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The United Nations Security Council:

History, Current Composition, and Reform Proposals

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Abstract

The paper explores how the Security Council has reacted to the changing global order in terms of institutional reform and its working methods. First, we look at how the Security Council's setup looks increasingly anachronistic against the tremendous shifts in global power. Yet, established and rising powers are not disengaging. In contrast, they are turning to the Council to address growing challenges posed by the changing nature of armed conflict, the surge of terrorism and foreign fighters, nuclear proliferation and persistent intra-state conflicts. Then, we explore institutional and political hurdles for Council reform. While various reform models have been suggested, none of them gained the necessary global support. Instead, we demonstrate how the Council has increased the representation of emerging powers in informal ways. Potential candidates for permanent seats and their regional counterparts are committed as elected members, peacekeeping contributors or within the Peacebuilding Commission. Finally, we analyze how innovatively the Council has reacted to global security challenges. This includes working methods reform, expansion of sanctions regimes and involvement of non-state actors. We conclude that even though the Council's membership has not yet been altered, it has reacted to the changing global order in ways previously unaccounted for.

Keywords: *institutional change, Security Council, Security Council reform, informal reform, global order, changing nature of armed conflict*

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1. Introduction

The lack of formal reform of the Security Council seems puzzling against the tremendous shifts in global order since its establishment. Consider the following example: In 1945, the Security Council consisted of 21.6% of the general membership (11 Council members, 51 UN member states), this ratio decreased to 12.8% in 1965 (15 Council members, 117 UN member states) and further to only 7.8 % today (15 Council members, 193 UN member states). Yet, other international institutions have proven able to adapt to these changes through the admission of new members in the World Trade Organization, adapting voting weights in the International Monetary Fund or introducing new patterns of weighted voting in the European Union (EU).

Even though many states vociferously demand a more 'equitable representation' and criticize the P5 dominance, so far, none of the reform proposals, ranging from adding new permanent members, expanding solely the number of non-permanent members to intermediate models of reform have yet obtained the necessary majorities. Over ten years ago, Bruce Russett already noted that "[t]he politics and politicking [of Security Council reform](...) all boil down to this: a coalition of minorities has always been able to defeat any such proposal even before it could be brought to a vote. Each member might accept certain kinds of changes, but any package always seemed to carry a poison pill to which the status quo was preferable" (2005).

The paper explores how the Security Council has reacted to the changing global order both in terms of formal institutional reform and more informal ways of granting more influence to rising and established powers through increasing informalization, reforming its working methods, or institutional innovation. We argue that while the various camps have not found any bridging position that avoids the 'poison pill' of Council reform, those members who have been denied membership have not walked away. Instead, these members use various avenues to influence the Council's politics over international peace and security even though the current permanent members continue to dominate the Council. At the same time, the Council has tried to increase its procedural legitimacy, one main criticism of UN Member States (Binder and Heupel 2014), by various initiatives, including working methods reform and institutional design.
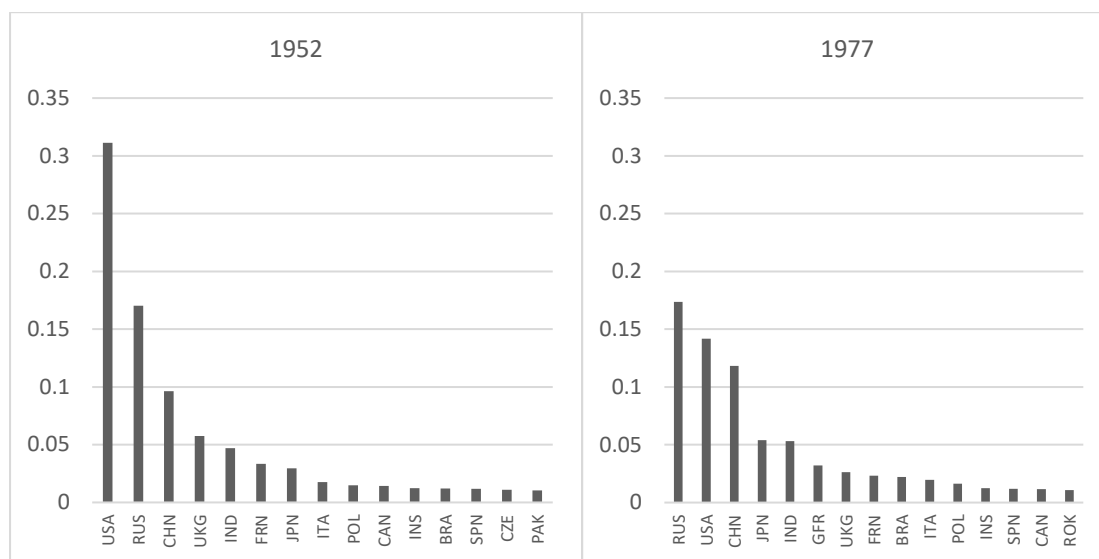
The paper proceeds as follows. Next, we explore the tremendous shifts in global power and how the changing nature of conflicts has presented a challenge to the current system of global governance. In the third section, we analyze the political, structural and theoretical obstacles to a formal Security Council reform. In the fourth section, we study what alternative routes nonmembers and non-permanent members have taken and how those members can influence Council proceedings without (permanent) membership. In a fifth section, the paper explores how the Security Council has reacted to the vociferous calls for reform by developing novel working methods, relying on committee governance in the field of sanctions and the increasing the participation of experts. We find that the ways in which the Council has reacted to shifts in the global order as well as changing patterns of conflict, even though the membership of the Council has not yet been altered, could get more attention in both practice and academic background analysis.
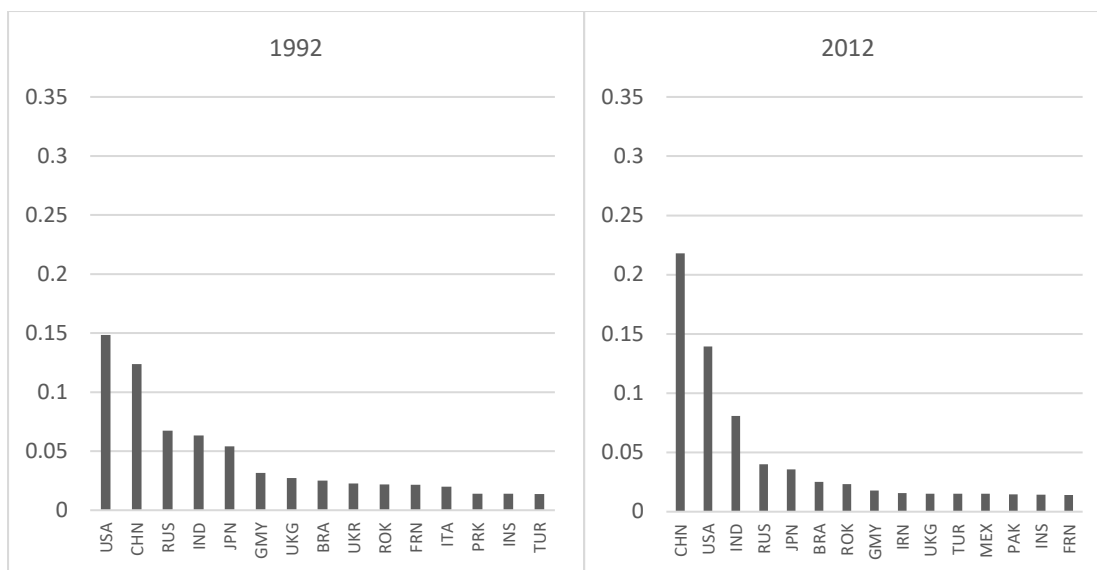
2. The Changing Global Order & The Changing Nature of Armed Conflict

