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Legitimacy by Design and Security Council Reform

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Abstract

Discussion about reforming the United Nations Security Council has for a long time focused on who is at the table, who has the veto, and how the Council might be enlarged. This paper begins from a different assumption: simply carrying out structural reform is necessary yet by itself is not enough to maintain legitimate international authority. It elaborates the concept of 'Legitimacy by Design' along four closely related dimensions—constitutional, democratic, procedural and performance legitimacy—and applies these to the Security Council, where exceptional authority, unequal power and wide-ranging consequences come together. Using the Council's actions in three specific cases, it points out the gaps between participation and having an influence on the evidence, and between the evidence and the taking of authoritative decisions. The paper contends that reform must deal with both the distribution of authority and with the conditions that govern its ongoing use. It suggests the introduction of a Periodic Legitimacy Review, which should be incorporated into the Council's current annual reporting arrangement with the General Assembly, in order to evaluate how authority is exercised, justified and improved over time.

Introduction

The United Nations Security Council's legitimacy is frequently questioned. Its 1945 configuration, which conferred permanent membership and the right of veto on the five major powers, was the result of a deliberate post-war agreement deemed at the time to be necessary to guarantee collective security. Since then, UN membership, political and economic influence, the nature of security threats, and expectations of international institutions have changed considerably. Consequently, there have been increasing demands for reform, centred on enlargement, regional representation, the veto and the Council's methods of working.

Yet simply altering the make-up of the Council does not mean that it will function differently. New members might obtain seats without having any real influence. It is possible for a greater number of people to have their say without in any way affecting the Council's decisions. Furthermore, even if decisions are taken following recognised procedures, they can still lose their credibility if the Council fails to examine the consequences and draw lessons from experience.

Legitimacy by Design therefore looks beyond the Council’s composition to how its members exercise their powers. It neither argues against enlargement nor prescribes what a reformed Council should look like. Rather, it argues that changing who sits on the Council and improving how it works must go hand in hand.

The Security Council presents a particularly demanding test of institutional legitimacy since the Charter assigns it the main responsibility for international peace and security while granting a small number of states exceptional privileges. Its decisions can affect states and populations which have had little direct part in bringing them about. The key issue therefore involves not only how the Council's authority should be distributed but also what ensures that exceptional international authority remains legitimate as the political situation and expectations change. Legitimacy by Design posits that legitimacy must be incorporated into the ongoing exercise of authority and not taken for granted based on the initial legal grant.

Legitimacy by Design

Legitimacy has two aspects: empirical and normative. The empirical aspect concerns whether various groups believe an institution has the right to exercise authority. These beliefs matter because legitimacy can promote cooperation and compliance even without force or immediate self-interest. On the normative side, legitimacy involves more than mere acceptance; institutions can have support even in the face of serious flaws, and institutions whose status is disputed may still have reasonable grounds for claiming authority. Moreover, legal validity alone does not determine whether authority is exercised properly.[1]

The paper is primarily concerned with the normative issue while at the same time acknowledging its link with perceptions of legitimacy. It defines legitimate institutional authority as authority which can be justified to the relevant parties on reasonable grounds. This does not mean that legitimacy can be reduced to a list of criteria. On the contrary, it offers a common basis on which competing claims can be defended, contested, and regularly reviewed. In the case of the Security Council, the parties in question are the wider membership of the United Nations, the states which are directly affected by its decisions, the regional organisations, and the affected populations. These groups do not all have the same legal status and may differ as to what is considered legitimate. Legitimacy thus does not call for universal agreement; it only requires that there be reasonable grounds for the way in which authority is established and exercised.

Starting from this point, Legitimacy by Design looks at the Council's authority from four closely related aspects: how the authority is acquired, who has a real influence in the way it is exercised, how decisions are reached, and whether the Council draws lessons from the consequences. These aspects correspond to constitutional, democratic, procedural and performance legitimacy.[2]

The question of constitutional legitimacy concerns authority and the responsibility of stewardship. The Charter assigns the Council the primary responsibility for maintaining international peace and security and grants five states permanent membership and the right of veto. However, holding powers legally does not, by itself, settle the issue of legitimacy. Institutional privileges should be seen as a responsibility of stewardship rather than as something simply possessed. Articles 24(1) and 24(2) of the Charter provide a foundation for this view: the Council acts on behalf of the members of the United Nations and must act in accordance with the Organisation's purposes and principles.[3] The more privilege one has, the greater the responsibility one has to justify its use in relation to the purposes for which authority was given. Disagreeing with a specific veto does not, by itself, mean it is illegitimate. What must be examined is whether the exceptional power can be plausibly brought into line with the institution's purpose.

