rate of politicisation and the lack of

effectiveness in responding to violations of human rights in the world. Without changing its mandate, the current Human Rights Council, a subsidiary body of the General Assembly made up of 47 Member States, has established new and more equitable protection mechanisms: the work of the Council in this regard will be evaluated by the United Nations General Assembly in 2021.

From 2007 to 2016 the Korean Ban-ki Moon was in charge as Secretary General of the UN after Kofi Annan. His mandate was characterised by a stall under the point of view of reforming the organisation.

Nevertheless, the current Secretary General Antonio Guterres. A few months after his election, Guterres presented, in a series of detailed reports, his own proposals to strengthen the United Nations development system, reform its peace and security pillar, and simplify the organization's management.[31]

As regards the issue of development, the reform proposal is articulated in seven strategic points, with which we intend to deal with the fragmentation and bureaucratisation of the United Nations system, which cause serious operational deficiencies, duplication of work and dispersion of resources. The reform also aims to create a more responsible and effective system, which offers better results in the field, adopting an approach based on needs, on prevention, and aimed at strengthening the capacity for response, planning and risk management by the Developing countries.[32]

In the area of peace and security, Guterres proposes the creation, within the United Nations Secretariat, of a Department for Political Affairs and Peace-Building and a Department for Peace Operations, in order to improve effectiveness and the consistency of peacekeeping operations and special political missions. The aim is to adopt a holistic approach that addresses the fundamental causes of conflict and post-conflict situations, placing greater emphasis on socio-economic aspects and on the need to integrate the security pillar more strongly with that of human rights and development.[33]

In spite of that, the biggest and the most debated reform that have been done up until now is the Security council reform which I will analyse in the following paragraph.

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[31] https://reform.un.org

[32] https://reform.un.org

[33] https://reform.un.org

In the last twenty years an ever widening gap between the complexity of the challenges that a globalised world poses daily to the international community and the means it has available in the largest and most representative international organisation has made evident the urgency of a change, even institutional, in the governance of the UN.

This involves not only the need for an update of the policies and competences of the various United Nations bodies, but also a revision of the institutional architecture itself, especially of its intergovernmental forums, established now more than sixty years ago and therefore on the basis of a international agenda and a balance of world power profoundly different from the current ones.

There are therefore two macro-directions towards which the debate has been directed as well as the first measures already adopted in the process of reforming the Un system. On the one hand, to improve what already exists and to try to make the interventions that the departments, agencies, funds and programs of the United Nations bring into play more efficiently and effectively: a goal to be pursued by rationalising the resources used, the improvement accountability mechanisms (able to identify a clearer chain of tasks and roles), the restructuring or creation from scratch of structures and bodies with the aim of updating policies, projects and missions.

On the other hand, to adapt the mechanisms and ownership within the decision-making bodies to the substantial changes that have occurred since the UN Charter was written, especially given the new power balances that emerged following the recent transition process of the status of power from some world regions to others, and which have registered the emergence of new emerging realities on the world political scene.

The first direction concerned above all the response to humanitarian emergencies, the improvement of peacekeeping operations, greater attention to the post-conflict reconstruction phase and the introduction of new tools for challenges, more or less recent, not sufficiently addressed in past. Examples are the establishment of the Department of Field Support (2007), the proposal to establish a central for peacekeeping on the African continent, the restructuring of the Department for Disarmament Affairs (now the Office for Disarmament Affairs), and the creation of United Nations Entity for Gender Equality and Empowerment of Women (2010), and two important new bodies such as the Human Rights Council and the Peace-building Commission.

The second direction, instead, saw the convergence (but not coincide) of the will of most of the members to reform all three inter-governmental organisations of the UN: the General Assembly, the Economic and Social Council (Ecosoc) and the Security Council. If, as far as the General Assembly is concerned, an attempt has been made to give it back the role of a political impulse of the whole UN system, improving its working methods and connections with other bodies, equally important was the attempt to strengthen the Ecosoc as a body of reference in connecting the United Nations to international financial institutions and the main civil society organisations of the member states.

However, it is the reform of the Security Council, the most important decision-making body of the UN for the management and maintenance of security and peace in the world, which over the years has not only catalysed the greater political and diplomatic attention of the member states, but also has having regard to the specific positions on the merits. After more than fifteen years of debates and negotiating rounds (which started again in 2009), at least two opposing visions of reform emerge substantially. On the one hand, there are those states that, guided by the so-called group of four (G4), composed of Germany, India, Brazil and Japan, would like to keep the rationale of the structure and functioning of the Council unchanged, but widening both the overall number of members (currently set at 15) as that of permanent seats (now held by the so-called big five and therefore by the United States, Russia, China, France and the United Kingdom). On the other hand we find instead those who are advocates of a more inclusive and flexible approach, which opposes an increase in permanent seats and tries instead to privilege, in the representation of a renewed Security Council, the plural character of the contemporary international community, greater relevance for the regional political dimension and the search for a broader possible consensus, especially in taking responsibility for sanctions and peacekeeping. The leader of this second vision is the so-called Uniting for Consensus group, which includes countries such as Italy, Mexico, Pakistan, Argentina and South Korea.

The need of a reform has been the main discussion among countries for the last two years. The starting point of such reforms is the Security council, organ which was born with the objective to create and maintain the status quo of the winners of the second World War. According to a working agenda of 2008 the Security council reform is based on five main topics which we will analyse in the second paragraph of this chapter. The topics are the following: The membership reform, the reform of the Veto power, the decision making,

regional representation and the relationship between Security council and General Assembly.[34]

The various national interests have blocked and continue to block the reform but with the arrival of President Antonio Guterres of 2017 and of María Fernanda Espinosa Garcés, the president of the 73rd session of the General Assembly of Nations United settled in June 2018, something started moving.[35]

During her opening speech Espinosa Garcés promised to "strengthen multilateralism" and to work for the reform of the United Nations, the finalisation of the Global compact on migration and the implementation of the Addis Ababa agenda on financing for development.[36]

The discussion around the UN reform has led international actors to organise themselves into three blocks with opposing positions.

During the last few decades of globalisation, many international actors have evolved and became of big important and of big influence. Three big blocks have arisen with different positions among them.

On the one hand the members of the G4: Japan, India, Brazil and Germany, who ask to become permanent members of the Security Council and support each other.

The economic, political and military importance of these states has been increasing since the end of the Second World War. For this reason, the four have created this diplomatic union which aims to obtain a permanent seat. Their request is supported by some states of the group of five, with the exception of China, which is not too convinced of the entry of India and even less of Japan. According to the observers, the proposal would further increase the gap between states and is therefore does not fit to the vast majority of other countries.

Another block is the Uniting for Consensus group, informally called the "Coffee Club". Pakistan, Colombia, Egypt, Canada and Spain belong to the team headed by Italy, but over 120 nations took part in the group's initiatives on at least one occasion. The Coffee Club

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[34] UN Security Council Reform, Peter Nadin, pp. 43 e ss.

[35] http://webtv.un.org/watch/mar%C3%ADa-fernanda-espinosa-garcés-president-of-the-73rd-session-of-the-general-assembly-on-the-launch-of-the-new-youth-strategy-/5839387384001/

[36] Ibid.

opposes the G4 request and proposes an extension of the number of non-permanent members, or in rotation, of the Security Council.

The third block is that of the African Union, which aims to achieve an enlargement in favour of its countries with at least two permanent seats.

We will better analyze the former groups in the following paragraph when talking about the Security Council reform.

- 2.2 The Security Council reform

The Security Council, to which the Charter dedicates articles from 23 to 54, has the primary responsibility for maintaining international peace and security. The decision to establish the system of collective security on a body with a limited composition reflecting the international balance of the moment, was adopted in the preparatory phase of the United Nations. Being established in Dumbarton Oaks by the Great Powers, and then consecrated by the San Francisco Conference. An institution designed with the aim of safeguarding the peace and security of the entire globe, needed to be able to count on a limited body capable of making decisions quickly.[37]

The members of the Council are divided into permanent members, the so called Big Five, and non-permanent members, elected periodically by the General Assembly. Article. 23 of the Charter states that the Security Council is composed of fifteen members of the United Nations. The Republic of China, France, the USSR (today: Russia), the United Kingdom and the United States of America are permanent members of the Security Council. The General Assembly elects ten other members of the United Nations as non-permanent members of the Security Council, having special regard, first of all, to the contribution of United Nations members to peacekeeping and international security and other purposes of the Organization, and also to a fair geographical distribution. Non-permanent members are elected for a two-year term.[38]

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[37] https://www.un.org/en/sections/un-charter/un-charter-full-text/

[38] Conforti, Benedetto (2002), *Diritto Internazionale*, Napoli, Editoriale scientifica.

The voting procedures in the Security Council, governed by art. 27 of the Charter, are the result of the compromise between the United Kingdom, the Soviet Union and the United States achieved in Yalta in February 1945 which enshrines the right of veto (also called the Yalta formula).[39] Article. 27 of the Charter establishes that:

1) each permanent member of the Security Council has one vote;

2) Security Council decisions on procedural issues are taken with a favourable vote of nine (seven before the Council's enlargement occurred in 1965) members;

3) the decisions of the Security Council on any other matter are taken with a favourable vote of nine (seven until 1965) members, in which the votes of the permanent members are included; however, in the decisions envisaged by chap. V and from par. 3 of the art. 523, a member who is a party to a dispute must refrain from voting.[40]

At the San Francisco Conference, in 1945, the Yalta formula raised many concerns among the States invited by the Great Powers. Some questions were posed to the four inviting Powers (USA, USSR, China and the United Kingdom), by States participating in the Conference, in order to clarify certain aspects of the Yalta formula that could have generated, and which actually generated controversies by means of interpretation. In particular, it was questioned how the Council should have voted if it had been called upon to decide on the procedural nature or otherwise on a resolution. The answer is contained in a Statement that the inviting Powers made on June 7th 1945 and to which France joined in its capacity as future permanent member of the Council.

The norm of art. 27, par. 3[41] of the Charter, requires that decisions of a non-procedural nature, within the Security Council, must be taken with the vote of nine members (seven before the Council's enlargement took place in 1965) including all permanent members. This is the famous veto power enjoyed by the five Great Powers.

The veto power of permanent members is motivated by the special responsibilities of these States in maintaining peace, in the light of the events of the Second World War. In fact, in

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[39] Marchisio, Sergio (2000), *L'ONU- Il diritto delle Nazioni Unite*, Bologna, Il Mulino

[40] https://www.un.org/en/sections/un-charter/un-charter-full-text/

[41] https://www.un.org/en/sections/un-charter/un-charter-full-text/

1945, the great powers considered it necessary to take control of international relations by agreeing with each other on possible collective actions in defence of peace.

It is not surprising, therefore, that after the changes in the international community at the end of the 1980's, the revision, if not the elimination, of this privilege of the Big Five is widely demanded from the rest of the international community.

In the next paragraph I will analyse in dept the five security council reforms starting from the Membership reform.

2.2.1 The membership reform

The membership reform has been the centre of a strong debate among countries. The only extension of the membership of the Security Council so far dates back to 1963, when the non-permanent seats were increased from 6 to 10.

Since the emergence of the developing countries and the rise of the Asian economies as well as the strengthening of the German power, the idea of widening the membership has been a matter of discussion for many years.

When taking about the membership reform it is meant the widening of the number of the Security council members. As stated before, the Security Council is composed of 15 members, five permanent (China, France, Russian Federation, the United Kingdom and the United States) which have the veto power and ten members which rotate every two years.[42]

In 1992, some countries including India and others from the "non-aligned" group proposed a draft resolution asking them to include the "Issue of equal representation and enlargement of members" in the provisional agenda of the General Assembly of the Security Council ". This request was then accepted by the General Assembly, which from that moment it was officially placed on the agenda and invited all members to present their proposals for the reform. Given the large number of proposals, the Assembly established in 1993, an *ad hoc* working group, the so-called "Open-Ended Working Group" (more precisely "Open-Ended Working Group on the Question of the Equitable Representation of the Security Council and other matters related to the Security Council"), which would have dealt with the reform in a more general perspective, taking into consideration not only the increase in the number of

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[42] https://www.un.org/securitycouncil/content/security-council-members

members of the Board, but also the working methods of the same, namely the reports of interaction between its members and those of the General Assembly.[43]

The very restricted nature of this body and the possibility of veto by the permanent members have always been the subject of disputes in terms of lack of legitimacy and lack of democratic representativeness. The lack of democratic representativeness at the numerical level also exists at a political level. This, because the permanent states remained the original five without any enlargements or any changes. With the emergence of Germany and Japan as economic powers, the representation of western countries has changed. These two countries are aiming at becoming permanent members of the Security council. Countries such as Italy would like to see the European Union as a permanent member. [44]

Other countries also claimed for a leading role within the UN. Among these, India, the second country in the world by population, one of the emerging economies in Asia and one of the most active participants in UN peacekeeping missions, underlined the need to be represented permanently. Brazil, in turn, claimed this status as the largest country in terms of population and territory and the largest economy in South America.

Even some African countries, which were gaining increasing weight on the international scene (particularly Nigeria, South Africa and Egypt), made clear their aspiration to obtain permanent member status.

Italy, which especially since 1992 had begun to contribute significantly to both the regular budget and the UN peacekeeping missions, began to consider the possibility of obtaining a permanent seat. But chose to oppose the creation of new permanent seats, fearing that this innovation would lead to a final solution contrary to Italian national interests and would at the same time compromise the development of a common European foreign policy.

Italy, represented by Ambassador Francesco Paolo Fulci, together with Pakistan, Mexico and Egypt, founded the so-called "Coffee Club" in 1995: the three countries were united by a clear refusal of the increase in the permanent members of the Security Council and by the desire to favour expansion instead of non-permanent seats. The three founders of the Group were soon joined by other countries, including Spain, Argentina, Turkey, Canada, and South

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[43] UN General Assembly, Resolution on the Question of equitable representation on and increase in the *membership of the Security Council* (A/RES/48/26), 3 December

[44] UN General Assembly, Resolution on the Question of equitable representation on and increase in the membership of the Security Council (A/RES/47/62), 11 December 1992,

Korea, and in a short time the group came to include about 50 countries in Asia, Africa and Latin America. The position of the "Coffee Club" was that the increase in permanent members would have further accentuated the disparity between member countries and would have led to the extension of a series of privileges with a "cascade effect". The new permanent members would in fact have benefited from particularly advantageous ways of election in various specific organs of the United Nations system.

