

Informal Reform of the United Nations Security Council

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Abstract: This article analyses attempts to reform the United Nations Security Council from a historical-institutional perspective. It argues that the possibilities for reform have suffered from a 'lock-in' effect that has rendered the UN resistant to change. On the other hand, the UN decision-making process has evolved since its establishment, especially since the end of the Cold War, in response to new power aspirations, making it more representative and legitimate. The Security Council has also undergone continuous informal reform that has allowed it to adapt to new times.

Keywords: Decision-making process; informal change; informal institutions; institutional reform; UN General Assembly, UN Security Council.

Introduction

When formal rules are drafted, and an institution begins to function, the wheels for institutional change are also put in motion. It is up to the satisfied to control the axis and direction of change, and up to the dissatisfied to create bumps in the road. In the case of the UN Security Council, the first bumps appeared even before the rules were finalised. Given previous experiences with the League of Nations, the main political cleavage in the negotiations for agreeing to the new organisation became apparent at San Francisco. The countries that had questioned the veto power and even the allocation of permanent seats on the Security Council began to insist on a process for the future amendment of the UN Charter, even before it had been signed and ratified (Garcia 2012).

Article 108 of the UN Charter stipulates that amendments need to be approved by two thirds of the UN General Assembly and ratified by two thirds of all UN members, including all the permanent members of the Security Council (UN 1945). No one foresaw that this formula would 'lock in' the Security Council and limit possibilities for change. While, in 1963, a unique moment developed that allowed the formal alternation of the Charter, negotiations have not led anywhere since then.

The purpose of this article is to demonstrate that while the 'lock-in' effect has prevented changes to the Security Council's formal composition and voting rules, informal

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changes have allowed it respond to the political, social and economic changes that have occurred over the decades.

The history of reform

The Security Council initially consisted of 11 members – five permanent and six non-permanent. The permanent members were the USA, the UK, France, China, and the USSR, with the last-named two seats transferred to the People's Republic of China and the Russian Federation in 1971 and 1991 respectively. The non-permanent seats are rotated among members of the UN, with annual elections held among half of the non-permanent members at a time to ensure an equitable geographical representation (UN 1945; Luck 2006; Smith 2006).

The global decolonisation movement from the mid-20th century onwards increased pressures for reforming the Council. In December 1963, the General Assembly voted to increase the number of non-permanent Security Council members from six to ten, which meant that resolutions on substantive issues now needed to be passed by a qualified majority of nine members, including permanent members (UN 1945; Luck 2006; Smith 2006). This proposal was duly ratified by two thirds of UN members, including the permanent members of the Council.

This increase in the number of non-permanent Security Council members had the effect of reducing the power of their individual votes, as it increased the number of possible favourable votes which permanent members could count on to pass a resolution. By facilitating the formation of winning coalitions, it reduced the probability of each non-permanent member providing the decisive vote. Increasing the real voting power of non-permanent members would need further increasing the required majority – otherwise, a seat on the Council without veto power would only bring prestige, information, and a degree of participation in decisions (O'Neill 1996).

After the Cold War, developing countries as well as Japan and Germany, which were major contributors to peacekeeping operations as well as recognised economic powers, began to demand greater participation in Security Council decisions. In 1993, following postponements in considering this issue, the General Assembly established the 'Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council', requiring it to report to the Assembly (UNGA 1992, 1993, 2001). As the committee's name attests, its aim was to consider two overarching issues: the composition of the Security Council, and the workings of its decision-making process. Table 1 reflects these sets of issues.

This group became known as the 'never-ending working group' because of the length of time it took to reach an agreement (Luck 2006). Over the years, numerous issues were discussed, including the composition of the Council, the number of new permanent and/or non-permanent seats, new categories of members, the distribution of these seats by geography or by financial contribution, the periods in which these updated issues should

be dealt with, the majority of votes required in case of expansion, the veto rights of current permanent members, and possible new permanent members. These issues were debated and negotiated in an attempt to create a consensus, or near-consensus, on a proposal that could be submitted to a General Assembly vote.