The current setup of the Security Council looks increasingly anachronistic against the tremendous shifts in military, economic and diplomatic global power since the San Francisco conference over 70 years ago. In contrast to the time of the UN's foundation, global power has been redistributed among nations. Many smaller and middle-sized countries are rising powers, 'emerging economies' or among the so-called 'Next Eleven'. These states seek a greater role in shaping the institutions of global governance. Yet, the relation between military, economic and political weight is less defined than at the UN's creation and thus, it is less clear which states should take crucial decisions about international peace and security on behalf of all UN members. Especially the emerging nations Brazil, India, South Africa, but also others such as Nigeria, Pakistan or Argentina, demand greater representation in the Security Council.

When pondering over the shifts in national capabilities (see Figure 1) based on the Correlates of War dataset as an indicator for changing global power, we can observe these tremendous shifts. While France and the UK had been among the top 6 of most capable nations in 1952, they only rank at top 10 and top 15 respectively in 2012. Notably, the four candidates for new permanent membership (Brazil, Germany, India, and Japan) as well as other middle-sized countries (South Korea, Iran, Turkey, Mexico, Pakistan, Indonesia) have higher national capabilities than the UK and France (Mahbubani refers to the latter as 'yesterday's powers', 2016). A similar picture is revealed for other economic measurements, for instance, GDP (Mahbubani 2016). Mahbubani argues that this is the reason that the UK and France have not used the veto in the post-Cold War period. In fact, both countries have essentially lost the legitimacy to veto decisions and their use of veto power would trigger a "political explosion" among the wider UN membership (Mahbubani 2016). Still, the material capabilities also show how two world powers, China and the United States by far exceed the capabilities of other states, and China has even overtaken the US in the age of globalization. The picture is different for Russia, though being a permanent member and nuclear power, it is not an economic global power.

Figure 1: The Changing Global Order, Material Capabilities of States from 1952 to 2012

1992 — 2012

USA CHN RUS IND JPN GMY UKG BRA UKR ROK FRN ITA PRK INS TUR

CHN USA IND RUS JPN BRA ROK GMY IRN UKG TUR MEX PAK INS FRN

Note: CINC 5.0 Scores, as discussed in Singer, D. J. (1987). Reconstructing the Correlates of War Dataset on Material Capabilities of States, 1816-1985. International Interactions, 14, 115–132.

But how do these relational shifts in global power translate into shifts in global order? How do these constituent parts form a different global order than in 1945? Certainly, the processes of growing economic interdependence and globalization have triggered state efforts towards international solutions to cooperation problems (Keohane 1984). Processes of legalization (Abbott et al. 2000) have created an international sphere that is more and more regulated. States now operate in an increasingly dense fabric of institutions and global norms that has given rise to regime complexes and frequent institutional interaction (Keohane and Victor 2011; Raustiala and Victor 2004). Most institutions share governance competence with other organizations, sometimes with considerable overlap. Increasingly, global governance is characterized by informal ways of governance (Stone 2011).

Against this background, notably, none of the powers aspirant for permanent membership in the Security Council are major global military powers. This situation is different compared to 1945 when the permanent members – the victorious nations of World War II - were those who should keep peace (Jones 2016). Yet, these established and rising powers have accumulated economic and diplomatic capacities. Consider for instance, the conflict over the Iran nuclear program. Germany, even though not a permanent member and for most of the time, not even an elected Council member, has played a major role in the EU3 (UK, France and Germany) and later in the P5+1 (plus Germany) format for negotiating with Iran. In this context, Brazil and Turkey co-initiated a nuclear fuel swap deal with Iran by in 2010, which demonstrated their ambition and possibilities for engaging in international diplomacy, even though the United States did not welcome this initiative. However, the picture is different for the African representation. Neither South Africa nor Nigeria, even though they are important actors, have the diplomatic or economic standing of other aspirant nations. And even among African states, their aspirations are far from being undisputed (Jones 2016). Thus, in any reform proposal, Africa would be overrepresented, provided that capabilities are the dimension of comparison.

Beyond these fundamental changes in global order, the changing nature of armed conflict, the surge of terrorism and foreign fighters, the proliferation of nuclear weapons and the persistence of intra-state conflicts are presenting a serious challenge to the Council efforts in preserving international peace and security. The changing nature of armed conflict has prompted influential academic

debates about its quality and extent. Mary Kaldor argued that, in the context of globalization, a new type of conflict, the new war, has emerged that is "blurring the distinction between war (usually defined as violence between states or organized political groups for political objectives), organized crime (violence undertaken by privately organized groups for private purposes, usually financial gain), and large-scale violations of human rights (violence undertaken by states or politically organized groups against individuals)" (Kaldor 2012). This type of conflict is different from old wars that had been fought up until the first half of the 20th century (Kaldor 2012). Münkler identified three distinct features of the new wars: The "asymmetricalization of war", the "privatization of war" referring to loss of the state monopoly of violence and an increasing role of non-state actors where the state recedes, and the "de-militarization of war" referring to the emergence of private militias and rebel groups instead of regular armies as well as the targeting civilians and civilian infrastructure, blurring the distinction between combatants and non-combatants (Münkler 2012). However, the new wars thesis has been criticized from a number of quarters. One major critique was that it created an arbitrary boundary between old and new wars were none should be drawn. Others cautioned against reducing conflict dynamics to economic aspirations of warring parties (on this debate see Mello (2010)).