Italy has put forward an original and organic proposal for the reform of the Security Council: the creation of a new category of members who would sit on the Council more frequently than non-permanent members, but without the status of permanent members: in practice an intermediate category , a sort of semi-permanent members. These countries would hold the seats in rotation and would be chosen based on their ability to contribute to the organisation's activities.[45]

The proposal was drafted to meet the demands of the middle states, which would thus have had the possibility of being more frequently present within the Council and those of the small states, which would have had a greater chance of entering the Council as non-members permanent.

The "Coffee Club" members Italy and Pakistan have joint with other members (up to forty, mainly Columbia, Argentina) and have transformed in "Uniting for Consensus" (UFC). The latter, since its creation in 2005, has been very active in proposing new ideas in order to reform the Security Council. It aims to raise the number of non-permanent members to twenty by establishing the term of office in two years; non-permanent members would be elected, each regional group would be assigned a predefined number of seats; Western European countries would be assigned three seats.

In the 10th round of negotiations, the Italian Ambassador Cardi urged all Member States to adopt the necessary flexibility to advance the reform process, recalling that the UFC is the only group to have moved from its original position by presenting two concrete proposals for the Security Council Reform, in 2005 and 2009. Cardi called for a solution able to gather the widest possible political consensus, which lies halfway between the position of those who support an increase in individuals permanent seats and those who - like the UFC - prefer the establishment of non-permanent seats.

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[45] https://www.agi.it/estero/consiglio_onu_fa_70_anni_fulci_italia_argine_a_elite-425778/news/2016-01-16/

It is recalled that the position of UFC of 2009, promoted by Italy and Colombia to offer a compromise - and which was again proposed as the basis of the negotiations - addresses all aspects of the reform, from the number of members to the working methods (Uniting for Consensus Platform on Security Council reform) and, with respect to the proposal presented by UfC in 2005, presents some new features.

The three main points on which the Italian-Colombian proposal is based are the following:

a) regular elections are required to ensure a responsible and accessible Council, participation in which is considered a privileged responsibility, and is not given as an arbitrary right to individual countries based on their national interests;

b) the electoral process must guarantee flexibility to the Council, in order to adapt to the constant changes in the world economic and political scenario;

c) the elective system serves[46]

The UFC is still very active, on the 1st of May 2019, Mariangela Zappia permanent representative for Italy has once again stressed its position and underlined the importance for Africa to have the highest number of seats within the Security council.[47] The debate on the reforms are continuing and will continue and new proposals have been made by other UN members.

The intergovernmental negotiation process, launched in 2009, is the official forum through which member states discuss the reform of the Security Council. Starting in 2010, the discussion is based on a text that includes proposals from various interest groups and individual Member States. To these was added a Non-Paper of the President of the General Assembly produced by an Advisory Group during the 68th session. The Non-Paper provides a clear overview of the positions of Member States on each of the five key themes of the reform outlined in the decision of the General Assembly 62/557 of October 2008: 1) the categories of membership; 2) the issue of veto; 3) regional representation; 4) the enlargement of the Security Council and its working methods; 5) the relations between the Security Council and the General Assembly.

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[46] http://www.reformtheun.org/index.php?module=uploads&func=download&fileId=1710.

Uniting for Consensus, *Draft resolution on the Reform of the Security Council*, 21 June 2005

[47] https://www.onuitalia.com/2019/05/01/riforma-consiglio-zappia-uniting-for-consensus-punta-sullafrica/

During the 68th Session of the General Assembly, 6 thematic meetings were held, within the framework of the 10th round of negotiations for the reform of the Security Council, each aimed at discussing one of the five themes identified as priorities, while the sixth meeting was dedicated to the cross-cutting issues such as some amendments to the Charter necessary for the purposes of the reform. Member States did not consider using the Non-Paper as the only basic text for discussion in intergovernmental negotiations.

Many projects for widening the Security Council membership have been proposed:

The quick fix is a proposal of American origin proposed by Clinton that was never really presented formally. The proposal would be to let the two great defeats enter as permanent members - Germany and Japan - with or without veto it is not known. It would mean more participation in missions and more funding. For developing countries, this would be the worst scenario making them remain without a possibility of permanent seat. Even the medium-sized powers like Italy have opposed each other because they would appear even more unlucky next to their close allies-competitors. Japan and Germany themselves did not support this possibility and this proposal lost importance in the late 1990s.[48]

The "2 + 3" formula that incorporates the proposal to assign a permanent seat to Japan and Germany, but also adds three permanent seats for developing countries, an Asian, an African, a Latin American one. The latter has been the second-best proposal from the US, after the quick fix. It has long been judged and evaluated also accompanied by the idea of a new enlargement of the non-permanent. In 2004 a new proposal was presented (also by Germany and France) to enlarge the non-permanent seats to 24 members: 5 permanent, 5 new permanent (Germany, Japan, one Asia, one Africa, one Latin America) and 14 non-permanent. But here, the main question concerns the right of veto, should it be given to the new permanent? A similar proposal was also presented by the high level panel in 2004, which would give an extra seat to Africa, model also proposed by Annan in 2005. Difficulties occurred for whether developing countries could become permanent members. To remedy this impasse, it has been proposed the idea of rotation of the countries of each region. This idea finds Africa in favour but in opposition those developing countries that would like a permanent seat in their own right and those countries like Italy that as Europeans would remain excluded from the rotation, the rotation system only for certain regions would not be fair. In 1997 the Malaysian ambassador tried to pass a sort of 2 + 3 with a "trick" focused on

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[48] https://www.onuitalia.com/2017/07/10/diplomatic-battle-italy-un-quick-fix-book-elio-menzione/

a wrong reading of Article 108, but in 1998 Italy and other countries opposed imposed in 1998 a resolution requiring compliance with the 108.

This creation of a category of semi-permanent members, an idea close to that of the rotation of permanent members but extended to all the main areas of the planet. The semi-permanent members would be those that are today more frequently elected as non-permanent. This would be 8/10 seats in which the main countries of the regional groups would alternate. This model would please regional powers and even smaller countries that would thus outweigh competition from larger countries. It also has the merit of extolling the principle of accountability and accountability of Council members, the semi-permanent nature of the seat and the need to be re-elected would subject the new members to a sort of scrutiny. [49] This proposal was strongly supported by Italy and other countries but has never received enough attention from the permanent. A model B was presented by the high level panel through a modification to article 23. It proposes the creation within the category of non-permanent members a distinction between 8 of them elected every 4 years and the others, enlarged to 11, they would remain with a two-year mandate. Those who were elected for 4 years would remove the prohibition of Article 23.2 of immediate re-election.[50]

The enlargement of the number of non-permanent members is another point within the Security Council's reform. Some countries support it as a truly viable reform, as happened in 1965. It could bring the members of the Council from 15 to about 24-25. The new allocation would follow the ratio of fair geographical distribution, one or two seats to each regional group. This proposal is accompanied by the idea of repealing 23.2 on immediate re-election so as to be able to create "de facto permanent", guaranteeing greater continuity of the Council. A simple expansion of the non-permanent would pose the problem of the balance between permanent and non-permanent. The US opposes too large a Council. This solution would then solve only the problems of numerical representation and not those of political representation.[51]

The allocation of a permanent seat to regional bodies is very debated among member states. In rearranging the allocation, the seats would go: one to the Organization of American States, the Arab League, the African Union and the EU. Since not all of them have the true

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[49] https://www.esteri.it/mae/en/politica_estera/organizzazioni_internazionali/onu/la_riforma.html

[50] https://www.iai.it/sites/default/files/quaderni_e_11.pdf

[51] UN Security Council Reform, Peter Nadin, Routledge pp. 45 e ss.

institutional structure capable of functioning as an international actor, it would only be an umbrella under which their member states would sit on the Council in rotation. This hypothesis is therefore not very different from that which sees the creation of semi-permanent regional rotation members but would have the advantage of recognising the role of regional organisations in view of stronger cooperation with them. The most developed regional organisation, even at a pre-federal level, is the EU and many would like a permanent seat (Italy and European Parliament resolution 2004) nonetheless, the assignment of a permanent EU seat clashes with several difficulties: problem of level of integration of the common foreign policy, which should be deep enough to allow a single position to be expressed by Brussels, for example on the Iraqi question the European countries did not agree with each other. Another problem is the relationship between the permanent EU seat and those of France and the UK who will never give up their seats in favour of the EU, especially Great Britain which should be leaving the European Union by the end of October.

Nonetheless, it should be questioned what criteria should be adopted when talking about the assignment of non permanent members. The current Article 23 process is quite political. The stricter criteria could exclude states affected by coercive actions of the Council or involved in conflicts. It also gives the possibility for the Assembly to suspend members who find themselves in civil war or coup d'état. Proposal that each non-permanent member have a deputy admitted attending the Council's work, increasing participation without changes to the Charter, as Article 31 already provides the possibility of inviting third countries to attend without the right to vote.[52]

Representativeness and accountability seem to be the selection criteria to be adopted for the selection of non-permanent members of the Board and in the future even of permanent ones.

2.2.2 The reform of the Veto power

Even more complex is the reform of the Council's decision-making mechanism and in particular the veto right of permanent members.

Despite the spread of the consensus practice, which develops on the basis of negotiations between the members in order to avoid the formal vote, the power of veto was exercised with

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[52] https://www.un.org/en/sections/un-charter/un-charter-full-text/

reference to the adoption of military measures against countries whose internal situation is exposed at the risk of serious prejudice in guaranteeing human rights. Faced with these episodes, the hypotheses of heterogeneous for the purposes of exercising the veto power offers opportunities for harsh criticism of the international organisation, such as to debase the nobility of the task that was originally assigned to it.[53]

If in the Cold War the veto was a key point, in recent years the formal use of the veto has been drastically reduced. However, the veto has not lost importance, the five permanent members still uses the veto in informal meetings or the mere threat of veto still influences decisions within the council. Many practices and resolution are still blocked by the veto power. The principle of the veto power also contradicts the principle of sovereign equality of states and in this sense the veto has been contested by many member states, of which some have made the reform of the veto right the central element of the democratisation of the United Nations.

The attribution of greater powers and responsibilities to some members of the Council is more tolerable if these members are perceived as representative of the international community as a whole. The idea of Council enlargement returns if awareness of the change at an international level start to rise. Therefore, in assessing the reform of the decision-making mechanism of the Council it must be taken into account these two elements: 1) the effectiveness of the Board's action, 2) its representativeness.

Here are the main proposals:

a) The abolition of the power of veto: the most radical reform, often proposed by some developing countries. Some have tried to make the hypothesis more realistic by proposing a transitional period.

b) The limitation of the possibilities of using the right of veto → numerous projects to limit or dilute the use of the veto. The range of proposals passes from the adoption of voluntary forms of self-limitation on the part of permanent members to the adoption of formal amendments which reduce their use, for example, solely to the issues of Chapter VII. Proposal that also appeals to the European Parliament[54] and which would imply the end of the veto on the admission, expulsion or suspension of members or the election of

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[53] UN Security Council Reform, Peter Nadin, Routledge pp. 45 e ss.

[54] Resolution 2004

the Secretary General. Another proposal would consist in the multiple veto, that is in the need to have at least two permanent members willing to veto in order for this to take effect. Another idea is to allow the General Assembly with a special majority to cancel the veto. Italy has expressed itself on several occasions for a voluntary limitation of the veto up to bring it to the custom. Permanent members are strongly opposed to veto restrictions.

c) The extension of the right of veto to future permanent members → this is the intersection between the enlargement of the members and the issue of the right of veto, a question that however lately tends to separate.

The complexity of issues that an extension of the right of veto implies has led the High Level Panel to recommend that any proposed reform should not contain such expansion.[55] If the new permanents enjoyed the right of veto, the difficulty of making decisions would always be greater than the efficiency of the minor council. Even creating a category of permanent members without a veto (maintained for the other 5) would greatly reduce the effectiveness of the reform.[56]

On November 2018, Alexei Boguslavsky, during a security Council meeting, when discussing about the veto reform, has once again stressed the unwillingness of Russia to adhere to such reform. "This institute is an important factor to encourage Council members to find balanced solutions: the use of the veto, or the threat to use it, has repeatedly saved the UN from associating itself with adventures of dubious nature" stated Boguslavsky during the meeting. Russia is willing to join in finding a compromise for the other reforms such as the widening of the members (with a limit of max 20) but is unmoving in letting its veto power go. Russia, as well as China and the United States, are the countries that appealed the most to the veto power.[57] A recent one concerns the veto by Russia and China against the United States proposals to hold a new presidential election in Venezuela under international supervision. Russia, in contrast to the United States, has proposed its draft resolution on Venezuela, where it offers to support the independence and sovereignty of the state, as well

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[55] United Nations General Assembly A/59/565, 2 December 2004

[56] http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17214&lang=en

[57] https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/working%20methods_the%20veto-5.pdf

as solving the current situation through the "Montevideo mechanism". This is the last of many cases where the Russian Federation blocked a Security Council resolution.

The latter example can be taken into consideration to analyse the possible implication that the removal of the veto power would have at an international level. Let us analyse the Venezuelan case. Mass protests against the current authoritarian president of Venezuela, Nicolas Maduro started on January 21st. After the riots began, the speaker of the opposition parliament, Juan Guaido, declared himself to be a temporary head of state without any elections.

The US draft resolution called for a political process that would lead to new presidential elections under international observation declaring the May 2018 elections illegitimate, insisting on the implementation of "aid" for the country and "guaranteeing the security" of the members of the Venezuelan opposition.

The permanent representative of Russia to the United Nations, Vasili Nebenzia, vetoed against the US proposal.

The Chinese delegation followed the Russian path, defining the American project "incoherent" with its position.