Table 1: Issues addressed by the Working Group on the Security Council

Group 1: Number of members and related questions	Group 2: Working methods and transparency
UNSC expansion: determining which categories will be expanded (non-permanent and permanent, including questions about prerogatives, powers, and extent of the enlargement)	Improving the UNSC's transparency and working methods
Decision-making, including the maintenance, limitation or abolition of the veto	Participation of non-permanent members in UNSC work
Periodic review of the enlargement	Relationship between the UNSC and UNGA and other organs

Source: UN General Assembly (2004).

Besides the working group, important UN figures – including the president of the General Assembly in 1997, Razali Ismail, and the UN general-secretary, Kofi Annan – tried to advance the debates. Although a proposal formulated by Ismail was informally approved by two-thirds of Assembly members, when it was presented to the working group, few delegates ran the risk of publicly approving it (Luck 2006).

In 2004, at Annan's instigation, the UN Secretariat appointed a High-Level Panel on Threats, Challenges and Change. It found that enlarging the Security Council had become essential, and developed two reform proposals. Model A involved six new permanent seats without veto powers, and two new non-permanent seats. Model B involved one new non-permanent seat and eight semi-permanent seats with four-year terms, which were renewable (UN 2004).

Meanwhile, some groupings had begun to form within the open working group, and develop their own proposals. The G-4, comprising Brazil, Germany, India and Japan, all interested in obtaining permanent seats on the Council, proposed the expansion of permanent members without veto power outlined in Table 2.

Table 2: G-4 (Brazil, Germany, India and Japan) proposal: enlarging the Security Council to 25 members

	New permanent members without veto power	New non-permanent members
Africa	2	1
Asia	2	1
East Europe	0	1
Latin America and the Caribbean	1	1
Western Europe and other States	1	0
Total	6	4

Source: United Nations General Assembly (2005a).

In response to the High Level Panel and the G-4, the Coffee Club, comprising Argentina, Colombia, Mexico, Kenya, Algeria, Italy, Spain, Pakistan and South Korea, adopted a document entitled 'Uniting for Consensus' (which also became the group's name), which favoured broad negotiations. It prepared a proposal that conformed to model B proposed by the High Level Panel without the expansion of permanent seats, but increasing the non-permanent seats from 10 to 20, with the following distribution:

Table 3: Uniting for Consensus proposal: distribution of 20 new non-permanent seats

	Distribution
Africa	6
Asia	5
East Europe	2
Latin America and the Caribbean	4
Western Europe and other States	3
Total	20

Source: United Nations General Assembly (2005b).

Not satisfied with any of these proposals, the Africa grouping within the working group devised its own: the Ezulwini Consensus in March 2005, and the Sirte Declaration in June the same year. The latter approximates the G-4 proposal, but does not give up veto power to new permanent members (UNGA 2006).

Table 4: African proposal: enlarging the Security Council to 26 members

	New permanent members with veto power	New non-permanent members
Africa	2	2
Asia	2	1
East Europe	0	1
Latin America and the Caribbean	1	1
Western Europe and other States	1	0
Total	6	5

Source: United Nations General Assembly (2006).

Given these differences, the G-4 now needed to persuade the African group to give up veto power, at least temporarily. This suggestion was not well received by regional rival groups to the G-4, and by the permanent members. At the World Summit Outcome document in 2005, the paragraphs about the long-awaited reform were short and evasive (UNGA 2005c).

At the end of the group meetings in 2007, a new group emerged (known as the L69) which drafted a resolution apparently elaborated by India but supported by Brazil, South Africa and Nigeria (UNGA 2007). More important than the draft itself were agreements among the IBSA (India, Brazil and South Africa) countries in relation to Security Council reform. Until then, the group had not discussed this subject. IBSA raised the real possi-

bility of bringing a proposal to a vote, breaking the African consensus, and threatening to associate the discussion with a North-South cleavage, which is typical in development issues.

However, the 2008 General Assembly report stated that no agreement had been reached which could underpin a single Security Council reform proposal, and, even if the working group continued to meet, the practical outcome would be an indefinite postponement of any reforms (UNGA 2008a, 2008b).