Democratic legitimacy is based on who is represented and on whether that group actually has the ability to influence the Council's activities. The demand for reform is not solely coming from Africa; countries from the Asia–Pacific region, Latin America and the Caribbean, as well as groups such as the G4, have also called for greater representation on the Council. Nevertheless, there are differences among them as to what a more representative Council should look like. While the African Group, the G4, CARICOM, and the L.69 Group all support the addition of both permanent and non-permanent members, their proposals vary in important

[1] Ian Hurd, "Legitimacy and Authority in International Politics," *International Organization* 53, no. 2 (1999): 379–408, https://doi.org/10.1162/002081899550913; Allen Buchanan and Robert O. Keohane, "The Legitimacy of Global Governance Institutions," *Ethics & International Affairs* 20, no. 4 (2006): 405–37, https://doi.org/10.1111/j.1747-7093.2006.00043.x; Jonas Tallberg and Michael Zürn, "The Legitimacy and Legitimation of International Organizations: Introduction and Framework," *Review of International Organizations* 14 (2019): 581–606, https://doi.org/10.1007/s11558-018-9330-7.

[2] The framework draws on, but does not replicate, established distinctions between input, throughput and output legitimacy. For more on this, see Vivien A. Schmidt, "Democracy and Legitimacy in the European Union Revisited: Input, Output and 'Throughput'," *Political Studies* 61, no. 1 (2013): 2–22, https://doi.org/10.1111/j.1467-9248.2012.00962.x.

[3] *Charter of the United Nations*, arts. 24(1) and 24(2).

respects. Uniting for Consensus holds a different position: it does not wish to create any new permanent members and instead proposes more elected seats, some of which should have longer terms. Hence, the discussion is not merely about whether representation should be improved, but also about how to achieve it and what sort of membership would result in a more representative Council.[4]

Africa is a helpful example because its reform proposals focus on both representation and how the Council operates. The Common African Position has long supported permanent African seats. The African Model, adopted in 2025 and endorsed by the AU Assembly in 2026, suggests a Council with at least 26 members, including at least two permanent and five non-permanent seats for Africa. It proposes ending the veto, but as long as the veto remains, new African permanent members should have the same rights. The Model also supports making the Council more open, democratic, and accountable, with earlier and more consistent involvement of troop-contributing countries in mission planning and mandate decisions.[5]

The difference between representation and influence is central to Legitimacy by Design. Adding more members can improve representation, but it does not always give them more say in the Council's work. For this reason, the framework does not recommend a specific way to expand the Council. Instead, it considers whether reforms fix underrepresentation and if those represented can truly help shape the Council's discussions and decisions.

Procedural legitimacy depends on participation, evidence, and reasoned decision-making. Transparency, consistency, participation, and accountability have been central to reforms in how the Council works. When decisions rest on complex and disputed situations, it also matters how the knowledge behind them is gathered. Strategic assessments and mission reviews are not just technical steps. The questions asked, the evidence chosen, the interpretations made, and the recommendations given all shape the options that political leaders later consider. For a procedure to be legitimate, relevant knowledge and opposing evidence must have reliable ways to influence these assessments. This does not mean that regional or expert opinions must always win, or that consultation gives anyone a hidden veto. Instead, the key requirement is that participation, evidence, reasons, and the final decision are clearly linked.

Performance legitimacy considers purpose, consequences, and learning. While performance contributes to legitimacy, it is not the same as effectiveness. Outcomes in peace and security often depend on factors beyond the Council's control, so even legitimate decisions can fail. Operational success does not always ensure legitimacy. Performance legitimacy looks at whether the authority stays connected to the institution's purpose. This includes using relevant evidence in decisions, evaluating consequences, recognising implementation problems, and changing assumptions when experience proves them wrong. It should also consider the foreseeable harm that follows from the Council's decisions and the consequences of its inaction. Recent research on the Security Council also separates performance legitimacy from composition and process, and highlights legitimacy issues that stem from both irresponsible actions and failures to act.[6]

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[4] United Nations General Assembly, "Revised Co-Chairs' Elements Paper on Convergences and Divergences on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Related Matters," 2025, secs. 5.1–5.2. https://digitallibrary.un.org/record/4086911.