 "China is opposed to external forces that interfere in Venezuela's internal affairs and opposes military intervention in Venezuela," said Wu Haitao, Beijing's permanent representative to the UN. The US proposal gained the support of nine members of the highest UN body and the opposition of three members, including the permanent Russia and China. Three abstentions were registered in this vote. The Council's decisions require a majority of at least nine votes. With the exception of the votes on procedural issues, no decision can be taken in the event that a negative vote, or veto, is expressed by a permanent member.

As we know, only the UN has the authority to decide, in this circumstance the Security Council could not adopt any provision against the veto that was imposed by the People's Republic of China and the Russian Federation. This had as a consequence that the Venezuelan issue has not yet been solved.

2.2.3 The decision-making Reform

The will of enlarging the security council membership implies new difficulties with what concerns the decision-making process.

It is argued that it was the power of the states that had to justify a greater weight in the Security Council's decision-making process for the great responsibilities that weighed on them. The Council's decision-making is seen as unfair as it was based on the ' one country one vote' principle and proposed the establishment of a weighted voting system for the Security Council, better suited to capture the profound inequalities between countries that produce, national wealth, military power and, in general, influence in the world.[58] The small countries, were not in a position to offer real substance to the decisions of the Council and therefore, in the name of effectiveness, even their weight in the decision-making process had to be correspondingly re-qualified.

These two approaches, which aimed at alternatively enhancing population and power, contribute to highlighting and facing the weakness of the Security Council and of the entire UN: on the one hand, status inequality that reigns in the Council, with five powers with the right of veto and a permanent seat; and on the other, the fiction of sovereign equality, which is expressed above all in the General Assembly and which places the United States and San Marino on the same level, for example. In this sense, the United Nations should be made more democratic, by adopting a weighted decision making process.[59]

If the modest increase in seats since 1965 (from the initial 11 to 15)[60] was not likely to significantly change the functioning of the body, it may be asked whether a further increase could significantly affect the ability to reach quick and clear operational decisions. Some states have expressed concerns about this.

Every hypothesis of reform must be evaluated in light of the practice followed so far by the Security Council to reach its decisions. The latter, as has already been noted, are adopted in compliance with the majorities envisaged by art. 27 of the Charter, in the course of public or private sessions, regulated as regards the performance and publicity of the provisional procedure regulation, which dates back to 1982. In practice, however, the discussion that follows the decision is in many cases conducted through informal consultations among the members of the Council as is, moreover, frequent in all the organs of the United Nations, including the General Assembly itself.

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[58] VANDENBOSCH A. – HOGAN W., The United Nations: background, organization, functions, activities, McGraw- Hill, New York 1952, pp. 86-90.

[59] SCHWARTZBERG J., Revitalizing the United Nations through weighted voting, World Federalist Movement/Institute for Global Policy, New York 2004, p. VII.

[60] English General Assembly Resolutions Resolutions of previous sessions 1965". United Nations.

In these cases, the session in which the decision is adopted, is nothing more than the acknowledgment of the consensus that has taken place between the members, expressed through a declaration by the president without the positions of each member emerging in a definite manner.

According to Schwartzberg the distinction between permanent and non-permanent members should be abolished, in fact, every country or group of countries whose weighted voting index is higher than a certain threshold specifically identified to obtain an organ of 18 seats, considered a good compromise between efficiency and representativeness. Each member would serve in the Council for a period of three years and, having abolished the right of veto, would have one vote. Nonetheless, this hypothesis would create the possibility for coalitions to be created and, nowadays, it would worsen the international scenario.

Kemal Derviş, proposes the weighting of the vote on the basis of four variables: population, gross domestic product, financial contribution to global public goods and military capabilities.[61] According to the author, these are necessary to be taken into account to obtain a reform that gives legitimacy to the Security Council. The weighting tool, however, is not the same as Schwartzberg's one to obtain the automatic formation of relatively balanced constituencies, but in the decision-making process. Derviş hypothesizes a mixed Security Council, consisting of permanent and non-permanent seats, for a total of 14 members, each holding a weighted vote based on the parameters mentioned above. The permanent seat would be attributed to the United States, given their power and population, to Russia above all for its military capabilities, as well as for its foreseeable rise in terms of GDP, to China, India and Brazil, as they considered the most important countries important on the scene after the United States, and to the European Union at 27 plus Turkey, thus suppressing the French and English seats, no longer justifiable in the current historical circumstances. The rest of the countries would then be divided into constituencies on the basis of geographical criterion: Asia (40 countries), Latin America, Caribbean and Canada (35), Arab League (21 countries), Africa (43 countries), Europe (19 countries). Each of them would be given non-permanent seats for as many countries elected by the group, for example two seats in Asia, the same number in Africa and Europe, and so on. Notwithstanding that the weighting would take place at a group level, each elected country would have a share of the group's vote proportional to the percentage of votes obtained in the intra-regional elections. The decision-

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[61] DERVIŞ K., A Better globalization. Legitimacy, governance, and reform, Center for Global Development, Washington 2005, pp. 58 e ss.

making process would be based on a system of qualified majorities according to the object of the decision: for those ex cap. VII, would need a majority of four fifths, while for the others, two thirds. In this way, the United States and the EU, given the weight of their vote, could veto a United Nations coercive action, while Russia and China, could have blocked the UN intervention in Kosovo in 1999 (as instead happened).

The working document presented by France and Great Britain already in 1985 contained proposals aimed at generalising the practice of consensus, with the aim of providing the resolutions of the General Assembly of broad support, which ensures the effective realisation of what is expected; on the other hand, to guarantee a greater assembly debate, putting an end to the frequent practice of "automatic" majorities of developing countries. The initial Franco-British proposal provided that, without prejudice to the provisions of the Charter relating to voting, the resolutions and decisions of the General Assembly, where possible, should have been adopted by consensus.[62] Consultations should have been conducted unofficially or within subsidiary bodies or ad hoc working groups, with the widest possible participation of Member States, to facilitate the adoption by the General Assembly of conclusions and generally acceptable resolutions that, as such, were more easily followed by concrete effects.

With regard to the Security Council, the end of the Cold War resulted in a remarkable approximation of positions especially among the permanent members of the Council, who conducted informal consultations with each other even more frequently than before in view of a decision agreed, excluding non-permanent members of the Council from these consultations. The events surrounding the preparation and subsequent implementation of resolution no. 598 of 20 July 1987, relating to the conflict between Iran and Iraq, clearly show it.[63] This has in fact meant that the most important decisions have often become the product of five-party conciliation, while the role of the other non-permanent members has remained secondary in the Council's decision-making context [64]. If we consider this recent practice from the point of view of the efficiency of the decision-making process (rather than from that of the participation in it of all the components), it is evident that it has allowed a high degree of efficiency with respect to the past, in which this consultation wasn't always possible.

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[62] http://legal.un.org/unjuridicalyearbook/pdfs/english/volumes/1985.pdf

[63] http://unscr.com/en/resolutions/598

[64] DELON, Le rôle joué par les membres permanents dans l'action du Conseil de sécurité,

It is however difficult to hypothesise if a similar degree of efficiency is achievable in the various hypotheses of reform of the Security Council.

Consider, for example, the case of a substantial increase in non-permanent members only. If their limited current number has meant that they, at least in recent years, have appealed to the agreement reached during the informal consultations among the permanent members, we can ask ourselves if a similar behaviour can characterise their practice in the case of an increase in their number or, on the other hand, different common interests may arise. If they will not be more easily led to agree among themselves, and will not reach the majority necessary for the adoption of important decisions and essentially opposing a collective veto to the concentration between the permanent members with the result that states, also of modest capacity to participate in United Nations operations, could paralyse Council activities.[65]

Not well seen is also the hypothesis of an increase in only the permanent members. It would in fact, make the consultation between them less easy and, above all, if accompanied by a right of veto, would constitute a non-negligible obstacle to the rapidity of the Council's decision - making process which, as seen above, is not easy itself.

Alongside with the aspect of information, which is the starting point for a better participation of other member states in the activities of the Security Council, - there is the aspect of a more accentuated involvement of non-member states in the decision-making process. Such involvement appears necessary not only for transparency and democratic reasons of the system, but also and above all, to ensure greater effectiveness to the decisions of the Council and, ultimately, for a better incisiveness of the interventions of the entire organisation.[66]

In this perspective, the provisions of Articles 31 and 32 of the Charter shall be analysed.

Under art. 31, any member state of the United Nations that is not a member of the Security Council may participate, without the right to vote, in the discussion of any matter submitted to the Council, whenever it considers that the interests of such member are particularly involved. This is a non-mandatory participation, which depends on a purely discretionary decision of the Board. The participation of the non-member State instead becomes mandatory pursuant to art. 32, when the non-member state "is part of a dispute before the Security

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[65] SOHN, Modernizing the Structure and Procedure of the Security Council, op. cit., p. 385.

[66] POCAR, Efficienza e trasparenza del Consiglio di Sicurezza, op. cit., p. 42

Council". In this case it must be invited to participate, always without the right to vote, in the discussion concerning the dispute.[67]

However, even if these provisions tend to ensure involvement of non-member states in the Board's resolutions whenever such resolutions may be affected, the practice of applying these articles is ambiguous and not unambiguous.[68] The practice is based on a legal discretion in the case of art. 31 and in fact, in case of art. 32, where the obligation depends on the definition of "party in a dispute"[69], the Council has not always agreed upon it.

The provision of art 44 of the Charter, when the Council has decided to adopt the use of force, before requesting a member state not represented on the Council to provide armed forces in execution of the obligations assumed on the basis of the art. 43, must invite it, if he so agrees to do so, to participate in the decisions concerning the use of contingents of armed forces of the same state.[70]

Regardless the reference to the agreements relating to the provision of military contingents pursuant to art. 43 and never stipulated concretely, the consultation of non-member states involved in military operations has always been undoubtedly insufficient.

Regular and adequate consultation should be essential for the effectiveness of decisions and also for better coordination of the action of the Security Council itself.

2.2.4 Regional representation

The second wave of regionalism which, since the 1980s, has affected international relations, has re-proposed the regionalist approach to the reform of the Security Council, that is the idea that the latter must reflect the current trend towards the creation and deepening of experiences of cooperation and / or regional integration, whose most advanced example is the European Union. Supporters of this perspective believe, that in the Council the different regions of the world must be represented. However, there are profound differences that are based primarily on the different meaning attributed to the concept of "region" that must be taken into consideration.

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[67] SCISO, Tra democrazia ed efficienza, op. cit., p. 51.

[68] BAILEY, The Procedure of the UN Security Council, Oxford, 1988, p. 133 e ss.

[69] https://www.un.org/en/sections/un-charter/un-charter-full-text/

[70] https://www.un.org/en/sections/un-charter/un-charter-full-text/

First, as noted by Schwartzberg, the present system of "equitable geographical distribution" has always been linked to the identification of "regions", as are the proposals that suggest an expansion of the seats which, from last, those advanced by the High Level Panel on Threats, Challenges and Change and Kofi Annan. In all these cases, the term "regions" refers to the different continents, referring to a subdivision of the historically determined and essentially geographical world[71], or to largely arbitrary groupings based on geopolitical considerations. In both cases, the subdivision coincides only in part with actual situations of economic, social and cultural integration. Precisely the uncritical acceptance of this approach was largely responsible for the impossibility of reaching a shared Council reform.

Secondly and differently from the first hypothesis, the region can be characterised socially, to indicate a context in which the social, economic, cultural interdependence between its members (states and citizens) is stronger than the relations that bind these members to the rest of the world.[72]

Thirdly, to this last characterisation we add a political aspect to indicate that the existence of a strong or growing regional interdependence has made necessary a political-institutional response, a governance at regional level that has materialised in the development of a regional organisation, more or less advanced in terms of integration, more or less broad in terms of skills.

While in the first case the expression "region" takes on an arbitrary character, largely disconnected from social and political reality, in the second it is socially connoted; in the third, finally, it is also politically, in the sense that it refers to a regional political organisation.

Many countries have proposed their draft of regional representation.

The proposed reform of the African Union Security Council (AU), formalised in the so-called Consensus of Ezulwini[73], already stated during the seventh extraordinary session of the African Union Executive Council in March 2005 and reaffirmed in the Sirte declaration of July 2005, was confirmed at the UA Summit in Addis Ababa in February 2009. In terms of membership, it provides for a 26-member enlargement - one more than the G4 - including 11 permanent and 15 non-permanent. The allocation of seats proposed is as follows: the African

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[71] SCHWARTZBERG J., Getting It Wrong on Security Council Reform, Presentation at the Annual Meeting of the Academic Council on the United Nations System, Ottawa, Canada, 17 June 2005, Unpublished Essay, pp. 3-4.

[72] NYE J. (ed.), International regionalism, Little, Brown & Co., Boston 1968, p. vii.

[73] https://www.un.org/en/africa/osaa/pdf/au/cap_screform_2005.pdf

Group should have 2 permanent seats (designated by the same African Group) and 5 non-permanent (one for each sub-region: North Africa, Central Africa, West Africa, East Africa and Southern Africa , in practice two more than those already available), to Asia 2 permanent seats and 1 non-permanent, to Eastern Europe 1 non-permanent seat, to the Latin American and Caribbean group 1 permanent and 1 non-permanent seat, and to Western Europe 1 permanent seat.

However, the apparent unity of African countries is undermined by strong internal tensions, above all from a profound disagreement on the names of the two countries to which to assign the permanent seats. Above all, the deep division between the Arab countries of North Africa and the rest of the continent has the most impact. The candidacies of Nigeria and South Africa are the most quoted, but they are both sub-Saharan countries that could not be voted by the North African countries. Another possible candidate is Egypt, which could be supported by the Arab countries of North Africa. The difficulties in finding an agreement also concern the selection criteria of the States. One could consider the experience of a country in terms of maintaining peace and security, both locally and internationally, or its political stability, or respect for democracy and human rights.

These basic differences prevent a common strategy on the relationship with other regional groups: while some, like Nigeria, seek an agreement with the G4 countries, others seek the support of the 5 permanent members, others still want to proceed only on the basis of consensus of Elzuwini.