In recent years, the issue has lost momentum, and negotiations have remained contentious, time-consuming and repetitive. In late 2007, countries agreed to establish the Intergovernmental Negotiations Forum, which was due to start functioning in 2009. The Forum took more than a year to draft a text that would serve as the basis for negotiations among facilitators and had repetitive debates. The first four rounds of intergovernmental negotiations reflected the variations among state interests (Islamic Republic of Afghanistan 2009). In May 2010, the members of the Forum finally agreed on a 'negotiating text', prepared by the president of the General Assembly, that integrated 30 proposals received from states and groups of states on five themes distilled from the discussions. In April 2013, in the ninth and tenth rounds of negotiations, a presidential proposal to develop a concise document and establish a High Level Panel did not receive the necessary support in the Forum, with China, Russia and the USA positioning themselves against it (Centre for UN Reform Education 2013a).

In November 2013, the president of the General Assembly, John W. Ashe, appointed the Afghan representative to the UN, Zahir Tanin, as president of intergovernmental negotiations, and created an advisory group made up of ten representatives of various pressure groups to produce a basis for negotiations. Given the impasse, a group known as Accountability, Coherence and Transparency (ACT),¹ with an interest in reforming the working methods of the Security Council, suggested that meetings about formulating the Council's annual report be separated from meetings about the reform issue. This was mainly aimed at achieving a more detailed and analytical annual report, and seeking greater articulation between the activities of the General Assembly and the Council (Centre for UN Reform Education 2013b).

In December 2013, the president of Intergovernmental Negotiations produced a report drafted by its Advisory Group, known as the 'Non Paper' (UNGA Presidency 2013), which was analysed and discussed in the first informal Intergovernmental Negotiating Forum meeting of the year. However, the deadlock persisted. While the UK, France and the USA as well as the G-4 responded favourably to the 'Non-Paper', Uniting for Consensus as well as African and Arab groups opposed it, and Russia and China expressed reservations.

On 31 July 2015, resulting from the intergovernmental negotiations in 2014, the president of the General Assembly, Sam K. Kutesa, formalised a document summarising the positioning of states on various aspects of reforming the Assembly. According to Kutesa, the document would serve as a basis for future negotiations (UNGA Presidency 2015). However, in 2015, despite some advances in respect of limiting the veto in cases of mass atrocities, the Security Council reform process remained formally deadlocked (UNGA 2015).

The historical lock-in of formal UNSC reform

To understand the quest for reforming the Security Council, one needs to understand its history, and what makes it desirable. When actors have agreed to certain rules and procedures, and the resultant institutions are consolidated, they prefer to maintain them in this form even when this no longer seems optimal, especially given the cost of creating new institutions. The reason for any attempt at institutional reform can therefore be found in its history – to determine what, when and why it became essential to jeopardise its continuity (Goodin and Tilly 2006). Institutions, which are commonly set up in terms of formal or informal rules, structure behaviour, presenting not only obstacles to choices but also a menu of choices. Therefore, the results are not the products of the objectives and interests of certain actors, but the products of different strategies due to the institutional and policy settings in which they are inserted (Steinmo 2008).

Why was a given institution established? How did it get to a certain point, and why were essential changes made or not made? The construction, maintenance and adaptation of institutions, and not individual interests in a rational logic, are the main interests of Historical Institutionalism (Rhodes et al 2006).

Located between Sociological Institutionalism, in terms of which humans act in terms of standards and rules, and Rational Choice, in terms of which actors are rational and self-interested, Historical Institutionalism merges those two approaches, considering that ‘how one behaves depends on the individual, on the context, and on the rule’ (Steinmo 2008: 163). In this view, political outcomes are best understood as the product of rules, obedience, and interest maximisation (Steinmo 2008). History matters, because events take place in a historical context; actors and agents learn from experience, and expectations are shaped by the past. According to Steinmo (2008: 166), ‘history is not a chain of independent events’; instead, variables can shape each other, which often occurs (Steinmo 2008). According to Tilly (2006), path dependency prevails in political processes insofar as events that occur at a certain stage in a certain sequence constrain the number of possible events at future stages (Goodin and Tilly 2006).