One remarkable finding of the data-driven conflict research is the tremendous decline in interstate wars, which have been responsible for most battle-related deaths during the first half of the 20th century (Ramsbotham and Woodhouse; Miall, Hugh 2016). Indeed, in 2014, the Uppsala Conflict Data Project (UCDP)[1] recorded only one interstate war (India – Pakistan), while all 39 other violent conflicts occurred in domestic conflict settings (Pettersson and Wallensteen 2015). Yet, the 2014 Ukraine crisis or the dispute over the denuclearization of the Korean Peninsula illustrates that inter-state conflicts have not ceased to exist and that realist arguments about state power in the international system are still relevant (Ramsbotham and Woodhouse; Miall, Hugh 2016.

In the area of peace operations, besides the noticeable surge in size and mandates of peacekeeping missions after 1990, there is an increasingly complex link between Council-mandated peacekeeping missions which are operated and staffed by regional organizations (Stagno Ugarte 2016), for instance the EU in Mali, NATO in Afghanistan, the G5 Sahel Joint Force, as well as hybrid peace operations (Tardy 2014) such as the UN/African Union mission in Darfur. This complexity helps the UN join forces with regional actors, but also leads to new complexities in terms of the management of missions and operations on the ground (Williams 2016).

The nature of intra-state conflict, which is increasingly considered as a threat to international peace and security, also seems to be changing. Sebastian von Einsiedel (2017), for example, identifies three major conflict trends in recent years. First, he notes the emergence of organized crime as a major factor in making intrastate wars increasingly "intractable and messy". Making up for superpower support, rebel groups increasingly engage in the shadow economy, conflict economies, natural resource exploitation and illicit markets (Einsiedel 2017). Second, states increasingly interfere in domestic conflicts abroad, which both prolongs these conflicts and makes them more deadly (Einsiedel 2017). The UCDP recorded a record high in internationalized domestic conflicts: A third of all intrastate conflicts are subject to foreign support for one or more conflict parties (Pettersson and Wallensteen 2015). Third, the world is witnessing an increase in jihadi terrorism, in terms of a ten-fold increase in terrorist incidents, a steady and accelerating increase in Salafi-jihadist fighters since the late 80s, as well as a steep increase in the number of terrorism-related deaths (Einsiedel 2017). In fact, UN peacekeepers operate in areas vulnerable to terrorism and increasingly become the target of

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[1] http://ucdp.uu.se/

terrorist attacks (Einsiedel 2017). Moreover, a Soufan Group report estimated that the number of foreign terrorist fighters who have traveled to Syria and Iraq to fight for ISIL is as high as 31,000 individuals from over 86 countries (Barrett et al. 2015). But also groups such as Boko Haram, Al-Qaida and the Taliban have posed a threat to peace, often operating across borders (Einsiedel 2017). In addition to challenges related to Iran and DPRK nuclear programs, there is a growing concern about the proliferation of weapons of mass destruction to non-state actors (Heupel 2008). Taken together, this has posed new challenges to the UN and led to changes in terms of peace operations over time. Most notably, the range and scope of peacekeeping missions have expanded, allowing for more possibilities for peacekeepers 'on the ground'.

All of this implies that in the context of the changing global order, and changing challenges to UN member states, the United Nations had to adapt its range and scope of activities considerably. Accordingly, the Security Council faces new challenges that are urgent and important but fundamentally different from those facing the UN when the organization was established.

3. Obstacles to The Unfulfilled Promise of Security Council Reform

In return for their acceptance of the 'Yalta formula', which enshrined the P5 veto privilege, small and middle-sized countries were promised a conference for reviewing and revamping the UN Charter within ten years of its adoption (Article 109 (3) UN Charter, see Luck 2008; Rensmann 2012). Indeed, the underprivileged rather preferred a formal and comprehensive review of the collective security system with a view to abolishing the paralyzing veto privilege. Yet, the Cold War realities prevented such a conference from being convened. In fact, the struggles over the setup and role of the Security Council in San Francisco and the time after mirror the contradictory interests of UN Member States on the question of its fundamental reform ever since (Luck 2008).

What are the political hurdles for reforming the Security Council's composition? The core obstacle is that not all states will equally profit from Council expansions, while some states fear that they might be worse off. The political preferences among UN Member States diverge along three dimensions (see Table 1). First, the UN Member States fundamentally disagree over the seat categories for any additional Council seats. On the one hand, three groups of states prefer to add new permanent members to the Council. Among these is the *Group of Four* (G4) proposal, which champions Brazil, India, Germany and Japan and two African countries as candidates for permanent membership. Similarly, the *African Group* proposal, representing more than fifty states, favors both expanding the permanent and non-permanent seat categories. A third group, considerably overlapping with the African Group, is the *L69*, which includes Brazil and India, some African countries and the small island states. It suggests a solution similar to the African model. The *Uniting for Consensus* (UfC) group represents a smaller, but vocal opposition to the expansion of permanent seats and instead favors to add more non-permanent seats. This group mainly comprises of the regional rivals of the G4 states, including Italy, Argentina, Colombia, Pakistan, the Republic of Korea, and Spain, among others. Their opposition is mainly driven by the fact that they would go away empty handed while their larger regional rivals might obtain the privileged permanent seats.

Second, any system of Council expansion requires allocating new seats, usually among regional groups, which creates a distribution problem. Fundamentally, every group needs to benefit from an expansion (why region A, if not region B?). The proposed models consider a size between 25 to 27 seats. The difference between the G4 proposal and the African proposal is that the African Group

suggests an additional non-permanent seat for Africa. The L69 adds another non-permanent seat for small island states.

Third, the question of the veto divides many states, while three lines of thinking prevail. One group favors expanding the veto to potential new permanent members (African Group, L69). Yet, critics argue that this will further diminish the prospects of conflict resolution and is widely seen as an unrealistic proposal. A different – sober – assessment of the reform prospects does neither suggest extending the veto nor restricting the existing P5 veto privilege (G4). A third line of thinking argues that the existing veto privilege should be restricted to certain situations, excluding for instance grave violations of human rights or genocide. Indeed, even one permanent member has suggested this recently (Security Council Report 2015, see section 14.6 below).