2.2.5 The security Council-General Assembly relationship

During 2006 another group of small countries emerged including Switzerland, Singapore, Jordan, Costa Rica and Liechtenstein, called "Small 5", which place emphasis on the need to increase the transparency and efficiency of the Security council. According to their point of view, the reform of the Security Council must also concern its methods of work. In particular, they support the opportunity for regular consultations between the SC and other Member States, which guarantee them adequate access to information regarding the activities of the Council. They also require a constant relationship between the Council and the General Assembly: for the purposes of greater collaboration and transparency between the two bodies,

it is important that the former submit the reports concerning the main issues on the international agenda to the latter.

The awareness that the problem of the organization's credibility is necessarily intertwined with that of its effectiveness and the composition of bodies able to decide and apply the decisions adopted is evident in almost all the reform proposals presented by large, medium and small states.

Significant is that of Australia which dedicates a specific paragraph to this problem. "Effectiveness and legitimacy", reads the Australian document, "are correlated factors in considering the role of the Security Council. The responsibilities of the Council are conferred by the member states, and it acts on their behalf (art. 24). Its decisions, while binding all member states on the basis of art. 25, depend in their effectiveness on the extent of international support to the Council. To ensure its legitimacy, it is necessary that the composition of the Council reflect the realities of regional and global power "[74].

Within the framework of the relationship between the General Assembly and the Security Council, the Cuban initiative of the early 1990s is aimed at affirming a responsibility in the Council before the Assembly. This initiative is placed in a tendency towards a democratisation in the structure and in the activity of the Organization, a democratisation that obviously finds in the General Assembly, the representative organ of all the Member States, its main point of reference from which we should deduce that the Security Council acts in the name of the Assembly and therefore is responsible towards it, as regards the fulfilment of the tasks for the maintenance of peace.[75]

This relationship of responsibility, of a political nature, would be confirmed by art. 10 (which attributes to the Assembly the power to discuss any issue that has reference to the powers and functions of the other bodies provided for by the Charter and to make recommendations to the Security Council), in art. 24 par. 3 (pursuant to which the Security Council submits annual and special reports to the Assembly) and in the corresponding art. 15 par. 1 (which provides that the Assembly receives and examines the annual and special reports of the

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[74] Australia, proposal 7 July 1993

[75] SOHN, Modernizing the Structure and Procedure of the Security Council, p. 390.

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Security Council, including an account of the measures decided and undertaken by the Council itself to maintain international peace and security).[76]

It is precisely during the examination of the Security Council report at the session of the 1991 Assembly that Cuba denounced how the practice reduced this examination to a ritual void.[77] In fact, this report consists of a voluminous list of resolutions adopted or examined or formally examined, without any indication of informal consultations, which are very frequent and during which important issues are often discussed. The General Assembly ends up having a partial picture, which does not ensure any transparency of the action of the Council and which therefore does not allow the Assembly to express an adequate and documented evaluation of the activity of the Council.

The observation that the examination of the Security Council report has been reduced to a mere formality seems to be confirmed precisely by the conclusion reached in the 1991 session: after harsh criticism of Cuba and critical interventions also by Brazil and Malaysia[78], the President of the Assembly closed the debate by putting, according to practice, the question: "May I take the General Assembly takes note of the report of the Security Council?", and concluding: "It was so decided"[79] .

The Cuban initiative was subsequently formalised in the 1992 work of the Special Committee on the United Nations Charter and the strengthening of the Organisation's role. In it, Cuba presented a working document[80], proposing an examination of various questions concerning the relations between the General Assembly and the Security Council. These questions stem from the stated premise that the Council is responsible before the Assembly, in whose name it acts, and concern measures aimed at pursuing a plurality of objectives. Improve, on the basis of their respective mandates defined in the Charter, the way in which the General Assembly and the Security Council fulfil their duties regarding the maintenance of peace and international security, perfecting the system for presenting the annual and special reports of the Council to the Assembly with a radical modification of the content of these reports; strengthen the faculty of the General Assembly to formulate, after examining the reports of

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[76] PEDRAZZI, Le relazioni del Consiglio all'Assemblea generale, in Le relazioni internazionali, 1995, p. 43.

[77] General Assembly, forty-sixth session. Provisional Verbatim Record of the 70th meeting (A/46/PV.70)

[78] Doc. A/46/PV 70, p. 26 e ss

[79] Doc. A/46/PV 70, p. 26.

[80] Rapport du Comité spécial de la Charte des Nations Unies et du raffermissement du rôle de l'Organisation, Assemblée Générale Documents officiels: quarante-septième session, Supplément, n. 33 (A/47/33), p. 47

the Security Councils, the recommendations and proposals deemed necessary; foster transparency in the activities of the Security Council, including debates and measures taken in unofficial consultations; to define, by the General Assembly, guiding principles relating to the use of armed force, by the Organisation or in its name within the framework of Chapter VII of the Charter; democratise the Security Council, with revision and enlargement of its composition and review of the opportunity to abolish both the right of veto and the status of permanent member.[81]

Apart from the proposals concerning the Security Council, which would involve amendments (or revisions) of the Charter, it seems that the other questions raised implies, rather than formal modifications, de facto modifications. In fact, they tend essentially to innovate certain practices and indeed, in some respects, they seem directed at ensuring the most correct application of the Charter.[82]

This concerns in particular the art. 15 par. 1.[83] The positions aimed at enhancing the potential of this norm correspond to the function that different States (small and medium powers), in the San Francisco Conference, had assigned to the norm concerning the examination of Security Council reports by the General Assembly. According to the States the proposed rule should have been the basis of the relationship between the Assembly and the Security Council. The assembly should have been empowered to approve or disapprove, totally or in part, all reports of the Security Council and to make recommendations or observations in this regard, as well as to submit recommendations to the Security Council to ensure full compliance with the duties inherent in its function of maintaining international peace and security. This proposal, however, came up against the sharp opposition of the powerful, particularly the United States and the Soviet Union, who declared themselves opposed to any formulation likely to configure a power of the General Assembly to control the action of the Security Council. This opposition determined the renouncement to provide for a power of control of the Assembly on the Security Council and led to the current drafting of the art. 15 par. 1.[84]

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[81] PEDRAZZI, Le relazioni del Consiglio all'Assemblea generale, op. cit., p. 44 e ss

[82] POCAR, Efficienza e trasparenza del Consiglio di Sicurezza, op. cit., p. 43.

[83] La Charte des Nations Unies. Commentaire article per article, Paris, 1985, p. 341 e ss.

[84] PEDRAZZI, Le relazioni del Consiglio all'Assemblea generale, op. cit., p. 46

- **2.3 The overall positions on the Security Council reforms**

In this paragraph I analysed the different positions on the overall debate on the Security council reforms. I would like to pose my attention on the positions of the five permanent members, stressing more the one of the United Kingdom as well as the Italian one.

France

France supports the increase of both permanent and non-permanent members of the Council. However, consider an evaluation of the contribution of members to the maintenance of international peace and security as well as, more generally, to the aims of the organisation. France supports the ambition of G4 members to become permanent members but is in favour of a reform that temporarily provides for non-permanent seats (between 4 and 6) with mandates of longer duration than the current 2 years (5 for example). At the end of this phase, which could last 15-20 years, a conference should be scheduled to assess the impact of the reform. During the negotiations, France also expressed itself in favour of a possible permanent seat to be assigned to an Arab country.

As for the right of veto, he acknowledges that the use of this by a state is a very delicate issue, especially when it comes to war crimes, crimes against humanity or serious violations of human rights. According to France, the veto issue must in no way hinder or even block the reform of the Security Council; therefore proposes a temporary solution: the decision to guarantee or not the right of veto to any new permanent members of the Security Council should be addressed in an ad hoc conference to be held as part of the reform process.

To ensure a more equitable regional representation, France calls for a greater presence of African countries in the Council. As for the size of the Council, France is opposed to excessive enlargement, which comes at the expense of its effectiveness and credibility: as a body responsible for maintaining international peace and security, it must maintain reasonable dimensions, according to Paris.

France also hopes for a substantial improvement in working methods of the Council that allow it to act effectively, but also to interact continuously with all members of the United Nations.

China

China's proposals regarding the reform of the Security Council are mainly focused on three topics: strengthening the Council's efficiency, achieving the widest possible consensus among its members and involving the under-represented countries in the process of decision making.

Beijing argues that, given the global dimension of current threats, it is necessary first of all to increase the efficiency of the main UN body to make it capable of facing the challenges of the international system and to ensure its credibility.

As for working methods, China's position is in line with that of Uniting for Consensus. It considers it essential that any decision (including those relating to the reform) has a broad consensus among member countries; this objective can be achieved through frequent consultations that give voice to everyone, especially to medium and small countries.

According to China, an essential element of the reform is the strengthening of the presence in the Security Council of developing countries which, although they constitute more than two thirds of the members of the UN, are decidedly under-represented. The Chinese proposal is to offer medium and small states (especially those belonging to the African continent, currently the most underrepresented) the opportunity to sit on the Council, perhaps with a rotating mechanism. The objective is to allow all countries, especially the less influential, to take part in the decision-making process.

Finally, the Chinese opposition to Japan's entry into the Security Council as a permanent member remains.

Russian Federation

Russia recognises the need to make the Council more representative, therefore to increase the number of its members, with the inclusion of emerging powers, provided however that their efficiency is not compromised.

According to Moscow, an increased effectiveness of the Security Council in maintaining international peace and security must be the priority objective of the reform: The Council must be able to respond promptly and adequately to emerging challenges.

Given the difficulty of keeping membership cohesive in the presence of the Security Council composed of many States, the Russian Federation is in favour of a limited and reasonable enlargement so that the members do not exceed.

Like China, Russia believes it is necessary for the reform to be carried out on the basis of the widest possible consensus to avoid divergences between the various countries: initiatives that do not enjoy the support of all members do not in fact allow the advancement of the reform of the Council, nor the reaching of an agreement on its various aspects.

With regard to the right of veto, Russia is against automatically assigning it to the new permanent members of the Council: it prefers instead an ex-post evaluation of the opportunity for such a step. At the same time, it is firmly opposed to the weakening or even worse to the elimination of the prerogatives of permanent members within the Security Council, primarily the right of veto.

The United States

Officially, Washington has not supported any of the proposals of the aforementioned groups or presented its own. Susan Rice, Barack Obama's new ambassador to the UN, said the US while not binding the Council's reform Security with others within the framework of the UN, "support the expansion of the Security Council so as not to jeopardize its efficiency and effectiveness".

The USA is in principle in favour of an enlargement of the Security Council "which takes account of the ability of countries to contribute to the maintenance of peace and international security" [85] and support the creation of one, maximum two additional permanent seats. Interestingly, they have not expressed themselves openly in support of a permanent seat for Japan, as happened during the Bush administration.[86]

During the electoral campaign, the US Democrats declared themselves in favour of enlarging the Security Council by assigning a permanent seat to India and one to Brazil. Obama's interest in guaranteeing a greater role to developing countries is clear: already in 2007 he had underlined the need for a Security Council reform that would allow greater involvement of

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[85] Statement by Ambassador Susan E. Rice, U.S. Permanent Representative, at an informal meeting of the General Assembly on Security Council Reform, 19 February 2009,

http://www.usunnewyork.usmission.gov/press_releases/20090219_033.html.

[86] New York, Center for UN Reform Education,24 February 2009, http://www.centerforunreform.org/node/386.

Lydia Swart, *Countries Welcome Work Plan as Security Council Reform Process Commences New Phase*

the great Asian countries, together with the African and South American regions (in addition to Japan, Brazil and India, also Nigeria and South Africa). [87]

Great Britain

Even Britain supports the entry of the four countries as permanent members to make the Council more representative. The British thesis is that an enlarged Council would also make other countries, in addition to the current five permanent ones, responsible for implementing the decisions.

However, given the difficulty of reaching a solution in the short term, Great Britain, like France, is in favour of a temporary reform of the Security Council, according to a gradual approach.

With what concerns its position on the veto power and regional representation, Britain's position must be analysed more in depth. As we mentioned before, when taking about regional representation we stressed the importance that the European Union has and the willingness of the states to make it part of the security council as a region. Being aware of the current relationship with the EU due to the Brexit[88] the impact and consequences of this decision will also be felt in the UN. After the entry into force of the Lisbon Treaty in 2011 and the constitution of the EEAS (European External Action Service), the European Union had obtained, thanks to an ad hoc resolution, a status of UN Enhanced Permanent Observer, with the right to comment in the debates within the General Assembly and in the Commissions. It was able to propose resolutions and amendments, having the right to circulate documentation between member states.

Furthermore, the EU, assisted by some diplomats from the member states, often negotiates in person, after internal coordination aimed at finding a common position among the 28 European members some of the most important resolutions within the UN, from budget up to anti-terrorism to from human rights and to sustainable development were drafted.

The EU has a very heavy weight within the United Nations. The 28 European members together are the largest contributors to the budget of the Organization: about 40 percent of the

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[87] Barack Obama, "Renewing American Leadership", in *Foreign Affairs*, Vol. 86 No. 4, July/August 2007, p. 2-16.

[88] Brexit; a referendum was held in Britain in 2016, where it was asked to the English people whether or not they were willing to leave the European Union and the majority was in favour. Since then a serious of negotiations began between the British government and the European Parliament.

peace keeping missions. The only rights that the EU does not have in the UN, compared to other member states, is the right to vote. The EU cannot therefore stand as a candidate for a non-permanent seat on the Security Council for example.

With the exit of the United Kingdom from the European Union the issues that must be faced are: how much importance will the EU lose in the negotiations? How much weight will gain, the United Kingdom? And as regards the situation in the Security Council will things change?

The answer to the first question is that the EU will actually loose importance in the negotiation process, but not too much. Germany, France and Italy are still among the largest

contributors to the UN budget, while Sweden, and the Netherlands are among those which contribute the most with voluntary donations to various agencies.

Furthermore, the EU will still be able to count on 27 compact votes in the resolutions and will continue to boast a fixed presence in the Security Council thanks to the permanent French seat and the non-permanent ones of the various members which rotates every two years.