[5] African Union, *The African Model on the United Nations Security Council Reform*, adopted by the AU Committee of Ten Heads of State and Government on United Nations Security Council Reform on 25 July 2025 and endorsed by the Assembly of the African Union at its 39th Ordinary Session, 14–15 February 2026, https://www.un.org/en/ga/screform/80/pdf/2026-04-07-cochairs-african-model.pdf; African Union Executive Council, The Common African Position on the Proposed Reform of the United Nations: "The Ezulwini Consensus," Ext/EX.CL/2 (VII), 7–8 March 2005.

[6] Ian Johnstone, "Restoring the Legitimacy of the Security Council," in *Empowering the UN Security Council: Reforms to Address Modern Threats*, ed. Mona Ali Khalil and Floriane Lavaud (Oxford: Oxford University Press, 2024), 73–90, https://doi.org/10.1093/oso/9780197780602.003.0006.

The point at which legitimacy fails: voice, knowledge, and decision

The four dimensions are closely connected. Strategic assessments show how the links work in practice: who participates can affect what evidence is considered, which can shape the choices before the Council and how those choices are justified. The UN–AU experience illustrates both what happens when these links work and when they break down.

The African Union-United Nations Hybrid Operation in Darfur (UNAMID) exemplifies institutional learning through joint strategic assessments. A joint study of lessons learned showed that differing opinions between the Security Council and the African Union Peace and Security Council initially made it difficult to establish a common political direction. However, through regular joint strategic assessments, they eventually achieved greater alignment, increased mutual trust, and a shared strategic perspective. This lesson is not limited to the AU–UN relationship. Arrangements for generating knowledge can help different actors, with diverse viewpoints and different levels of authority, develop a shared evidence base for political decision-making.[7]

The evaluation of international security support to Somalia carried out in the 2020–21 period shows a different issue. According to Security Council Resolution 2520, an independent assessment was to be carried out after consultations with Somalia, the African Union, and international partners. Previous assessments of the African Union Mission in Somalia (AMISOM) were joint UN–AU exercises, and the African Union wanted co-leadership of the new assessment. Attempts to set up a review jointly appointed by both sides failed, and the African Union therefore commissioned its own assessment, which weighed overlapping options differently.[8] The UN assessment favoured a reconfigured AMISOM, while the African Union preferred an AU–UN mission financed from UN assessed contributions. The matter is not that the knowledge of the African Union should have been given priority. What this situation does show is the difference between formal authority—that is, who has the final say—and authority over knowledge—that is, who determines the questions and the evidence by means of which choices are made. An imbalance in the first should not automatically result in an imbalance in the second.[9]

[7] United Nations Secretary-General, "Summary report on lessons learned from the experience of the African Union–United Nations Hybrid Operation in Darfur," annex to letter dated 28 December 2021 from the Secretary-General to the President of the Security Council, S/2021/1099, 29 December 2021, paras. 11, 39 and 41, https://digitallibrary.un.org/record/3955630/files/S_2021_1099-EN.pdf.

[8] Daniel Forti, *Independent Reviews of UN Peace Operations: A Study of Politics and Practice* (New York: International Peace Institute, October 2021), 31–32, box 4, https://www.ipinst.org/wp-content/uploads/2021/10/Independent-Reviews.pdf; International Crisis Group, "Reforming the AU Mission in Somalia," *Africa Briefing* no. 176, 15 November 2021, https://www.crisisgroup.org/brf/africa/somalia/b176-reforming-au-mission-somalia.

[9] United Nations Security Council Resolution 2520, S/RES/2520 (2020), 29 May 2020, para. 38; African Union Peace and Security Council, Communiqué of the 949th Meeting, 24 September 2020, para. 10; African Union Peace and Security Council, Communiqué of the 978th Meeting, PSC/PR/COMM.(CMLXXVIII), 9 February 2021, paras. 17, 20; United Nations Secretary-General, "Budget Performance of the United Nations Support Office in Somalia for the Period from 1 July 2020 to 30 June 2021," A/76/552, 19 November 2021, paras. 12–14, https://documents.un.org/api/symbol/access?l=en&s=A/76/552&t=pdf; AU Peace and Security Council, Communiqué of the 1037th Meeting, 7 October 2021, para. 11; Amani Africa, "Consideration of the Report on the Independent Assessment on the Future of AMISOM," 30 July 2021, https://amaniafrica-et.org/consideration-of-the-report-on-the-independent-assessment-on-the-future-of-amisom/?print=print.