According to Thelen (1999), Historical Institutionalism encompasses several different perspectives. The first centres on the importance of an institution’s foundational moments, whereas the second suggests that institutions continue to evolve in response to changes in their environments, including political manoeuvres, without being overly constrained by their past trajectories.

Regarding the endurance of institutional arrangements Thelen (1999) points to feedback mechanisms first described by Pierson (1993) as means of addressing initial weaknesses in a given organisation. There are two types of feedback mechanisms: 1) incentive structures, in terms of which actors adapt their strategies in order to strengthen a given system, including a group of institutions; and 2) the distributional effects of institutions, which are not neutral mechanisms, but reproduce certain distributions of power. According to Thelen (1999), these two perspectives help us to understand how stable policy patterns persist and reproduce themselves (Thelen 1999). In this view, contingent events release a path-dependent sequence, and subsequent events are affected by a historical

lock-in effect. The closer to the present a given event, the greater its importance in determining the final result of the sequence (Goodin and Tilly 2006).

The barriers to institutional change are varied. First, institutions are embedded in a broader network of other institutions, and changes to one institution may also have a broader impact on the others – including resistance from some role players which benefit from the status quo. Second, humans develop certain expectations around a given set of rules, and changing those rules may have long-term effects that are difficult to predict. Third, institutions may be ‘locked in’ because investments have been made in learning the existing rules, and changes may result in costs and resistance. Finally, actors may prefer a particular institutional set simply because they are already accustomed to it (Steinmo 2008).

However, private interactions and collisions can break the feedback mechanisms that reproduce stable patterns, and pave the way for institutional development and change (Thelen 1999). In other words, historical lock-in may not be inherent to path dependence, because break points may emerge that change the direction of the development pattern (Goodin and Tilly 2006). This would depend on the reproductive mechanisms that underpin the particularities of institutional settings (Thelen 1999).

According to John Ikenberry (2001), winners of great wars seek to maintain their subsequent power, and therefore limit it to make it acceptable to others. Therefore, post-war agreements involve institutions that lock in a position favourable to those actors, establishing strategic constraints on power that contribute to the acquiescence of the weaker states in exchange for fixed and predictable policy guidelines, thereby promoting the maintenance of the status quo (Ikenberry 2001). According to Ikenberry, world history faced key turning points in 1818, 1919, 1945 1989 when leaders created desired new orders, understood as ‘governing’ arrangements among groups of states, including their fundamental rules, principles and institutions (Ikenberry 2001: 23). These institutions ensured the compliance of other states by limiting the use of power, and constraining themselves to long-term commitments (Ikenberry 2001).

A constitutional agreement embodied in institutions reduces the costs of maintaining or enforcing order by extending access to rights and decision-making to secondary states in exchange for their compliance with rules and institutions, thus shaping their interests and orientations rather than coercing them into compliance (Ikenberry 2001). In addition, these rooted rules and institutions are not easily changed, due to path dependency, feedback processes, and increasing returns. These create lock-in effects and perpetuate the power of leaders, especially at critical junctures, when their powers threaten to decline. Only a new war or global economic collapse creates the right historical conditions, the break points, to replace an existing order. The greater the conflict, the stronger the path dependency will be (Ikenberry 2001).

After World War Two, the two main agreements were the ‘containment order’, with the 1947 Truman Doctrine as a landmark example, and resulting from the deterioration of US relations with the USSR; and new institutions (the Marshall Plan and the Bretton Woods institutions) arising from the Great Depression and World War Two that con-

nected Western countries and Japan around economic liberalisation, political reciprocity, and the multilateral management of the American liberal political order (Ikenberry 2001).

For Ikenberry (2001), when the Cold War ended, only part of the established order collapsed, leaving the institutional order among Western industrial powers intact. With the decline of the USSR, even more power was concentrated in the USA, while other industrial democracies remained confined to the institutional liberal order. The USSR, looking for accommodation, agreed to German unification and its absorption into established institutions. The USA, in turn, responded to the increase of its power with the expansion and creation of economic and security institutions such as NATO, NAFTA, APEC, and the WTO (Ikenberry 2001).