As for the second question, the answer is more uncertain. In the short term the United Kingdom gains weight for the negotiation having more freedom to express their unfiltered positions by mediation within the EU coordination and maintaining a more independent voice in the Security Council where however it seems difficult that the British positions will differ greatly from those of France and the United States. In the long term the United Kingdom risks to be isolated and struggle to influence the debate within the agencies of the Organization. The EU undoubtedly has allowed the UK to optimize the resources invested for years while now British diplomats will find themselves negotiating alone, unable to burden-share and without having access to a bigger network of information.

Of course, Great Britain can possibly join forces with the so-called CANZ (Canada, Australia and New Zealand), countries that sometimes negotiate together. But an efficient structure like the EU will be difficult to replace, especially for a country that is a permanent member of the Security Council.

How will the situation change in Security Council? The United Kingdom, as mentioned above, will not differ much from its traditional positions, not to mention that in the Council, UK and France already gave priority to national interests rather than to them Community.

However, it should be pointed out that Brexit could give new life to the process, reform of the Security Council for which the UK, outside the EU dimension, should deserve a permanent seat. Is it possible to accept that a country whose international projection has been resized by Brexit (and history) is one of only 5 out of 193 a have a veto right? It is not unlikely to imagine that many member states of the UN ask themselves these questions and ask for a change of course.

The EU could come out of it equally weakened: it moves away, perhaps even disappears, the possibility of having an EU seat in the Security Council, while the French importance in security matters could increase significantly within the Union without the British counterpart.

Of course, the EU will continue to be widely represented in the Council, but it is however difficult to imagine that Brussels can gain importance from this situation.

Italy

Italy has always had very clear positions on the key issues of the Council reform: relying on its position as the sixth contributor to the UN budget and on its considerable commitment to peacekeeping missions, it has always opposed any attempt at marginalisation and has been particularly active in all crucial phases of the discussions and negotiations on Council reform.

Italy presented a series of proposals aimed at strengthening the geographical representation of the Council, the character of democratic participation, its operational efficiency. Particular activism after the cold war thanks to Minister Andreatta with the proposal (1993) to rotate the seats more frequently in favour of countries that contribute more to the achievement of UN objectives. This proposal, formulated in several other passages in the following years, was then taken up in proposal B) of the High Level Panel, this reinforces the credibility of the Italian proposal, up to the meeting of signatories of the 2005 Uniting for consensus.

Italy is also a key player in economic and development cooperation as shown in 2000 when the Italian presidency of the Economic and Social Council, was seeking to give the body a role in coordinating activities; commitment to debt reduction.

Other Italian battles at the United Nations:

On various issues, Italy has taken a leadership position; moratorium and abolition of the death penalty, International Criminal Court, controls on arms transfers, codification of

international conventions against maritime terrorism, human genome and the relationship between ethics and science.

Italy has opposed the enlargement of the permanent and is in favour of the enlargement of the non-permanent and the genuine interest of a permanent seat for the EU.

During the intergovernmental negotiations that began in February 2009, the permanent representative at the UN, Giulio Terzi di Sant'Agata, presented the Italian proposals on several occasions.[89]

Terzi first of all reiterated Italy's opposition to the creation of new permanent members. By adding new permanent members, he argued, states would be divided into three different categories: the first consisting of the 5 permanent members with the power of veto, the second composed of the new permanents, with the same privileges as the former except the right of veto, and finally a third of "Serie B countries". A small group of member countries would therefore be guaranteed special prerogatives, thus risking to repropose the logic of national powers.

Italy has taken very critical positions even with respect to the right of veto. Born as a historical necessity in an international context in which, following two world wars, it was a priority to restore the international balance; it was intended to promote the collective interest and not only safeguard national interests.

Today, however, in a community of sovereign states governed by the principles of the Charter and reinforced by a series of international norms based on democracy and equality, the veto constitutes an anachronistic privilege.

The abolition of the veto would ensure greater equality of Member States in the decision-making process, making the Council more representative. However, Italy acknowledges that its definitive elimination is unrealistic at the moment, because this would most likely be prevented by the application of a veto. Italy therefore calls for an immediate limitation of this right, according to a gradual approach with the ultimate goal of eliminating it completely.

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[89] Statement by H.E. Ambassador Giulio Terzi di Sant'Agata Permanent Representative of Italy to the United Nations - Meeting of the informal plenary of the General Assembly on the question of equitable representation on and increase in the membership of the Security Council and related matters, 4 March 2009,
http://www.italyun.esteri.it/Rappresentanza_ONU/Menu/Comunicazione/Archivio_News/2009_03_04+terzi. htm

Among the proposals is that of progressively restricting the sphere of application of the veto, excluding it in cases of admission of new members to the Security Council, any humanitarian interventions and actions falling under chapter VI of the UN Charter. Another possibility is to give effective value to the veto only in case of recourse to it from part of at least two permanent members or provide both to the Security Council and to the General Assembly an explanation about the motivation of the use of the veto for certain issues.[90]

Italy underlines how the growing importance of the regional dimension constitutes the most important development of international relations in the last 60 years. Italy identifies the lack of consideration and representativeness of the regions of the world as one of the primary causes of the ineffectiveness of the Security Council. The Italian proposal is therefore to create new seats especially for the regional groups currently underrepresented, first and foremost Africa, where both political and peacekeeping missions of the UN and other activities of the organisation are concentrated.

The proposal also extends to Asia, the largest regional group, but among the most underrepresented in the Council, and to the Latin American and Caribbean group, composed of many small states and islands.

Another seat would then be allocated, in rotation, to the countries of Western Europe and Eastern Europe, with the objective of "allowing better EU institutional access to the SC.

Italy proposes that the decision on how to elect these seats is left to the respective regional groups. These seats would last longer than the current two years. In fact, two alternative options are envisaged for them:

1) a term of 3-5 years with no possibility of re-election;

2) a two-year term with the possibility of re-election for a maximum of two consecutive times.

Regional groups should also be given more weight in the decision-making process of the MC; the adoption of a decision concerning issues of regional interest should be approved if the members belonging to the region involved unanimously express their positive vote on that

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[90] of the Informal Plenary of the General Assembly on the Question of equitable representation on and increase *in the membership of the Security Council and relate matters*, 16 March 2009, *http://www.italyun.esteri.it/Rappresentanza_ONU/Menu/Comunicazione/Archivio_News/2009_03_16+terzi.*

decision. It is clear that in this way the point of view of a region would become decisive in the decision-making process concerning issues of regional competence.

A further proposal, put forward by Terzi, concerns the creation of inter-regional seats reserved for small and medium-sized states, so far almost completely absent in the Security Council: one for "small" states (e.g those with a population of less than 1 million people) and one for the "middle" States (with a population between 1 and 10 million people). These seats would have a non-renewable two-year mandate in order to guarantee the best alternation. [91]

Furthermore, Italy underlines the need to look at reform from a global perspective, also aiming at other objectives: to return to the General Assembly that role of political impulse that assigns it the UN Charter, to improve the coordination of the Security Council with the other organs of the UN, and to make its working methods more efficient.

In order to make the Board accountable to the General Assembly, Italy considers necessary that the former periodically present to the Assembly reports, on an annual basis or on a different basis, in the case of special relationships. As for the size of the Council, Italy acknowledges that too many seats would jeopardise the functioning of the Council; he also recalls that a body like the Council of the European Union, in which all 27 members can use the veto, is not therefore inefficient. The limit to the extension of the Council should be found in a careful balance between the need for representativeness and that of functionality.

On the question of working methods, Italy identifies as the main objective's greater transparency, effectiveness and responsibility. They can be achieved through better access to information; public security council meetings rather than "closed doors"; availability for countries not members of the Security Council of drafts relating to resolutions and presidential declarations and more frequent meetings with countries not members of the Security Council which have as their subject the topics discussed by the Council itself. It also requires a greater interaction of the Security Council with all the parties involved in the decision-making process, as well as mechanisms that ensure that the points of view and interests of the States involved in the topics discussed in the Council are taken into consideration. Finally, Italy wishes a better collaboration between member states.

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[91] Ibid.

Chapter 3: Future Scenarios

3.1 The UN after the SC reform

Since 1945, the year of the creation of the United Nations, the number of independent member states of the organisation has today increased from 51 to 193. This has a number of implications for the UN. First of all, the need to guarantee greater representativeness of its organs, and in particular in its supreme decision-making body, the Security Council, whose composition, as we already debated, has remained unchanged since 1965.

Moreover, the world balances have clearly changed. The relative weight of the southern hemisphere has risen sharply. This is evident on the demographic level, but also on the economic level, at least if we analyse it in quantitative terms. Let us take as an example a country like India, but also Brazil or Nigeria which demographic, economic and social spheres have gained more importance at an international level. Some countries, which were once included in the category of "developing" countries, have now reached a level comparable to that of the most industrialised countries and compete on a same level with the latter also on a market level producing more advanced products. Within the same group of "most industrialised" countries, some of them, such as Great Britain and France, have lost both economic power and capacity for political influence; others, like Germany and Japan, on the other hand, are today much richer and more influential than sixty years ago. Although in recent years their growth rate has been relatively low and they have therefore lost ground on the economic level also due to global economic crisis of 2008. However, this change in the relative weights of individual countries has not been matched by a different distribution of the roles and responsibilities they exercise within the UN. The composition of the Security Council still reflects the balance of power that emerged after the Second World War. Its five permanent members which enjoy the right of veto are the winners of the war.[92] It is also the only admittedly nuclear countries, which may sound like a dangerous legitimisation of the idea that the possession of the nuclear weapon allows to obtain power and consideration in international forums.

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[92] DE GUTTRY ANDREA – PAGANI FABRIZIO, Le Nazioni Unite. Sviluppo e Riforma del Sistema di Sicurezza Collettiva, Il Mulino, Bologna 2005

The end of the East-West opposition and the dissolution of the Soviet bloc has considerably increased the possibilities of cooperation between states that previously considered themselves enemies, allowing, among other things, a revival of the role of the UN. Indeed, for the first time since its foundation, the world organisation has found itself in a position to take decisions to protect international peace and security which is its main field of competence. During the Cold War the Security Council was paralysed by the practice of crossed vetoes, which had become a habit whenever it was a question of deliberating on matters which, even indirectly, could undermine the interests, usually opposing, of the two superpowers. Even today, differences between the Security Council members, especially the permanent ones, often prevent the UN from taking incisive measures or, worse, force it to remain passive, but this is not always the case. After the end of the Cold War the missions carried out by the UN or with the authorisation and mandate of the Security Council have considerably increased. It has been calculated that from January 1990 to June 2003 a veto was used on matters of substance 12 times, while in the previous 45 years 193 it was used only 3 times.[93] However, the new possibilities of intervention which the UN enjoys today have placed the need to find additional resources and make its institutional machine more efficient. But the new activism of the Security Council - its increased ability to make binding decisions - has also highlighted the need for an adjustment of its composition. The effects of the Security Council decisions are increasing mainly because they are much more incisive than in the past. Such decisions are felt by states, but also by social groups and individuals. The decision to impose economic sanctions on a state, for example, can radically change its development prospects and heavily influence the living conditions of its citizens. It is therefore understandable that the interest of the states to participate in the decisions of the Security Council and the request for more effective instruments to control their legitimacy have grown.

It is evident the great difficulty of arriving at a common transatlantic position on the reform of the composition of the Security Council. On the other hand, Europeans are also divided between them. France and Great Britain remain tenaciously attached to their seat as a permanent member like others by right. They do not want to question their right of veto or extend it to other countries. Germany aims above all to enter the club of permanent members of the Council and so far, has also neglected to address the problem of how this can be

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[93] V. Thomas G. Weiss, "The Illusion of UN Security Council Reform", *The Washington Quarterly*, Vol. 26 No. 4, Autumn 2003, p. 150.

reconciled with a perspective of strengthening the Union's common external representation system. The prospect of a European seat is currently considered impractical even by those EU countries, such as Italy, which are in favour of its establishment.

Apart from any other political or legal considerations, the difficulty of Europeans in defining common positions on foreign policy, also due to rule of unanimity, makes the attribution of a seat to the Union little credible at present.[94]

The US has so far placed emphasis on other priorities, especially on reforms that increase the efficiency and decision-making capacity of the UN and on the need for its "depolitisation". However, opposition to some US policies remains strong within the UN. It is therefore possible that the relations between US and UN remain problematic. It cannot be excluded, on the other hand, that Washington will sooner or later decide to take a more open position for one or the other hypothesis of reform of the Security Council. The risk is that Europeans will again find themselves divided, which would, among other things, lose further credibility to the European Union as an international actor.

In order to amend the charter and in general make a proposal pass, 2/3 of the majority is required among the General Assembly.[95] Within the General Assembly, which is responsible for approving the amendments to the Charter, alliances or coalitions that contrast with transatlantic and European solidarity could in fact prevail.

It is clear that Italy cannot limit itself to opposing others' proposals, working so that they do not obtain the necessary consent. On the other hand, precisely on the subject of Security Council reform, our diplomacy has been able to demonstrate a remarkable proactive capacity that has allowed Italy to remain at the center of the debate.

On the one hand, Italy should establish a connection with the US, with which it shares, among other things, the belief that for the selection of new members of the Security Council priority should be given to the criterion of support and participation in UN activities. On the other hand, it should promote a debate within the European Union with a view to drawing up a common position aimed at a reform of the Council consistent with the objective of strengthening the common foreign policy and, in particular, the system of external representation of the Union. In this context, Italy should insist that the creation of a European

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[94] https://www.ilsole24ore.com/art/onu-seggio-ue-e-sogno-quasi-impossibile-AF7cWZH

[95] KÖCHLER HANS, The Voting Procedure in the United Nations Security Council, International Progress Organization, Vienna 1991

seat should become part of the common position of the Union, even as a longer-term objective.

Given that representativeness implies inclusion and therefore greater support for the Council and the activities and operations of the UN by the international community, representation cannot be reduced to equitable geographical distribution, nor can representation be satisfied through the mere extension of membership - permanent or not permanent - of the Council. In fact, a state can hardly represent another in the realm of high politics, which is precisely the Security Council, and it is precisely this erroneous logic that leads to erroneous conclusions about the relationship between representativeness and effectiveness. Any proposal that wants to strengthen the Council, therefore, cannot do without the elaboration of a mechanism for a true and effective representation, key to greater effectiveness.