Another problem can occur once knowledge has been obtained. The Council set up its sanctions regime against the Democratic People's Republic of Korea in 2006 and, in 2009, created a Panel of Experts to investigate compliance and cases of sanctions evasion. The Panel submitted its final report, under the mandate renewed by Resolution 2680 (2023), in March 2024. Later that month, thirteen members voted for a draft resolution to extend the Panel's mandate, but it did not pass because Russia, a permanent member, voted against it; China abstained. Although the sanctions stayed in place, the monitoring mechanism the Council set up ceased when the Panel's mandate expired on 30 April 2024. Russia claimed that the sanctions regime had become ineffective and excessive; the members that supported renewal disagreed. The case also raises a constitutional question, since one permanent member ended a mechanism that thirteen other members supported. The General Assembly debated the veto on 11 April 2024 under Resolution 76/262.[10]

Expert evidence does not have to determine political decisions. Political actors can disagree about the evidence, its implications, and how they should respond. However, these examples show various ways in which the link between knowledge and authority can break down: by deciding who takes part in producing the evidence, by treating conflicting assessments in a certain way, and by whether institutional knowledge remains connected to later decisions. Legitimacy by Design therefore does not demand agreement or an automatic respect for expertise, but rather a clear connection between evidence, disagreement, the reasons given and the authoritative decision.

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[10] United Nations Security Council, *Final Report of the Panel of Experts Established Pursuant to Resolution 1874* (2009), S/2024/215, 7 March 2024; United States of America, draft resolution S/2024/255, 28 March 2024; United Nations Security Council, 9591st meeting, S/PV.9591, 28 March 2024. General Assembly, A/78/PV.68 and A/78/PV.69, 11 April 2024, https://digitallibrary.un.org/record/4070285/files/A_78_PV.68-EN.pdf; https://digitallibrary.un.org/record/4070129/files/A_78_PV.69-EN.pdf.

Recommendations

Ensure that the practices of the Council are given greater legitimacy within the present Charter framework.

Member states still disagree about how to enlarge the Security Council, including whether to create new permanent seats. Legitimacy by Design does not require settling those disagreements before the Council better exercises the authority it currently has. Under the present Charter framework, the Council can provide affected states and other relevant parties with earlier opportunities to take part in its activities, ensure that their knowledge contributes to the discussions, clarify the reasons for its decisions, and learn more systematically from their effects. These changes will not overcome inequalities in representation and should not be seen as a replacement for taking steps to do so; they address a different but related issue, namely, how the Council can exercise the authority it already has in a way that enhances its legitimacy. The African Model shows the extent to which such action is possible. Together with its proposals on membership and the veto, it includes suggestions for changes in participation, transparency, working methods and the Council's relations with the General Assembly. Including these elements shows that some aspects of reform can move forward even as negotiations over the Council's composition continue.

Strengthen the connection between the evidence and the Council's decision-making process.

The Security Council should create more consistent opportunities for states affected by a situation, regional organisations, and other actors with substantial operational knowledge to participate early and influence the development of strategic assessments. When responsibilities are substantially shared, this could mean agreeing on the relevant questions together, providing structured input into evidence collection, and ensuring that significant disagreements are clearly recorded. Joint assessment need not mean joint constitutional authority. Assessments should also seek evidence from affected communities and independent civil society, with safeguards for the safety and independence of those who contribute. States and regional organisations cannot be assumed to represent every affected interest.

If the Council's decision is different from the relevant evidence, it should give more reasons for that decision. The Council is not obliged to accept all the recommendations submitted by experts, regional bodies, or commissioned agencies. When a decision greatly differs from the evidence obtained through procedures which the Council has established or recognised, the members of the Council should make the reasons for that difference clear by using the available means, for example by giving explanations during votes or in the debates concerning mandate renewals. The objective is not to remove political discretion but to make the link between the evidence, the disagreement and the political decision more transparent.