Oddly, Ikenberry does not include the UN and the UN Security Council in particular in his list of major institutions established after World War Two or even after the Cold War. By focusing on NATO, he neglects the role of the Security Council in avoiding conflict escalation, managing the Cold War and subsequent international conflict, and providing institutional learning in respect of daily negotiations. Nevertheless, Ikenberry's model helps to explain the historical lock-in caused by the UN Charter, justified by the interests of the main members in perpetuating their power. However, in this case, the lock-in also serves the interests of France, the UK, China and Russia which, each in their own way, are placing obstacles in the path of institutional redesign, as this could diminish their decision-making power.

Besides political disagreements, the Security Council reform process is complicated by the structure of the UN itself. Its history shows that the UN Charter formally limited the possibility of reform by creating veto powers as well as other rules that work to hamper any attempted reform. As institutional change would involve changes to the Charter, questions about the legitimacy and authority of its organs become more frequent, as substantive changes in the rules are constrained by those same rules. In this way, the creation of the permanent Security Council members' veto power and other rules that work to hamper the reform process have led to a historical lock-in, accompanied by path dependency. The foundation of the deadlock in the General Assembly about reforming the Security Council lies in the fact that five states were regarded as sufficiently powerful to have the last word on matters of international peace and security.

The rules have also worked to shape the preferences of actors. As a result, Argentina, Mexico, Pakistan and others are defending the status quo even if it does not favour them, as preferable to an uncertain process of change that could leave them even less satisfied. That is, the rules created in the UN Charter, especially the veto power, virtually vetoed formal reform of the Security Council as well.

Informal institutions and informal reform of the UN Security Council

Among the limits of institutionalism, the exaggerated emphasis on formal rules is a major problem, because this relegates informal practices and institutions to the background. According to Stokes (2006), the 'new institutionalism' ignores the importance of informal

institutions in achieving democratic outcomes. An alternative phrasing of this idea is that the activities of formal institutions may even be conditioned by informal institutions and rules.

Helmke and Levitsky (2004), in turn, seek to demonstrate the importance of informal institutions in the institutional analysis of the incentives that allow or inhibit actors' political behaviour and expectations (Helmke and Levitsky 2004). While these authors define institutions as the 'rules and procedures (both formal and informal) that structure social interaction by constraining and enabling actors' behaviour' (Helmke and Levitsky 2004: 727), they define informal institutions as:

... socially shared rules, usually unwritten, that are created, communicated, and enforced outside of officially sanctioned channels. By contrast, formal institutions are rules and procedures that are created, communicated, and enforced through channels widely accepted as official (Helmke and Levitsky 2004: 727).

To Jütting et al (2007), informal institutions are social norms sanctioned by the behaviour, extension, elaboration, or modification of formal rules outside an official framework. These institutions are self-imposed by mechanisms of obligation, or simply because they serve individuals interests. Although not codified, they are accepted as legitimate (Jütting et al 2007).

According to Prantl (2014), informal institutions 'provide a vital space to contest and to renegotiate the terms and conditions of US hegemony', and a means for 'opening the possibility of reorganising the decision-making procedures to include other actors interested in participating, which may ultimately replace US hegemony'.² This shows that informal institutions should not be confused with weak formal institutions, in which existing rules are diverted or ignored. In turn, behavioural regularities can only be regarded as informal institutions if they generate some kind of external sanction (Helmke and Levitsky 2004). From this concept, two dimensions emerge: the first is the degree of convergence of formal and informal institutional outcomes; the second is the effectiveness of the relevant formal institutions, or 'the extent to which rules and procedures that exist on paper are enforced and complied with in practice' (Helmke and Levitsky 2004: 728).

Table 5: Typology of informal institutions according to Helmke and Levitsky

	Effective formal institutions	Ineffective formal institutions
Convergent outcomes	Complementary	Substitutive
Divergent outcomes	Accommodating	Competing

Source: Helmke and Levitsky (2004: 728).

These dimensions produce a typology of four categories, shown in Table 5. *Complementary* informal institutions combine effective formal rules and convergent results, filling gaps in formal rules or facilitating the achievement of individual goals within the formal institutional framework. It results in the creation or strengthening of incentives for formal rules compliance (Helmke and Levitsky 2004).