The permanent members have a vested interest in the status quo. Because all "declining powers and regional blocs can prevent any diminution of their representation on the Council", Security Council reform is "inevitably 'additive' in nature" (US Permanent Mission to the UN 2007). The ideal solution for the US would be a "smallest possible expansion" and in particular "no extension of veto" with the goal of "maintaining our arithmetic advantage in UNSC voting" (US Permanent Mission to the UN 2007). Yet, the US also noted that "[t]he real danger is that, as the membership of the Council has not been updated to reflect geopolitical realities, new rising powers as well as their friends and allies might come to view the Council's role as illegitimate. This, in turn, could undermine the willingness of countries to abide by its resolutions" (US Permanent Mission to the UN 2007). Accordingly, the two European permanent members France and the UK have voiced cautious support for Council expansion with a few new permanent and non-permanent members. Yet, China, Russia and the US remain hostile to any change in Council composition.

Since 2005, some countries have suggested creating an interim or intermediate model of expansion, based on the idea of longer-term renewable Council seats, potentially with some sort of review of its feasibility after an initial period. Yet, while some states – including Germany and Japan – seem willing to at least engage with the idea, it has been criticized in other quarters (Swart 2013, 2015).

Table 1: Major Reform Proposals for the Security Council (by Seat Categories)

	Total Seats	Permanent Seats (current)	Permanent Seats (proposal)	Non-permanent Seats
Group of Four	25	5	6 (no veto)	14 no immediate re-election
Uniting for Consensus	25	5	-	20 Immediate re-election possible
African Group	26	5	6 (veto)	15 1 additional NP for Africa
L69	27	5	6 (veto)	16 1 additional NP for Africa 1 additional NP for small island developing states

Source: Dörfler, T., & Hosli, M. O. (2013). Reforming the United Nations Security Council: Proposals, Strategies and Preferences. In B. Reinalda (Ed.), *Routledge Handbook of International Organization (pp. 377–390).* Milton Park, Abingdon, Oxon: Routledge, with additions based on Swart, L. (2013). *Reform of the Security Council: 2007-2013.* In L. Swart & E. Perry (Eds.), *Governing & Managing Change*

at the United Nations: Security Council Reform from 1945 to September 2013 (pp. 23–59). New York, NY.

How can we account for the apparent lack of consensus? To what degree is the 'structural situation' (Russett 2005) presenting an institutional hurdle for the unfulfilled promise of Security Council reform? In essence, any reform of the Council's composition, seat categories or veto privilege requires amending articles 23 and 27 of the UN Charter. There are two principle avenues to do this, either through a GA resolution or convening a review conference. Essentially, both require a two-thirds majority and need to be ratified by two-thirds of the UN membership and all five permanent Council members. This provision is a high hurdle. To date, the UN Charter has been amended three times based on article 108 in 1965, 1968 and 1973, whereas so far, article 109 has never been applied (Witschel 2012a, 2012b).

The failure of Security Council reform has triggered many commentators to dig into an analysis of this issue. Erik Voeten, based on an institutionalist account, argues we should look at the Council within its strategic context. The Council is designed to provide the public good of international peace and security while lacking the capacities for preventing unilateral action. As, he argues, the availability of outside options curtails the power of some permanent members over others, this shows that what really matters is 'real world' power (in the form of outside options), not formal institutional power (2008). Accordingly, he concludes that the 'benefits of clever constitutional engineering' are likely to be marginal compared to the status quo (2008). Alexander Thompson argues that the key function of the Council is one of 'strategic information transmission'. It is relevant for all UN Member States precisely because of its small size, diversity and the veto power of states that often withstood the interests of the most powerful states. Expanding the Council risks reviving Cold War paralysis without enhancing its 'political usefulness' (2009). Barry O'Neill – relying on the Shapely-Shubik model of voting power – looks into potential shifts in voting power by adding more seats with or without veto power and adaptations of the majority threshold (1997). He concludes that granting more seats to members without veto can actually decrease a state's individual power and that a new member only makes a difference (in actual voting power) if it has a different position than already existing members do. In all his scenarios, the increase in members leads to a decrease in the probability that a resolution is adopted (O'Neill 1997).

Hosli et al., using social choice theory and models of voting power, demonstrate that the 1965 expansion of the Council to fifteen members has already reduced the probability of Council agreement. The various reform proposals discussed in recent years would all lead to a further reduction in action probability of the Council, in particular proposal foreseeing new veto rights (2011). Combined with member state priorities, Council reform amounts to 'squaring the circle' (Hosli et al. 2011). Using Coleman's index of the "Power of a Collectivity to Act", Hosli and Dörfler further find that the steep increase in UN membership reduced prospects for achieving the necessary majorities for Charter amendment in the General Assembly tremendously and in a non-linear fashion (2017). In fact, membership growth combined with the high hurdle for Charter reform has decreased the possibilities for finding consensus, regardless of member states' negotiation positions (Hosli and Dörfler 2017).

Conversely, the reform proposals are strikingly mute when it comes to the question of what Klabbers calls 'instrumental' versus 'political rationality' or 'effective managerial capability' versus 'political deliberative quality' (2010). This implies a trade-off between effectiveness and inclusiveness. Yet, none of the reform proposals address how an enlarged Council would not undermine the post-Cold War levels of Council effectiveness and seem to imply that political rationality will automatically lead to 'better' outcomes.

4. Alternative Routes & Influence 'Without' (Permanent) Membership

Whilst the Council's composition has not formally changed, despite the remarkably changing global order, states eager to join the Council have not disengaged or discontinued to cooperate (see for instance Voeten 2008). Despite the fact that the states calling most vociferously for Security Council reform have not yet achieved a constitutional reform, they exhibit astonishingly high rates of compliance with Council decisions even though these are hardly enforceable (Mahbubani 2016). Hence, in this section, we analyze how non-members and non-permanent members can affect Council negotiations even though they do not have (much) formal powers. Already in 1997, Ian Hurd noted that the increasing informal role of nonmembers of the Council has "blurred the practical distinction between member and nonmember" (Hurd 1997).