Build periodic review into the Council’s existing reporting process.

Include a Periodic Legitimacy Review as part of the Council's annual reporting process. According to the Charter, specifically Article 24(3), the Council is required to furnish annual reports to the General Assembly. Under Article 15(1), the General Assembly receives and considers these reports. The African Model calls for more detailed and analytical reports, covering an evaluation of the Council's activities, the views expressed by its members, and the reasons for the Council's actions. It is thus possible to give the proposal a systematic framework by means of a Periodic Legitimacy Review. Existing working methods already allow consultation with the wider membership: on 16 January 2024, the President of the General Assembly and the United Kingdom convened such a consultation before the introduction to the annual report was completed. The proposed review would add a consistent framework, a separate record of outside views and follow-up on earlier findings.[11]

[11] *Charter of the United Nations*, arts. 15(1) and 24(3); African Union, *The African Model on the United Nations Security Council Reform*, section on the relationship between the Security Council and the General Assembly. Security Council, S/2024/507, 13 December 2024, paras. 146–149, https://main.un.org/securitycouncil/en/content/working-methods-notes; President of the General Assembly, “Informal Consultation on the Annual Report of the Security Council,” 16 January 2024, https://www.un.org/pga/wp-content/uploads/sites/108/2024/01/PGA-Summary-Informal-Consultation-SC-Annual-Report.pdf.

The Council could, each year, in an analytical section of its annual report, look at four aspects: the way in which exceptional authority was exercised and justified, the different points of view that were taken into account in the discussions and the opportunities that those people had for exerting an influence, the manner in which evidence, disagreements and the reasons advanced were handled, and the lessons that were drawn from the implementation, the consequences and the previous reviews. The delegation that coordinates the introduction to the annual report could prepare this assessment with Secretariat support. Alongside it, the President of the General Assembly could publish a separate summary of consultations and submissions from affected states, regional organisations and civil society, recording disagreements without requiring the Council's approval. The General Assembly could then consider both records when it came to the present annual-report procedure. The Council's next report should explain how it has addressed earlier findings.

It would not determine if individual decisions were legal, declare any particular actions of the Council as legitimate or illegitimate, or transfer the powers granted under Chapter VII to the General Assembly. Rather, it would look into patterns such as the repeated use of exceptional authority without adequate explanation; the continued exclusion of the groups actually affected; decisions that repeatedly depart from commissioned evaluations without adequate explanation; and the repeated failure of the findings to result in institutional learning. The fact that General Assembly Resolution 76/262 created a standing mandate for an Assembly debate after a Security Council veto establishes a precedent for strengthening political oversight without changing the Charter's allocation of authority.[12]

The review is not intended to assign a legitimacy score since it would be impossible to eliminate reasonable disagreement. The worth of review consists in setting up a practice of regularly looking at the relationship between authority and justification. Political resistance should be expected. The introduction to the annual report currently requires the approval of all members who served during the reporting period, which creates a risk that self-criticism will be diluted, and explanations may become justifications offered after the event. Requiring evidence, recording disagreements and following up findings would make failures more visible and open to challenge, without guaranteeing changes in behaviour. Instead of taking the legitimacy granted by the Charter for granted, the Council should periodically examine it and make efforts to maintain it.

Conclusion

The problem of the Security Council's legitimacy relates to both who has the authority and the way in which that authority is exercised; structural reform looks at the distribution of power, while Legitimacy by Design sets out the conditions under which institutional authority—however it is ultimately distributed—can remain justifiable over time.

The conditions are linked together. If one has exceptional authority, then one should have the responsibility of stewardship. Representation should result in a real voice. That voice should influence relevant knowledge. Relevant knowledge should be incorporated into processes where evidence, disagreement, and reasons are visible. Decisions must align with institutional purposes, and performance should lead to learning and adaptation.

Institutional design cannot eliminate politics or inequality in the Security Council, nor can it ensure agreement. The aim of such design is to control the exercise of authority by making the relationships between power, participation, knowledge, reasons, and performance more obvious and subject to review. Institutions maintain their legitimacy by justifying the exercise of that authority, and by having it challenged and improved.

[12] United Nations General Assembly Resolution 76/262, “Standing Mandate for a General Assembly Debate When a Veto Is Cast in the Security Council,” A/RES/76/262, 26 April 2022, paras. 1–3.

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