Very rarely the proposals pose the problem of their own practicability, nor is this requirement normally part of the evaluations of the observers. It depends on the coherence of the proposal with the trends of international relations and on its capacity to exploit them and, in turn, to support them, through a self-sustaining process.

The only satisfactory proposal suggests the transformation of the Security Council into the chamber of regional organisations. It dissolves the representativeness-effectiveness issue, providing that the representation of a state (and its citizens) to the Council passes through another state, but goes through a regional organisation, which must be supranational, meaning that it reached a development of a unified foreign policy. This must be done in order not to avoid a state in rotation or elected to represent a regional organisation to the Council, which in turn represents all the members. It therefore changes the prospectives distances of the mere expansion of the membership, allowing to have a relatively small but extremely representative and democratic body with great benefit for the legitimacy and for the effectiveness of the Council and of the entire UN. It takes into account the growing role that the same regional organisations are gaining as security actors in their own regions and their potential role, which requires their inclusion in the body. This proposal also includes a strategy that makes it sustainable and therefore feasible in the future. In fact, it provides for a process whose start can be triggered by the European Union, which by virtue of its own values and its own vision of the international order, as well as by virtue of its own needs for the fulfilment of its political unity, is laying the foundations for a long time term for a reform on these lines. Once initiated through the entrance of the EU, the process would take on the

task of progressively rebalancing the international unipolar system leading to a non-competitive multipolarism (from a political-military point of view). This is a necessary requisite both for the legitimacy and the functioning of the 'UN, that for any reform of the Council, and it would furthermore push the process of regionalisation of international politics.

Nevertheless, this process is not simple to achieve. Many of the difficulties are these related to the start of the process. The future scenario of the Security Council and of the European Union are closely intertwined: the first awaits an urgent reform that will save it from the growing irrelevance and de-legitimisation, of which strong warning signals are already felt; the second requires the political unity that allows it on the one hand to gain effectiveness on the international scene and, on the other, to propose to the international community its own model of world order and of the international relations, giving it at the same time legitimacy in front of its citizens and giving back the ability to "make the man of the street dream", to make inroads in the popular imagination[96]. After all, therefore, the salvation of the UN depends very much on the salvation of the European Union and vice versa.

While waiting for the reform process to start, there are slowly being created conditions to change the balance between the super powers and of the international scenario from which the current structure of the Security Council originated. The new hegemonic configuration of the Council, represented, for example, by the proposal of the 2 + 3 previously mentioned and other reforms, is continuously blocked by the majority of the international community. Regional organisations share a perspective of the transformation by which the Council becomes the "chamber of regional organisations" and is becoming widespread among them indicating that the political power factor is shifting in the hand of regional powers.

The prospects for reform of the size and the composition of the Security council are little, if not nearly inexistent. The four major blocks (G4, EU, AU and Asia) have firmly fortified their positions. Surely, in order to try and seek a reform, what is needed is compromise between the members, moderating their positions.

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[96] PETRELLA R., Il diritto di sognare. Le scelte economiche e politiche per una società giusta, Sperling & Kupfer, Milano 2005, p. 46.

3.2 Future scenarios of the organisation (Is the organisation losing its power?)

In the last thirty years, the United Nations have faced many difficulties and have seen the continuously changing attitude of the member states and the shifting of the international balance of power.[97]

Faced with the international crises of the last few months in Ukraine, Syria and Libya, two elements have emerged: the large-scale suffering of the affected populations and the absolute irrelevance of the UN in the face of these same sufferings. What is the point of an immobile international organisation conditioned by veto powers that reflect international balances conceived in the past and now changed?

The UN is today an impotent tool in terms of international security, since it was conceived in 1946 and never reformed, although since then numerous political changes have upset the theatre in which it is called to operate. With the collapse of bipolarity, the loss of the European global centrality and the end of colonialism and the emergence of sovereign countries that are becoming much more influential than some permanent members of the UN Security Council.

We started talking about the need to reform the Security Council since little after the creation of the United Nations and, as already mentioned, the only reform made within the Council is the widening of the non permanent members (from 6 to 10) in 1963[98]. This is shown also because article. 108 of the United Nations Charter - which indicates the methods of revision - has never been applied, although it is clear to everyone that the only existing way to make the UN more incisive, consists in radically modifying its structure, reducing the role dominant of some countries now of secondary importance.[99] The problem is that changing the Charter has been made difficult on purpose, written exactly to prevent such a downsizing: the art. 108 of the Charter establishes that any change can come into force only if approved by the five permanent members of the Security Council, who have no incentive to renounce their privileged positions.

Whether it is fair or unjust, the consent of the superpowers is needed to have stable and authoritative international organisations, and this consensus has a cost expressed in political

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[97] WEISS THOMAS – FORSYTHE DAVID – COATE ROGER, The United Nations and Changing World Politics, Westview Press, Boulder 2004

[98] The other two only amendments to the UN Charter concerned the enlargement of the Economic and Social Council.

[99] SIMMA BRUNO (ed.), The Charter of the United Nations: A Commentary, Oxford University Press, Oxford 2002

deference, or veto power. A clear example was the League of Nations constituted by the Treaty of Versailles at the end of the First World War. In the absence of the United States and the Soviet Union (which entered in 1934 and came out only five years later), the role of this international organisation in charge of peacekeeping was totally null, much more inconsistent than the UN of which we complain today. Although the political cost to be borne is high (and connected to the negotiating power of the superpowers against the other states), the presence of the dominant actors on the international scene is essential for an international organisation, both in terms of efficiency and legitimacy.

Despite the obvious difficulties, the proposals for revision of the UN Charter never stopped and since 1974 there has been a special Panel of experts in charge of the revision of the projects. The most interesting suggestions, as we have already analysed in the previous chapter, are the strengthening of the role of the General Assembly (in which the third world states have the absolute majority), the enlargement of the Security Council to other permanent members (of which Brazil, Germany, Japan and India are the main promoters) and the abolition of the right of veto. All proposals that could reinvigorate the role of the UN in the world (some less than others in reality), but which to date have remained unanswered.

However, the influence of the permanent members' right of veto on the UN's efficiency has not always had negative effects, but has generated very discontinuous dynamics, whose latest developments are represented by cases in Libya and Syria. When in 2011 the Security Council approved Resolution 1973 on the establishment of a no-fly zone in Libya (and Russia and China refrained from exercising veto power), it seemed that the UN was destined to play a role of new importance. However, precisely the 1973 resolution, and its application extended beyond its purposes by Western countries, marked a serious immobility on the subsequent Syrian case.

Far from limiting themselves to creating a neutral no-fly zone for the parties in conflict in Libya, Western countries used the 1973 resolution in support of the Libyan rebels providing air support to the advance of land against Gaddafi, in a clearly extensive, and illegal interpretation, of the UN mandate, where Russia and China had absolutely no intention of endorsing such a manoeuvre. After the western left-handed shooting, in the subsequent Syrian crisis, China and Russia immediately returned to veto the requests for Western intervention for a no-fly zone, immobilising the Security Council.

The UN represents a considerable achievement in the history of international relations and a basis for dialogue between peoples that is by no means a foregone conclusion.[100] The United Nations is today a forum where states can interact with each other on equal terms, at least formally, and this makes it an organisation unparalleled in millennia of human history. The UN influences the perception of the actors which take part in it, acting on their identity and, ultimately, on national interests. The constructivist school of thought states that the world is not based solely on mere immutable and monolithic national interests, but that by participating in shared political institutions, these national interests can be modelled thanks to the influence that the political processes internal to the institutions trigger. In this sense, the UN has the strong power, indirect and latent, to continuously unite national states under one roof to discuss problems shared by all and, potentially, to slowly change the political objectives of the actors involved.

A series of factors linked to the continuous evolution of the international scenario has made it impossible to postpone a reform of the Security Council which increases its representativeness, while guaranteeing its efficiency.

The recent intensification of the debate and the start at the beginning of this year of intergovernmental negotiations stem from the pressures of the states that aim to re-launch the organisation or to strengthen their status in the Council.

Deep divergences still remain, especially with regard to the composition of the Council and the balance between permanent and non-permanent members. Furthermore, the United States' point of view regarding the reform remains undefined: even if the issue is considered relevant by the current President Obama, who, unlike his predecessor, seems willing to engage in negotiations on the reform, even if Washington does not has still taken a position.

Given the differences between European countries, the idea of a permanent EU seat in the Security Council does not seem realistic. The Union struggles to present itself as a single, cohesive actor, able to speak with one voice. More than solutions that guarantee a balance between the effectiveness and fair representation of the Security Council, most Member States seem to focus on their national interests.

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[100] KÖCHLER HANS (ed.), The Use of Force in International Relations. Challenges to Collective Security, International Progress Organization, Vienna 2006

For almost 20 years, Italy has been proposing a common position at European level on the reform and underlines the need for greater coordination between EU countries on the positions and initiatives to be taken within the Security Council. Having as its objective the strengthening of a common European foreign policy and the defence of its status in the UN system, Italy has always opposed the creation of new permanent seats.

The UN continues to be a fundamental organ in the international scenario, without it the alternatives would probably be anarchy or the proliferation of centre powers that would cause many more conflicts than the ones we have today. It shares the idea on an international community based on a democratic system. It elaborates and spreads at a global level values and ideas on which is based the public opinion worldwide (peace, respect of human rights, sustainability).

The prospects for reform of the size and the composition of the Security council are little, if not nearly inexistent. The four major blocks (G4, EU, AU and Asia) have firmly fortified their positions. Surely, in order to try and seek a reform, what is needed is compromise between the members, moderating their positions.

It reflects the wider issue of power and privilege in the world system. Some countries want to hang on to their power, others want to make claims based on their rising power, while still others prefer a more equitable system, less dominated by an oligarchy of privilege. It will be intriguing to see whether this latest reform "push" results in action, or whether it collapses. Some observers think that this time, a viable proposal may emerge, based on enlargement of the elected Council members. Regional basis of representation (with seats for Europe, Latin America, etc.) would provide the best possibility for a really representative, effective and democratic Council in the years ahead.[101]

The proposal of the Italian government has tried to take on many needs indicating everything at the beginning, with a timely response to the news, immersed in the international scene in recent years. It does not ignore the equal dimension of the international society and therefore also the expectations of the smaller countries. These could, again according to the Italian suggestion, exclusively use the last ten elective seats, without being subjected to the

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[101] ABASS ADEMOLA, Regional Organisations and the Development of Collective Security. Beyond Chapter VIII of the UN Charter, Hart Publishing, Portland 2004

competition of larger states which, in some regional groups, end up monopolising elective seats.

But Italy is open to competing with others in the search for a point of balance, within a reasonable time, so that the Organization truly reflects the strengths of the international community and is the most effective and universal instrument of action.[102]

To conclude, answering the question in my personal opinion, we cannot say if the United nations is losing its powers or not, what is sure is that the reforms are needed in order to fit the ongoing changes at an international level. Moreover, I would like to add that rather than questioning if the United Nations are losing its power, we should actually ask "Are other international organisations gaining power?'. The answer is 'yes'. The European Union is proof of it as well as smaller international organisations like the African Union. According to Ambassador Sebastiano Cardi, the UN cannot bare anymore the weight of all the international community, what could be done is to delegate to smaller organisations like the African Union, the G5 or G6, especially with the peacekeeping operations. This could also be a good start in improving the regional representation and would bring to more legitimacy among the countries. [103]

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[102] https://www.esteri.it/mae/it/sala_stampa/archivionotizie/comunicati/comunicato-stampa-uniting-for-consensus.html

[103] Interview with Ambassador Cardi in June 2019

Conclusion

The growing diffusion of nuclear weapons, the development of the mass media and the complexity of modern society have led the States to a unanimous conclusion: the need to have to cooperate to re-establish the global order, violated following the crimes committed in war.

Thus, the United Nations was born with the main objective of maintaining international peace and security and of promoting friendly relations between States.

The body entrusted with the task of carrying out this objective is the United Nations Security Council; in fact, article 24 of the UN Charter states that the Member States confer on the Council the primary responsibility for the maintenance of peace and international security and "recognize that in fulfilling its tasks inherent to this responsibility, it acts in their name".

In light of art. 24 of the Charter, therefore, the Council acts on behalf of all the Member States of the United Nations; this should result in a composition that reflects in a balanced way the various geographical areas and the different political groups to which the Member States belong.

The five winning powers of the Second World War, however, in defining the principles that establish the functioning of the UN, decided to guarantee themselves a real privilege, consisting in the permanent representation of their country within the Council and in the possibility of exercising the veto power against the substantive decisions proposed within the body itself. China, the United States, France, the United Kingdom and Russia took the name of "permanent members" of the Security Council, which were joined, in rotation, by ten non-permanent member states, elected by the General Assembly, for a two-year term.

Despite having a restricted composition, the Council is the only United Nations' body that can make binding decisions in the most important matters.

Over the years, the discipline has remained unchanged, but the global geopolitical situation has radically evolved and more and more questions are being posed about the effectiveness of the United Nations powers and about the concrete possibility of acting to face the structural crisis of modern society.

First and foremost, it should be pointed out that one of the main factors which gives rise to the United Nations democratic deficit is the impossibility for the General Assembly, a body with a plenary composition, to make binding decisions, with the consequence that all the resolutions adopted by this body result in simple exhortations, whose effectiveness is left to the mere arbitration of the international community.

As stated before, in fact, the body entrusted with the responsibility to adopt binding measures on the most important matters is the Security Council, whose restricted composition prevents an adequate assessment of global interests; the ten non-permanent members tend to assert their national interests and the five permanent members, far from wanting to abandon their privileges, reserve the right to be able to block any substantial provision that is inappropriate to them.

To this, we add a further problem represented by the radical change of powers at a world level: we cannot, in fact, fail to take into account the growing influence of Germany, Japan or some "third world" countries in the definition of politics global. These countries hope for a reform of the Council that will recognize the same privileges as permanent members.

If the much-desired reform tends towards this direction, the defect in the democratic nature of the United Nations would not be diminish but would instead continue with the preservation of individual privileges, for the exclusive benefit of the most influential states.