Let us first explore the role of the non-permanent members within the Council. A notable descriptive observation is that both those states that strive for a permanent representation and their UfC rivals are represented in the Council as non-permanent members regularly (see Figure 2). In fact, Japan has served on the Council more than 35% of the time since the end of the Cold War. The other Asian candidate for permanent membership, India, has been on the Council 15% of the time since 1990. Regional contenders also spent considerable years on the Council (Pakistan 22%, Indonesia 15%, Republic of Korea 15%, Malaysia 15%). In the Western European and Others Group (WEOG) group, Germany has served almost 22% of the time since 1990, but even its rivals Spain (22%) and Italy (19%) have served considerable time. In Latin America (GRULAC), both Brazil (30%) and Argentina (30%) have been on the Council in almost one-third of all post-Cold War years, followed by Chile (22%), Colombia (15%), and Mexico (15%). Both the African Group (AG) and Eastern European Group (EEG) seemingly follow a rotational model of Council tenure. Of the African members, a number of countries and those ambitious for permanent seats including South Africa, Rwanda, Angola, Egypt, Gabon and Morocco have each spent 15% of the time as Council members, with Nigeria slightly more (22%). Africa, in contrast to other regions shows a more equitable form of representation, which is due to the rotational logic of assigning seats within the Group. In the EEG, only Ukraine and Romania have served twice since 1990. A large and often forgotten group of more than 60 UN member states has not yet been elected to the Council. Even though the G4 countries and members of the UfC prefer different models of Council expansion, the wider UN membership seems to have found a system of distributing non-permanent seats that mirrors the influence of respective states in the international system quite well.

Figure 2: Years served on UNSC (percent of years since 1990)
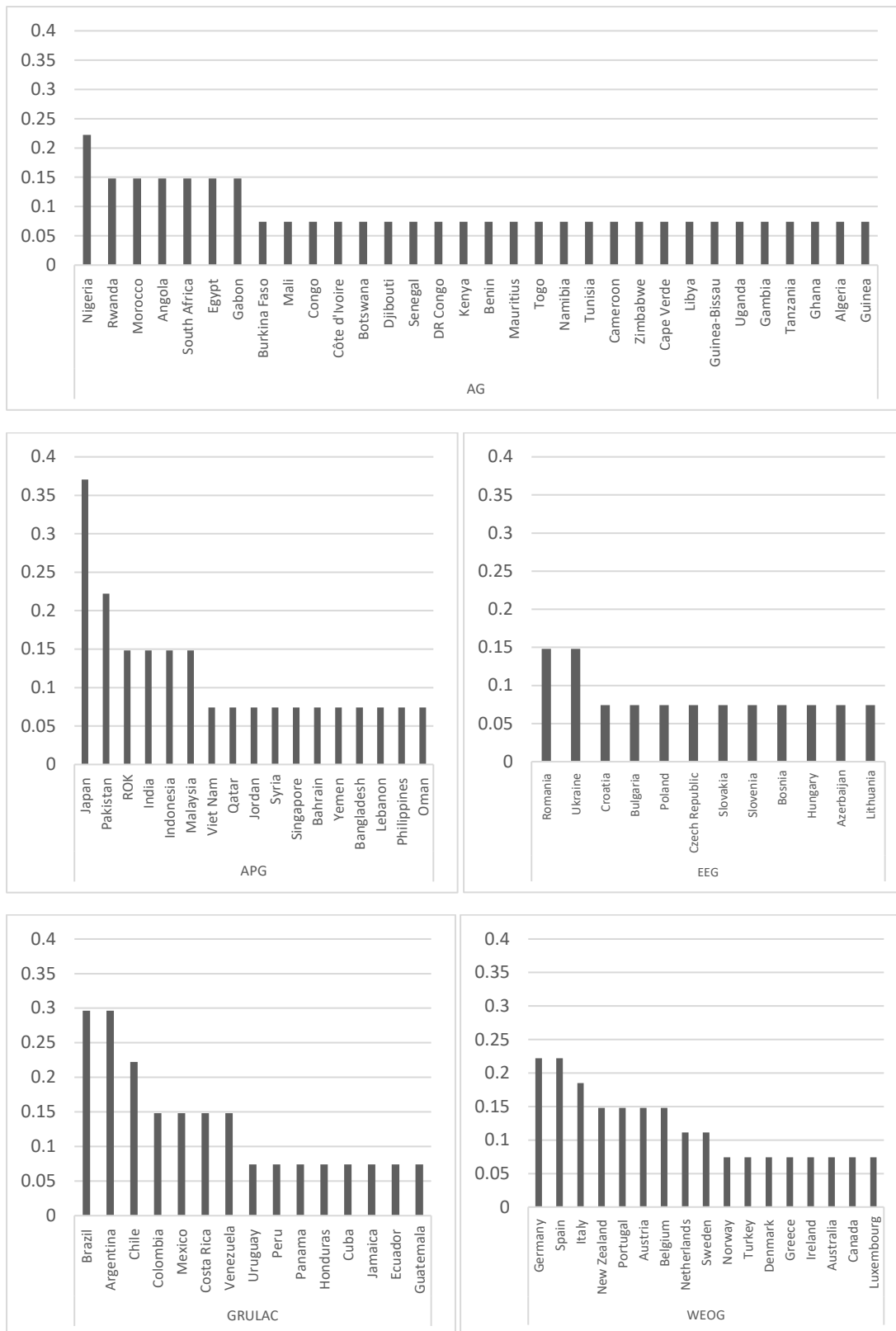
Note: Own calculations based on UN Security Council membership data, available at: http://www.un.org/en/sc/members/ and years of accession, available at: http://www.un.org/en/member-states/

In their analytical and data-driven approach based on Council elections from 1970 to 2005, Vreeland and Dreher find that "there appears to exist a compromise between the demands of powerful countries to win elections more frequently and (…) giving each country its turn" (Vreeland and Dreher 2014). Statistically, the turn-taking is robust across all regions, modified by the notion that more powerful states take turns more often. The authors also observe that a state's involvement in intra-state or interstate wars lowers its election probability, while contributions to peacekeeping operations increases it. In addition, there is little evidence of great power mingling with the results, as for instance US aid or multilateral lending do not significantly increase the likelihood of obtaining a temporary seat on the Council (Dreher et al. 2014; Vreeland and Dreher 2014). Yet, if turn-taking is an influential norm, we should ask if elected members actually represent their regions. In fact, Lai and Lefler demonstrate that even though regions tend to have a higher voting coincidence, the regional non-permanent members do not have higher similarity with their region than with others. In other words, the elected members do not represent the same preferences as their regions (with the exception of the WEOG group) (Lai and Lefler 2016). This finding resonates with findings of Vreeland and Dreher that the current institutional design does not incentivize the pursuance of regional interests. Accordingly, they suggest to hold regional election rather than General Assembly (UNGA) elections and to abolish the re-election prohibition to increase accountability of E10 regional representatives (Vreeland and Dreher 2014).

Certainly, the current permanent members have a tight grip over Council decision-making. The five powers have two considerable advantages vis-à-vis the elected members as enshrined in the UN Charter (Einsiedel and Malone; Stagno Ugarte, Bruno 2016). First, the permanent members enjoy a veto right and therefore, no substantive Council decision can pass without their approval or at least acquiescence. Second, they enjoy the advantage of permanency, which gives them access to institutional memory over previous practice and procedures whereas the elected members have no such privileges (Krisch 2008; Sievers and Daws 2014). A notable consequence of the P5 dominance is the emergence of the penholder system. In essence, France, the UK and the US each 'hold the pen' on certain agenda items and reserve the right of drafting a prospective resolution. After P3 consultations that draft resolution would be exclusively negotiated within the P5 (incl. China and Russia) and only presented to the wider Council once a compromise has been found leaving little time and room for maneuver before putting the resolution to a vote (Einsiedel and Malone; Stagno Ugarte, Bruno 2016).

How, if at all, can the non-permanent Council members then yield influence beyond their (lack of) formal voting power? Based on a case study of the recent Australian Council membership, Langmore and Farrall (2016) argue that Australia had been instrumental in adopting a resolution on the downing of MH17. At the same time, however, they note the failure of Australia to succeed in desired UN sanctions reform and the mixed results of Australian efforts to obtain Council decisions to improve the humanitarian access in Syria. They also note that knowledge about previous practice is valuable (Langmore and Farrall 2016). Overall, Australia "had had the greatest impact of any elected members during the past decade" (2016). In a similar account, Thorhallsson notes that non-permanent members can become influential through acquiring necessary knowledge about the Council's procedures, diplomatic skills, leadership and coalition-building. Several episodes of Nordic non-permanent members serve to illustrate these means of influence (Thorhallsson 2012). In this context, these commentators have also pointed to the importance of institutional memory, or 'necessary knowledge for a small state to become influential' in the Council (Thorhallsson 2012). Moreover, Langmore and Farrall argue that a non-profit organization named Security Council Report, which provides reporting and forecasting of Council decision processes on all agenda items, is a major and influential source of institutional memory for non-permanent members and non-members (2016).

Notably, many of the states ambitious for Council membership contribute to the funding of this organization.[2] However, these descriptive accounts lack suitable theoretical underpinning and cannot answer how exactly these factors translate into influence in some instances and not in others.

The rationalist Council literature is slowly starting to take informal institutional opportunities and constraints more seriously. Based on the logic of focal points in coordination situations (Schelling 1960), a recent study has shown how and under what conditions precedent and doctrine affect the collective choice of strategically behaving states in the Security Council. Gehring and Dorsch; Dörfler, Thomas show that precedents provide focal points that allow for finding collective decisions in coordination situations despite diverging preferences (2017). They also find that the logic of a staged response to crisis situations provides institutional constraints that drive skeptical members to agree with previously undesired measures. They illustrate these effects with the Council's decision-making on key terrorism decisions on Libya (1992) and 9/11, which was influenced by an emerging Council doctrine on terrorism (2017).

There is also a growing theoretical literature on the Council's characteristics from a constructivist perspective. Johnstone, for instance, regards the Security Council as an 'interpretative community' whose decisions are influenced by a 'justificatory discourse' and an exchange of legal arguments. In this way, the 'power of the better argument' may provide an avenue for smaller states to influence Council decisions beyond realist notions of material power (Johnstone 2003, 2008). More recently, the concept of 'international practices' has drawn the attention towards how power is enacted in the Security Council. For instance, Adler-Nissen and Pouliot explain the Council intervention in Libya in 2011 by the logic of claiming competence, social negotiation and transforming those into non-coercive influence (Adler-Nissen and Pouliot 2014). While both rationalist and constructivist approaches have focused on the permanent members, these studies suggest that precedents and informal practice could be equally available to non-permanent members, provided that they accumulated sufficient knowledge about previous practice. In fact, Ralph and Gifkins (2017) argue that 'penholding', an informal practice that distributes the privilege of drafting a resolution on an agenda item ('holding the pen') mostly among the Western permanent members, constitutes such an international practice and becomes an influential pattern of Council diplomacy. This study shows that smaller elected members could exploit the power-generating effects of penholding for negotiating humanitarian access in Syria. However, they cannot explain how exactly this practice exerts influence and why the permanent members yield to that influence.

Although several ambitious states are deprived of an equal representation in the Council and their efforts to increase their formal representation have been unsuccessful so far, these states have not been disenfranchised (Hosli and Dörfler 2015) and - quite to the contrary – have tried to increase their representation and influence in more informal ways without Council membership (for an early contribution, see Hurd 1997; also Prantl 2010). Overall, both the potential candidates for permanent seats as well as their regional counterparts show a high level of commitment to collective security, either through their contributions to peacekeeping missions, within informal groups of states or within the Peacebuilding Commission (PBC).

The states that are most eager to be more permanently represented on the Council are major providers of UN peacekeepers (see Figure 3). A large share of UN peacekeeping contingents is contributed by India and Pakistan, which together with Bangladesh have formed the top three troop-contributing countries (TCC) from 2011 to 2016. Nigeria is among the top seven (ca. 4,100) and South Africa and Brazil are also contributing significantly ranking among the top 15 with 1,000 to 2,000

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[2] See http://www.securitycouncilreport.org/about-security-council-report.php

troops annually. Among the UfC, Italy and Argentina are notable contributors. Over the last five years, China has sent 2,000 peacekeepers, a notable change in policy. Germany and Japan support UN peacekeeping in the lower hundreds. Yet, Germany shoulders major responsibilities within the NATO contingents in Afghanistan and EU training missions in Northern Africa. As concerns Japan, its share of the UN budget exceeds those of four of the five permanent members, namely the UK, France, the Russian Federation and China. Also, Germany's exceeds the former three financial contributions.