The end of the Cold War has resulted in a substantial decrease in the use of the veto power but has at the same time strengthened an even less democratic practice, represented by informal consultations, in which only the five permanent members can participate.

The objective of informal consultations is to take an "agreed decision", eliminating the risk of exercising veto power; however, consultations have often turned into decision-making moments on issues of global importance, with the consequent irrelevance and material impossibility of the ten non-permanent members to participate in the process of fulfilling the Council's objectives. The question appears even more complex if one considers that the consultations, not infrequently, are carried out secretly and this poses a more general problem of transparency of the activities of the Council, which is manifested, sometimes, even in the failure to publish the agenda of the activities of the Council itself.

Democracy and representativeness are two sides of the same coin and constitute, today, the main causes of the failure of the United Nations, in maintaining international peace and security.

In the 1990s, progress was made towards a reform of the Security Council, in order to guarantee greater representativeness and to redefine work methods; regarding the modality of this enlargement, however, a profound incompatibility of views between Countries was evident, which reflects the divergent, often incompatible, interests on the basis of which the reform is invoked. This scenario is accompanied by the ambiguous position taken by the Permanent Members, which in official contexts take a position favorable to the reform, but which, de facto, act in order to plan a change that allows them to preserve the privileges and prerogatives of they have enjoyed over the past seventy years.

In conclusion, the UN, symbol of international cooperation, has major structural limits, the overcoming of which is left to the will of the states, which should renounce to their privileges in order to guarantee a greater balance of interests between nations and a better geographical distribution of seats in the Council.

In a historical moment in which we are witnessing a growing nationalism, it seems difficult to believe that States are willing to strengthen and improve the functions of a supranational body; the hostile attitude of some of the greatest powers towards full international cooperation is the evidence of the existence of an insurmountable impasse, at least until a just compromise is reached, given by the balancing of two different issues: on the one hand by the inevitable tendency of Member States to pursue their individual interests, on the other the need for cooperation, understood as the only instrument to guarantee peace and international security, as well as a functional vehicle for the spread of the principles of democracy, equality and rule of law.

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Summary

Starting from the Geneva Convention of 1864 an international pacifist diplomatic movement has developed and reached its maximum expression in the Hague Convention of 1907. The latter is an international treaty created by the Hague Conference of Peace in 1907 which followed that of the 1899. A third peace conference in The Hague, initially planned for 1914 and later rescheduled for 1915, never took place due to the outbreak of the First World War. The "Confederation of Hague States" was the name given by the jurist and pacifist Walther Schücking to the States adhering to the 1907 Hague Convention, constituted a global alliance that stands out for the diplomacy of nations.

Following the failure of the Hague Convention of 1907 which was represented by the outbreak of the First World War, the idea of the League of Nations seems to have originated from the English politician Edward Gray, who at that time held the office of Secretary of State in the British Empire for foreign and Commonwealth affairs. The idea was later adopted by the president of the United States of America Thomas Woodrow Wilson and his adviser, Colonel Edward M. House, who saw in it the instrument to avoid events such as the World War one which was still on going. The idea was in fact inserted by Woodrow Wilson in the "Fourteen points", the speech that Woodrow Wilson held on January 8, 1918 in front of the two chambers of the United States Congress gathered in joint session. In the historic speech, the US president set out his strategy to end the First World War and lay the foundations for a stable and lasting world peace.

Wilson's proposal to create a supranational organization to safeguard world peace was accepted by the Paris peace conference of 1919-1920 on January 25, 1919. The task of drafting the statutes of the organization, the convention of the League of Nations, was entrusted to a special commission. Wilson himself was chosen as chairman of the commission, following his wishes. In addition to the US president, the commission included among its members Edward M. House (United States of America), Robert Cecil and Cecil Hurst (United Kingdom), Léon Bourgeois and Ferdinand Larnaude (France), Vittorio Emanuele Orlando and Vittorio Scialoja (Italy), Makino Nobuaki and Chinda Sutemi (Japan), Paul Hymans (Belgium), Wellington Koo (China), Jayme Batalha Reis (Portugal), Milenko Radomar Vesnitch (Serbia).

A definitive form of the Statute of the League of Nations was approved on 28 April 1919 and included in the first part of the Treaty of Versailles of 1919 (Articles 1-26). The treaty was signed in the Gallery of Mirrors of the Palace of Versailles (Versailles, France) on 28 June 1919 by 44 States (31 of them had taken part in the First World War alongside the Triple Entente).

On January 10, 1920 in London, the Treaty of Versailles of 1919 came into force with the official recognition of the ratification by the States that had signed it on June 28 1919. This official recognition is considered the act that officially ended the First World War. A few days later, on January 16 1920, in Paris the Council of the League of Nations met for the first time, there, one of the three main organs in which the League of Nations was structured. After a series of remarkable successes and some early failures in the 1920s and 1930s, the League of Nations was unable to prevent the assaults of the Axis powers of the 1930s.

In April 1945, the delegates of the States gave a conference in the Californian city of San Francisco to proceed with the foundation of the UN ratifying the United Nations Charter which officially created the UN. It was signed on June 26 1945 and went into effect on October 24.

The UN is now composed of 193 member states out of the 196 internationally recognized states in the world. The Vatican City and Palestine are permanent observers within the organization meaning that they cannot participate in the voting or the proposal of a resolution. The status of observer is granted by a resolution made by the General Assembly.

In article one and two of the UN charter are listed the main scopes and principles that the UN designated. The main scope of the organization is to maintain international peace and security and this can be done by cooperation between the member states. Nevertheless, in the 21st century a particular attention has been posed to the respect of human rights.

The Charter created six organs or branches which all have different functions; the General Assembly, the Security Council, the economic and social council, the Trusteeship council, the International Court of Justice and the Secretariat.

The General Assembly is the body where all the member states are represented and it's the principle organ of the United Nations. The first meeting was held January 10th 1946 in the Westminster central hall in London and was composed of the first 51 member states of UN.

The general assembly has mainly advisory functions: it examines the general principles of cooperation for the maintenance of peace and international security, and adopts, with regard to these principles, recommendations both to the member states and to the Security Council.

Each member state can have up to five representatives in the Assembly but has only one vote. The decisions of the General Assembly on the main issues are taken by a majority of two thirds of the members present and voting. These issues include: recommendations regarding the maintenance of peace and international security, the election of non-permanent members of the Security Council, the election of members of the Economic and Social Council, the election of members of the Trusteeship Council, the admission of new members, the suspension of rights and privileges or the expulsion of a member, questions relating to the functioning of the trusteeship regime and budgetary issues. Decisions on other matters are taken by majority of the members present and voting.

The General Assembly meets in ordinary annual sessions. An ordinary session begins on the third Thursday of September and lasts until mid-December. The assembly also meets in special sessions where circumstances require it. Special sessions are convened by the general secretary at the request of the Security Council or a majority of United Nations members.

The General Secretariat constitutes the administrative apparatus of the UN and ensures its daily functioning. The head is the general secretary, appointed by the assembly upon proposal of the council. As the highest official of the organization he has both administrative and executive tasks and political responsibilities. At the moment the secretary general of the United Nations is the Portuguese António Guterres in charge since January 1st 2017.

The United Nations Charter assigns administrative and political functions to the Secretary-General. As the highest administrative official, the Secretary General is assigned the tasks that fall within the United Nations organizational, technical, financial and representation sphere.

Its political functions are carried out by delegation of the General Assembly and the Security Council or independently. The delegated political-diplomatic functions (such as good offices, mediations, inquiries) concern the settlement of disputes (international disputes), the organization and management of peacekeeping operations. Ownership of autonomous political powers gives the general secretary the right to draw the attention of the Security Council to any issue that may threaten the maintenance of peace.

The Economic and Social Council of the United Nations (ECOSOC) is the United Nations body with the main competence on international economic, social, cultural, educational and health relations and issues, and of coordination of economic and social activity of United Nations and various organizations related to them.

The purpose of the Council is established by Article 62 of the United Nations Statute: planning economic development and technical and financial assistance to the least developed countries, as well as promoting studies or reports on economic, social, cultural and health issues. It consists of fifty-four members elected every three years by the General Assembly.

The Charter, therefore, established the Trusteeship Council as one of its main organs and assigned it the task of supervising the administration of the territories placed under the trusteeship regime. The main objective of this regime was to promote the progress of the inhabitants of those territories and their progressive journey towards self-government or independence.

The Trusteeship Council is composed of the five permanent members of the Security Council: China, the United States, Russia, France and the United Kingdom. The purposes of the trusteeship regime have been largely met because all 11 trusted territories have achieved autonomy or independence, either as separate states or through their union with neighboring independent countries.

The Court is made up of 15 judges, elected, regardless of nationality, among persons of high moral standing, who possess the requisites required in the respective States for the appointment of the highest judicial offices, or who are jurisconsults of recognized competence. The judges remain in office for 9 years and can be re-elected. The composition of the Court - which is renewed for a third every 3 years, with the election of 5 judges - must ensure the representation of the main forms of civilization and the main legal systems of the world. Judges must carry out their duties independently and impartially, and for this purpose enjoy diplomatic privileges and immunities (Diplomatic Agents). The election of judges involves two phases: the first consists of the nomination of the candidates by the States; the second, in the election by the Security Council and the General Assembly, which carry out independent votes by absolute majority (in the Council there is no distinction between permanent and non-permanent members). The Court has two main competences: contentious jurisdiction, relating to the solution of international disputes (international dispute), and

consultative competence, for the formulation of opinions requested by the bodies authorized to do so.

The functions and powers of the Security council (SC) are listed in art. 24 of chapter V of the charter. The members of the Council are divided into permanent members and non-permanent members. The latter are elected periodically by the General Assembly. Article. 23 of the Charter states that the Security Council is composed of fifteen members of the United Nations but The Republic of China, France, the USSR (today: Russia), the United Kingdom and the United States of America are the permanent members of the Security Council. The General Assembly elects ten other members of the United Nations as non-permanent members of the Security Council, having special regard, first of all, to the contribution of the members of the United Nations to the maintenance of peace and international security and other purposes of the Organization. Such members are elected every two years.

The veto power of permanent members is motivated by the special responsibilities of these states in maintaining peace, in the light of the events of the Second World War. In fact, in 1945 the great powers considered it necessary to take control of international relations by agreeing with each other on possible collective actions in defense of peace.

The Council has the main responsibility for maintaining peace based on collective security system expressed in chapters VI (settlement of disputes) and VII (actions against threats and violations of peace, and acts of aggression) of the Charter (Collective security). According to chapter VI, the Council has powers of an exclusively conciliatory nature, which are expressed in making recommendations to the parties to a dispute that could endanger international peace or security (international dispute). Chapter VII instead confers to the Council powers of a coercive nature, which can be expressed, on the basis of the assessment of a threat to peace, of a violation of peace or of an act of aggression (Article 39 of the Charter), in the adoption of preventive measures (Article 40) or measures directed against transgressing States, both of an economic nature (Article 41 of the Charter) and involving the use of military force (Article 42 of the Charter).

In an attempt to strengthen its decisions, the Security Council can impose economic sanctions and order an arms embargo. On rare occasions, however, the Security Council has authorized Member States to use "all necessary means", including collective military actions, to ensure that its decisions are respected.

Finally, the Council makes recommendations to the General Assembly regarding the candidacy for the role of General Secretary and the admission of new members to the UN.

In order to ensure the most peaceful stability as possible, since 2000, the Council has launched several missions a year (between one and four) and established regular visits to certain countries to monitor progress and have direct contact with local politicians on key issues.

The Security Council, the most important decision-making body of the UN for the management and maintenance of security and peace in the world, which over the years has not only catalysed the greater political and diplomatic attention of the member states, but also has having regard to the specific positions on the merits. After more than fifteen years of debates and negotiating rounds (which started again in 2009), at least two opposing visions of reform emerge substantially. On the one hand, there are those states that, guided by the so-called group of four (G4), composed of Germany, India, Brazil and Japan, would like to keep the rationale of the structure and functioning of the Council unchanged, but widening both the overall number of members (currently set at 15) as that of permanent seats (now held by the so-called big five and therefore by the United States, Russia, China, France and the United Kingdom). On the other hand we find instead those who are advocates of a more inclusive and flexible approach, which opposes an increase in permanent seats and tries instead to privilege, in the representation of a renewed Security Council, the plural character of the contemporary international community, greater relevance for the regional political dimension and the search for a broader possible consensus, especially in taking responsibility for sanctions and peacekeeping. The leader of this second vision is the so-called Uniting for Consensus group, which includes countries such as Italy, Mexico, Pakistan, Argentina and South Korea.

When talking about the Security Council Reform it is meant; the membership reform, the reform of the veto power, the decision making reform, regional representation and finally, the Security Council - General Assembly reform.

The membership reform has been the centre of a strong debate among countries. The only extension of the membership of the Security Council so far dates back to 1963, when the non-permanent seats were increased from 6 to 10.

Since the emergence of the developing countries and the rise of the Asian economies as well as the strengthening of the German power, the idea of widening the membership has been a matter of discussion for many years.

When taking about the membership reform it is meant the widening of the number of the Security council members. As stated before, the Security Council is composed of 15 members, five permanent (China, France, Russian Federation, the United Kingdom and the United States) which have the veto power and ten members which rotate every two years. In 1992, some countries including India and others from the "non-aligned" group proposed a draft resolution asking them to include the "Issue of equal representation and enlargement of members" in the provisional agenda of the General Assembly of the Security Council ". This request was then accepted by the General Assembly, which from that moment it was officially placed on the agenda and invited all members to present their proposals for the reform. Given the large number of proposals, the Assembly established in 1993, an ad hoc working group, the so-called "Open-Ended Working Group" (more precisely "Open-Ended Working Group on the Question of the Equitable Representation of the Security Council and other matters related to the Security Council "), which would have dealt with the reform in a more general perspective, taking into consideration not only the increase in the number of members of the Board, but also the working methods of the same, namely the reports of interaction between its members and those of the General Assembly.

Italy, which especially since 1992 had begun to contribute significantly to both the regular budget and the UN peacekeeping missions, began to consider the possibility of obtaining a permanent seat. But chose to oppose the creation of new permanent seats, fearing that this innovation would lead to a final solution contrary to Italian national interests and would at the same time compromise the development of a common European foreign policy.