Figure 3: Troop Contributing Countries (five-year average, 2011-2016)
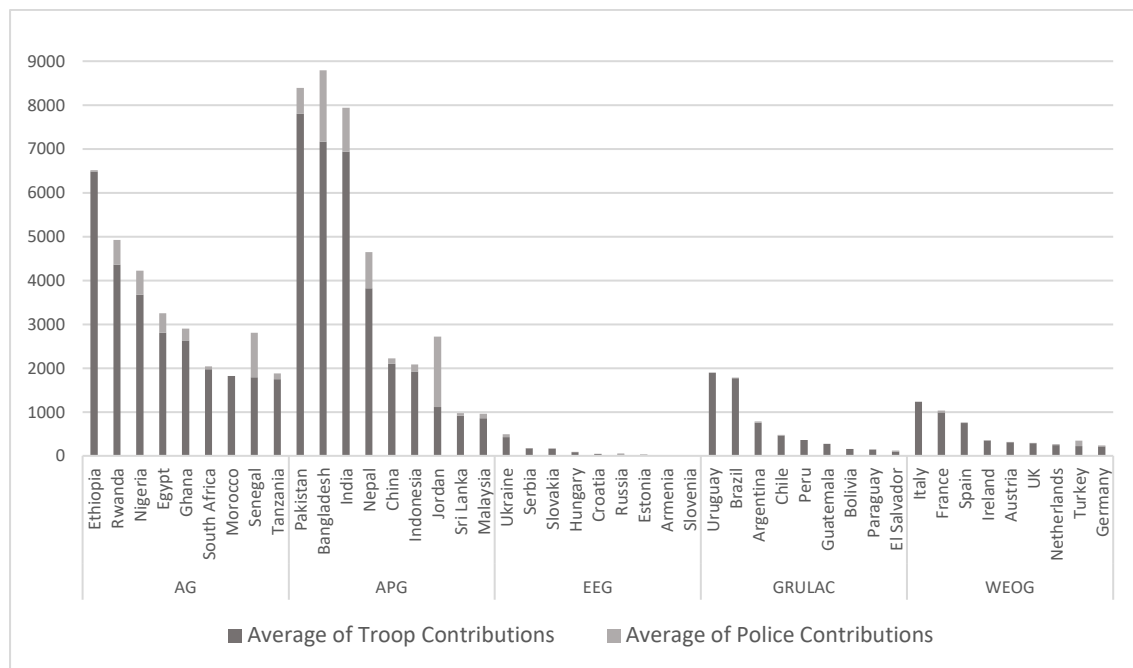
Note: Own calculations based on the IPI Peacekeeping Database, available at http://www.providingforpeacekeeping.org/contributions/

Despite these descriptive results and the fact that the Council has institutionalized regular briefings with the TCCs since 1994 (Security Council Report 2014), the literature offers little analysis into whether or not and if yes, to what degree TCCs could affect Council deliberations. In theory, troop contingents provide leverage to obtain concessions through threats of non-participation/withdrawal (Gowan 2016). Cursory evidence suggests that TCCs have extracted some Council concessions, for instance, the European members have during the UNIFIL/Lebanon negotiations (Novosseloff 2015), Argentina, Brazil and Chile as concerns peacekeeping in Haiti (MINUSTAH), Ethiopia as sole troop contributor in Sudan/Abyei (UNISFA) or Tanzania and South Africa as regards the "Force Intervention Brigade" in DRC (MONUSCO) (Gowan 2016).

The states that are denied a change in formal Council composition are granted representation in the Peacebuilding Commission (PBC), a subsidiary organ of both the UNGA and the Security Council, with the aim to prevent relapse of conflict in post-conflict situations. The PBC consists of members elected by the UNSC, UNGA and ECOSOC, in addition to five of the top ten TCCs and five of the top ten contributors to the regular and voluntary budgets (A/RES/60/180 of 30 December 2005). Hence, the current configuration includes aspirant nations such as India, Pakistan, Argentina, Brazil, Nigeria, South Africa, Germany and Japan. However, the commission's track record has been criticized in many quarters and shortcomings identified in the 2010 and 2015 Reviews of the peacebuilding architecture. Since then, the reform of the peacebuilding architecture towards more tangible results

has gained new momentum and is one of the key objectives of Secretary-General Antonio Guterres (Security Council Report 2017).

The increasing reliance on informal groups of states ('Groups of Friends') has presented an additional avenue for non-members to ease the "structural constraints" (Prantl 2005) of the rigid Council. Informal groups of states have formed diplomatic initiatives that compete with or complement Security Council governance and provide a means to enhance the efficiency of security governance from actors outside of the Security Council. When the Council is unable to act on a situation, states can act outside and later return to the Council for granting ex-post legitimacy for action. Groups of Friends affect Security Council governance by limiting P5 preponderance and decoupling solving a crisis from the legitimizing (enforcement) measures. In essence, Groups of Friends constitute an instance of 'informal' governance and allows for interaction and influence of non-members without any granting them formal membership rights (Prantl 2005). In turn, informal groups of states help to bridge the gap between the institutional status quo and the shifting global order and transforms the Council without altering its current structure (Prantl 2005). Thus, participation as a member of an informal group of states in a situation of particular interest has low costs and risks and provides a viable alternative to affecting the Council without changing the formal Council configuration (Hurd 1997; Prantl 2005, for a recent contribution see Whitfield 2016).

5. Informal Institutional Innovation and the Reform of Working Methods

Beyond the level of formal reform, the Council has not remained idle. Instead, driven by proactive members, it has developed several informal and innovative ways of addressing pressing global governance issues in international peace and security (see already Hurd 1997). One element of this strategy is the intensive linking up with regional organizations in the framework of peace missions, including with the EU and with the African Union. In their intriguing analysis of GA debates, Binder and Heupel find that even though the Council does not suffer from a 'legitimacy crisis', the general membership associates its perceived 'legitimacy deficit' mostly with a lack of procedural legitimacy rather than its performance or interpretation of its mandate (Binder and Heupel 2014). They conclude that "the challenge for Security Council reform will be to introduce meaningful procedural reforms while assuring that these reforms enhance rather than hamper the ability of the Council to act decisively when it comes to maintaining or restoring international peace and security" (Binder and Heupel 2014). At the same time, a whole range of small-sized states has not much to gain from an expanded Security Council and no realistic prospects of getting a seat on an enlarged Council, while these members are the most affected by the Council's interventions. Accordingly, these states have a vested interest in a reform of the Council's working methods (Wenaweser 2016).

Several states, mainly those that neither have stakes in an expanded Council nor in obtaining temporary membership, have championed the reform of Council working methods from the quarters of the General Assembly. The reform of working methods does not require any amendments to the Charter, not even to the 'provisional rules of procedure', which have remained unaltered since 1982. In fact, many Council practices are entirely informal. Non-represented countries have lobbied continuously for more inclusive and transparent working methods and have achieved at least gradual change towards a more integrative and transparent Council (Lehmann 2013). A notable group is Accountability, Coherence and Transparency (ACT), a successor of the Small-Five (S5) initiative. This initiative champions a number of reforms for greater inclusion of non-members, among others more regular briefings, a more equitable penholder system and committee chairmanship and a transparent

and competitive selection process of the Secretary-General. This new initiative explicitly is not related to the issue of Security Council reform because many states seemingly would reject any formal GA decision on working methods, fearing that this might foreclose their prospects for a comprehensive institutional Council reform (Wenaweser 2016).