Italy, represented by Ambassador Francesco Paolo Fulci, together with Pakistan, Mexico and Egypt, founded the so-called "Coffee Club" in 1995: the three countries were united by a clear refusal of the increase in the permanent members of the Security Council and by the desire to favour expansion instead of non-permanent seats. The three founders of the Group were soon joined by other countries, including Spain, Argentina, Turkey, Canada, and South Korea, and in a short time the group came to include about 50 countries in Asia, Africa and Latin America. The position of the "Coffee Club" was that the increase in permanent members would have further accentuated the disparity between member countries and would

have led to the extension of a series of privileges with a "cascade effect". The new permanent members would in fact have benefited from particularly advantageous ways of election in various specific organs of the United Nations system.

The "Coffee Club" members Italy and Pakistan have joint with other members (up to forty, mainly Columbia, Argentina) and have transformed in "Uniting for Consensus" (UFC). The latter, since its creation in 2005, has been very active in proposing new ideas in order to reform the Security Council. It aims to raise the number of non-permanent members to twenty by establishing the term of office in two years; non-permanent members would be elected, each regional group would be assigned a predefined number of seats; Western European countries would be assigned three seats.

The UFC is still very active, on the 1st of May 2019, Mariangela Zappia permanent representative for Italy has once again stressed its position and underlined the importance for Africa to have the highest number of seats within the Security council. The debate on the reforms are continuing and will continue and new proposals have been made by other UN members.

Many projects fro widening the Security Council membership have been proposed like for example: the quick fix proposal by America, the "2+3" formula or the creation of semi-permanent members.

Despite the spread of the consensus practice, which develops on the basis of negotiations between the members in order to avoid the formal vote, the power of veto was exercised with reference to the adoption of military measures against countries whose internal situation is exposed at the risk of serious prejudice in guaranteeing human rights. Faced with these episodes, the hypotheses of heterogeneous for the purposes of exercising the veto power offers opportunities for harsh criticism of the international organisation, such as to debase the nobility of the task that was originally assigned to it. The complexity of issues that an extension of the right of veto implies has led the High Level Panel to recommend that any proposed reform should not contain such expansion. If the new permanents enjoyed the right of veto, the difficulty of making decisions would always be greater than the efficiency of the minor council. Even creating a category of permanent members without a veto (maintained for the other 5) would greatly reduce the effectiveness of the reform.

It is argued that it was the power of the states that had to justify a greater weight in the Security Council's decision-making process for the great responsibilities that weighed on

them. The Council's decision-making is seen as unfair as it was based on the ' one country one vote' principle and proposed the establishment of a weighted voting system for the Security Council, better suited to capture the profound inequalities between countries that produce, national wealth, military power and, in general, influence in the world. The small countries, were not in a position to offer real substance to the decisions of the Council and therefore, in the name of effectiveness, even their weight in the decision-making process had to be correspondingly re-qualified.

These two approaches, which aimed at alternatively enhancing population and power, contribute to highlighting and facing the weakness of the Security Council and of the entire UN: on the one hand, status inequality that reigns in the Council, with five powers with the right of veto and a permanent seat; and on the other, the fiction of sovereign equality, which is expressed above all in the General Assembly and which places the United States and San Marino on the same level, for example. In this sense, the United Nations should be made more democratic, by adopting a weighted decision making process.

The working document presented by France and Great Britain already in 1985 contained proposals aimed at generalising the practice of consensus, with the aim of providing the resolutions of the General Assembly of broad support, which ensures the effective realisation of what is expected; on the other hand, to guarantee a greater assembly debate, putting an end to the frequent practice of "automatic" majorities of developing countries. The initial Franco-British proposal provided that, without prejudice to the provisions of the Charter relating to voting, the resolutions and decisions of the General Assembly, where possible, should have been adopted by consensus. Consultations should have been conducted unofficially or within subsidiary bodies or ad hoc working groups, with the widest possible participation of Member States, to facilitate the adoption by the General Assembly of conclusions and generally acceptable resolutions that, as such, were more easily followed by concrete effects.

It is however difficult to hypothesise if a similar degree of efficiency is achievable in the various hypotheses of reform of the Security Council.

Consider, for example, the case of a substantial increase in non-permanent members only. If their limited current number has meant that they, at least in recent years, have appealed to the agreement reached during the informal consultations among the permanent members, we can ask ourselves if a similar behaviour can characterise their practice in the case of an increase in their number or, on the other hand, different common interests may arise. If they will not

be more easily led to agree among themselves, and will not reach the majority necessary for the adoption of important decisions and essentially opposing a collective veto to the concentration between the permanent members with the result that states, also of modest capacity to participate in United Nations operations, could paralyse Council activities.

Not well seen is also the hypothesis of an increase in only the permanent members. It would in fact, make the consultation between them less easy and, above all, if accompanied by a right of veto, would constitute a non-negligible obstacle to the rapidity of the Council's decision - making process which, as seen above, is not easy itself.

Regular and adequate consultation should be essential for the effectiveness of decisions and also for better coordination of the action of the Security Council itself.

The second wave of regionalism which, since the 1980s, has affected international relations, has re-proposed the regionalist approach to the reform of the Security Council, that is the idea that the latter must reflect the current trend towards the creation and deepening of experiences of cooperation and / or regional integration, whose most advanced example is the European Union. Supporters of this perspective believe, that in the Council the different regions of the world must be represented.

Many countries have proposed their draft of regional representation.

The proposed reform of the African Union Security Council (AU), formalised in the so-called Consensus of Ezulwini, already stated during the seventh extraordinary session of the African Union Executive Council in March 2005 and reaffirmed in the Sirte declaration of July 2005, was confirmed at the UA Summit in Addis Ababa in February 2009. In terms of membership, it provides for a 26-member enlargement - one more than the G4 - including 11 permanent and 15 non-permanent. The allocation of seats proposed is as follows: the African Group should have 2 permanent seats (designated by the same African Group) and 5 non-permanent (one for each sub-region: North Africa, Central Africa, West Africa, East Africa and Southern Africa , in practice two more than those already available), to Asia 2 permanent seats and 1 non-permanent, to Eastern Europe 1 non-permanent seat, to the Latin American and Caribbean group 1 permanent and 1 non-permanent seat, and to Western Europe 1 permanent seat.

However, the apparent unity of African countries is undermined by strong internal tensions, above all from a profound disagreement on the names of the two countries to which to assign the permanent seats. Above all, the deep division between the Arab countries of North Africa

and the rest of the continent has the most impact. The candidacies of Nigeria and South Africa are the most quoted, but they are both sub-Saharan countries that could not be voted by the North African countries. Another possible candidate is Egypt, which could be supported by the Arab countries of North Africa. The difficulties in finding an agreement also concern the selection criteria of the States. One could consider the experience of a country in terms of maintaining peace and security, both locally and internationally, or its political stability, or respect for democracy and human rights.

These basic differences prevent a common strategy on the relationship with other regional groups: while some, like Nigeria, seek an agreement with the G4 countries, others seek the support of the 5 permanent members, others still want to proceed only on the basis of consensus of Elzuwini.

During 2006 another group of small countries emerged including Switzerland, Singapore, Jordan, Costa Rica and Liechtenstein, called "Small 5", which place emphasis on the need to increase the transparency and efficiency of the Security council. According to their point of view, the reform of the Security Council must also concern its methods of work. In particular, they support the opportunity for regular consultations between the SC and other Member States, which guarantee them adequate access to information regarding the activities of the Council. They also require a constant relationship between the Council and the General Assembly: for the purposes of greater collaboration and transparency between the two bodies, it is important that the former submit the reports concerning the main issues on the international agenda to the latter.

The awareness that the problem of the organization's credibility is necessarily intertwined with that of its effectiveness and the composition of bodies able to decide and apply the decisions adopted is evident in almost all the reform proposals presented by large, medium and small states.

The assembly should have been empowered to approve or disapprove, totally or in part, all reports of the Security Council and to make recommendations or observations in this regard, as well as to submit recommendations to the Security Council to ensure full compliance with the duties inherent in its function of maintaining international peace and security. This proposal, however, came up against the sharp opposition of the powerful, particularly the United States and the Soviet Union, who declared themselves opposed to any formulation likely to configure a power of the General Assembly to control the action of the Security

Council. This opposition determined the renouncement to provide for a power of control of the Assembly on the Security Council and led to the current drafting of the art. 15 par. 1.

France supports the increase of both permanent and non-permanent members of the Council. However, consider an evaluation of the contribution of members to the maintenance of international peace and security as well as, more generally, to the aims of the organisation. France supports the ambition of G4 members to become permanent members but is in favour of a reform that temporarily provides for non-permanent seats (between 4 and 6) with mandates of longer duration than the current 2 years (5 for example). At the end of this phase, which could last 15-20 years, a conference should be scheduled to assess the impact of the reform. During the negotiations, France also expressed itself in favour of a possible permanent seat to be assigned to an Arab country.

As for the right of veto, he acknowledges that the use of this by a state is a very delicate issue, especially when it comes to war crimes, crimes against humanity or serious violations of human rights. According to France, the veto issue must in no way hinder or even block the reform of the Security Council; therefore proposes a temporary solution: the decision to guarantee or not the right of veto to any new permanent members of the Security Council should be addressed in an ad hoc conference to be held as part of the reform process.

To ensure a more equitable regional representation, France calls for a greater presence of African countries in the Council. As for the size of the Council, France is opposed to excessive enlargement, which comes at the expense of its effectiveness and credibility: as a body responsible for maintaining international peace and security, it must maintain reasonable dimensions, according to Paris.

France also hopes for a substantial improvement in working methods of the Council that allow it to act effectively, but also to interact continuously with all members of the United Nations.

China's proposals regarding the reform of the Security Council are mainly focused on three topics: strengthening the Council's efficiency, achieving the widest possible consensus among its members and involving the under-represented countries in the process of decision making.

Beijing argues that, given the global dimension of current threats, it is necessary first of all to increase the efficiency of the main UN body to make it capable of facing the challenges of the international system and to ensure its credibility.

As for working methods, China's position is in line with that of Uniting for Consensus. It considers it essential that any decision (including those relating to the reform) has a broad consensus among member countries; this objective can be achieved through frequent consultations that give voice to everyone, especially to medium and small countries.

According to China, an essential element of the reform is the strengthening of the presence in the Security Council of developing countries which, although they constitute more than two thirds of the members of the UN, are decidedly under-represented. The Chinese proposal is to offer medium and small states (especially those belonging to the African continent, currently the most underrepresented) the opportunity to sit on the Council, perhaps with a rotating mechanism. The objective is to allow all countries, especially the less influential, to take part in the decision-making process.

Given the difficulty of keeping membership cohesive in the presence of the Security Council composed of many States, the Russian Federation is in favour of a limited and reasonable enlargement so that the members do not exceed.

Like China, Russia believes it is necessary for the reform to be carried out on the basis of the widest possible consensus to avoid divergences between the various countries: initiatives that do not enjoy the support of all members do not in fact allow the advancement of the reform of the Council, nor the reaching of an agreement on its various aspects.

With regard to the right of veto, Russia is against automatically assigning it to the new permanent members of the Council: it prefers instead an ex-post evaluation of the opportunity for such a step. At the same time, it is firmly opposed to the weakening or even worse to the elimination of the prerogatives of permanent members within the Security Council, primarily the right of veto.

Officially, Washington has not supported any of the proposals of the aforementioned groups or presented its own. Susan Rice, Barack Obama's new ambassador to the UN, said the US while not binding the Council's reform Security with others within the framework of the UN, "support the expansion of the Security Council so as not to jeopardize its efficiency and effectiveness".

Even Britain supports the entry of the four countries as permanent members to make the Council more representative. The British thesis is that an enlarged Council would also make

other countries, in addition to the current five permanent ones, responsible for implementing the decisions.

However, given the difficulty of reaching a solution in the short term, Great Britain, like France, is in favour of a temporary reform of the Security Council, according to a gradual approach. Britain's position is also determined by its actual situation among the European Union due to the Brexit referendum. Great Britain can possibly join forces with the so-called CANZ (Canada, Australia and New Zealand), countries that sometimes negotiate together. But an efficient structure like the EU will be difficult to replace, especially for a country that is a permanent member of the Security Council.

How will the situation change in Security Council? The United Kingdom, as mentioned above, will not differ much from its traditional positions, not to mention that in the Council, UK and France already gave priority to national interests rather than to them Community. Italy underlines how the growing importance of the regional dimension constitutes the most important development of international relations in the last 60 years. Italy identifies the lack of consideration and representativeness of the regions of the world as one of the primary causes of the ineffectiveness of the Security Council. The Italian proposal is therefore to create new seats especially for the regional groups currently underrepresented, first and foremost Africa, where both political and peacekeeping missions of the UN and other activities of the organisation are concentrated.

In the last thirty years, the United Nations have faced many difficulties and have seen the continuously changing attitude of the member states and the shifting of the international balance of power.

Faced with the international crises of the last few months in Ukraine, Syria and Libya, two elements have emerged: the large-scale suffering of the affected populations and the absolute irrelevance of the UN in the face of these same sufferings. What is the point of an immobile international organisation conditioned by veto powers that reflect international balances conceived in the past and now changed?

The UN is today an impotent tool in terms of international security, since it was conceived in 1946 and never reformed, although since then numerous political changes have upset the theatre in which it is called to operate. With the collapse of bipolarity, the loss of the European global centrality and the end of colonialism and the emergence of sovereign

countries that are becoming much more influential than some permanent members of the UN Security Council.

The UN continues to be a fundamental organ in the international scenario, without it the alternatives would probably be anarchy or the proliferation of centre powers that would cause many more conflicts than the ones we have today. It shares the idea on an international community based on a democratic system. It elaborates and spreads at a global level values and ideas on which is based the public opinion worldwide (peace, respect of human rights, sustainability).

The prospects for reform of the size and the composition of the Security council are little, if not nearly inexistent. The four major blocks (G4, EU, AU and Asia) have firmly fortified their positions. Surely, in order to try and seek a reform, what is needed is compromise between the members, moderating their positions.