On the basis of working methods, three recent models suggest that the veto should be voluntarily restricted, two from outside the Council (ACT 'code of conduct', The Elders' proposal) and one from inside (French proposal). All three initiatives revolve around the idea that the veto should not apply when genocide, crimes against humanity and war crimes on a mass scale are committed in a conflict. The French proposal is the most concrete and stipulates that more than 50 states need to request the Secretary-General to make such an assessment. While both the French initiative and the ACT proposal have gained considerable support, and France and the UK have pledged not to use the veto in cases of mass atrocities, the other permanent members oppose the initiative because it encroaches on their UN Charter enshrined veto right. In addition, it remains unclear what kind of Council measures (e.g. sanctions or the use of force) would be considered as an appropriate response to such norm violations (Security Council Report 2015).

There also has been some movement from within the Security Council's 'Informal Working Group on Documentation and Other Procedural Questions' to adapt the working methods and Council practices, typically driven by non-permanent members. The Council increasingly codifies its working methods in what is called 'Note 507' and Japan led the difficult process of drafting the most recent version (S/2017/507, see Security Council Report 2018). Some of the innovations that derived from inside the Council were to increasingly consider thematic areas of work (e.g. Women, Peace and Security), hold wrap-up sessions, horizon-scanning meetings, Council meetings with civil society (termed 'Arria-formula' meetings after the Venezuelan ambassador who invented the format), Council visiting missions and increasing the use of consensus-based informal decisions (presidential statements, presidential press statements).

Another example and an intriguing aspect of changing Security Council governance is the emergence of committee governance within its sanctions regimes, which created a form of rule-based governance even though the same member states take all the actual decisions. Early on, Council diplomats and observers have noted that with the imposition of sanctions on Iraq in 1990, the Council shifted from "politico-military" towards a "legal-regulatory" form of decision-making (Malone 2006). Hence, Council members take politically-driven decisions in the Council but resort to bureaucratic decision-making on the bulk of the implementation decisions in its sanctions committees (Conlon 2000). For instance, two diplomats of the Yugoslavia sanctions committee noted that "[t]he record (sic!) of the Sanctions Committee's deliberations are full of references to previous cases which the Committee Members considered to constitute a precedent" (Scharf and Dorosin 1993). In their theoretically-driven analysis, Gehring and Dörfler argue that the Council's sanctions regime represents a highly institutionalized polity that shapes state behavior including the behavior of the great powers. They demonstrate that the steady stream of implementation decisions in the committees creates demand for rules, either because the consensus requirement threatens to cause stalemates or because laissez-faire approaches would create legitimacy problems. Even though this effect was not entirely intended, committee governance enhances procedural legitimacy, because it makes decisions more consistent and predictable though it does not rule out politically driven decisions (Gehring and Dörfler 2013).

Another intriguing feature of Security Council governance is the turn to experts since the late 1990s. Within its sanctions regimes, the Council now creates Expert Sanctions Panels (Farrall 2009) as a standard practice. These panels serve as the 'eyes and ears' of the Council on the ground. Within its

thematic agendas on Counter-terrorism and proliferation of weapons of mass destruction to non-state actors, it has created larger expert panels (CTED and 1540 Expert Panel). Second, the creation of the Office of the Ombudsperson within the ISIL (Da'esh) and Al-Qaida sanctions regime is a rare instance of delegation to independent agents within the Council. The Ombudsperson is mandated to provide recommendations on the delisting of terror suspects, which are difficult to overturn (Gehring and Dörfler 2013). Third, in the non-proliferation cases of Iran and North Korea, the Council has utilized two transgovernmental networks of domestic regulatory experts (Eilstrup-Sangiovanni 2009) in the highly technical field of nuclear and ballistic missile related export control. The Nuclear Suppliers Group and the Missile Technology Control Regime provided export denial lists that were simply taken up by the Council and served as easily available focal points for agreement among Council members with different preferences. Accordingly, Council decisions tend to increasingly be embedded into networks of informal and formal governance, involving experts and representatives of many UN member states, even if these are not formally represented as permanent or non-permanent members of the Council.

6. Conclusion

The changing global order created new conditions for the Security Council to operate in. Simultaneously, the nature of conflicts has changed tremendously over time in terms of types of war and conflict, challenges such as terrorism and new forms of threats to societies. Increasingly, peace missions involve complex patterns of collaboration with regional organizations, aiming to create synergies and exploit benefits of joint operations. Even though the membership composition of the Security Council has not yet been altered, the institution has reacted to global shifts in power and conflicts in important ways.

Formal reform of the Council, in practice, is a difficult enterprise. As Bruce Russett, Barry O'Neill and Thomas Sutterlin (1997: 17-26) pointed out, any proposal to change the composition of Security Council needs to strike careful and intertwined balances, such as "the balance between practicality and vision," the balance "between power (or effectiveness) and legitimacy (or justice)," and, perhaps most importantly, the "balance of interests". When the United Nations was founded, the members of its Security Council and the permanent members in particular were to have the responsibility to secure and enforce peace. However, to fulfill this task, the member states represented in the UNSC also needed to have the resources to do so. Initially, this reasoning led to the creation of permanent seats for those UN member states that would be able to fulfill this task. Clearly, in today's world, the distribution of power and influence is quite different from what it was just after World War II. Accordingly, since the creation of the UN in 1945, there has been a debate about who should be represented as Council members. The discussion on possible reform of this institution became even more intensive after the end of the Cold War, when the Security Council had overcome superpower blockade, which created new possibilities for global action.

Due to the diverse nature of UN membership, common notions of fairness or shared values and linked to this, the decision on who should 'legitimately' be represented in the Council, are hard to come by. In combination with the high institutional hurdle for change, adapting the composition of the Security Council therefore constitutes a considerable challenge and explains why there appears to be a seemingly endless debate on Security Council reform.

However, the debate about the (failure of) Security Council reform overshadows the gradual change in how the Council operates. In fact, the Security Council of today is very different to the Security

Council twenty-five years ago, even though its composition remains the same. While formal representation is not inclusive and certainly biased, given today's global power distribution and the dominance of the current permanent members, Council decision-making is increasingly embedded into new forms of informal governance in which experts and representatives of various nations not formally represented in the Council do have a 'voice'. This system is far from ideal, but at least avoids some of the largest drawbacks of the lopsided ways in which the Security Council formally represents today's structures of global governance. Further reforming the working methods of the Council, driven by its own members, and creating institutional novelties may be a promising avenue to find answers to current global governance challenges and to make its members more accountable, its decisions more transparent and its impact greater.

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