At the other side of the spectrum, *competing* informal institutions coexist with inefficient formal institutions, whose rules and procedures are not applied, allowing the actors to ignore them or break them. Those informal institutions give rise to divergent results, being incompatible with the formal rules (Helmke and Levitsky 2004).

The *substitutive* informal institutions combine inefficient formal institutions and convergent results. As with complementary informal institutions, the actors seek results consistent with the formal rules, but, like the competing informal institutions, they exist in environments in which formal rules are not applied. Thus, the substitutive informal institutions achieve what formal institutions cannot reach (Helmke and Levitsky 2004).

Finally, the *accommodating* informal institutions create incentives for actions that change the substantive effects of formal rules, but without violating them. This type of institution is created by actors not satisfied with the results of formal rules, but unable to change or violate these rules. For the authors, those informal institutions increase the stability of formal institutions, reducing the pressure for change (Helmke and Levitsky 2004).

There are several possible reasons for creating such informal institutions, including: 1) the incompleteness of formal institutions; 2) a strategy for players who prefer a formal institutional solution, but cannot reach it due to lack of power to change the formal institutions, or because formal institutions are inefficient; and 3) the search for goals that cannot be exposed publicly or internationally for not being acceptable, such as corruption, bribery, patrimonialism, vote buying, etc (Helmke and Levitsky 2004).

While formal institutions are created via official channels, and communicated and applied by agencies, informal institutions are created, communicated and applied outside the public domain, and may even be denied by the actors. These informal institutions can be created and imposed by the elite or by external factors, and may emerge from a decentralised process, focal points, repetitive interaction or bargaining, but can also be the result of a historically contingent process in which these informal structures are products of conflicts and individual commitments. Communication is established by social learning, trial and error, social networks, and political organisations (Helmke and Levitsky 2004).

From the perspective of informal institutions, the Security Council has not remained static in recent decades. New procedures and informal rules have been developed, supporting or filling the holes left by the formal rules. Informal practices, the evolution of procedures, attempt to make norms and principles more flexible, and the interconnections between formal/informal aspects in general have had varied impacts on the Security Council's decision-making process. However, this article confines itself to an analysis of the informal institutions that have emerged over the past few decades.³

The first informal institution that developed in the Security Council, soon after its creation, was the abstention veto, or a variable in the form of absence at the time of the vote. The UN Charter does not mention the possibility of a permanent or non-permanent Council member abstaining from voting; on the contrary, in respect of substantive decisions, it determines the need for a qualified majority of votes, including the affirmative votes of permanent members.

That is, abstention, especially by permanent members, is an informal practice that enables one or more members of the P-5 to express disagreement with a particular decision without preventing its adoption. In turn, absence at the time of voting is now regarded as an abstention vote, which, for example, was very important during the Korean War in the 1950s when the Soviet delegation boycotted Security Council meetings, and a resolution was approved authorising the war. In this way, following the typology of Helmke and Levitsky (2004), we could classify the abstention vote and its variant, absence at the time of voting, as complementary informal institutions that assist decision-making.

The UN Charter has enabled various developments and changes in collective security, including the trend towards alliances and regional military actions, the delegation of UNSC coercive powers to state coalitions or military arrangements, and the emergence of peace operations. In the typology of Helmke and Levitsky (2004), we can consider the trend towards alliances and regional military actions as complementary informal institutions, as the UN Charter itself foresees their importance for peace maintenance and international security. Obviously, the evolution of each of these arrangements may have different implications.

The delegation of the Security Council's coercive powers to state coalitions or military arrangements were initially considered as a substitute for formal Council institutions, given that the Charter, although predicting the creation of an international force under UN auspices, could not make it effective in practice. Ideally, these institutions would, if necessary, resolve conflicts by force, following the adoption of a UNSC resolution conferring a specific mandate. However, as seen in the cases of Bosnia and Iraq, they can be set up as competitive informal institutions that do not emanate from a UNSC decision, often offending its principles.

The establishment of peacekeeping operations as *ad hoc* mechanisms is another example of the flexibility of the Charter. Initially characterised by impartiality, the consent of the parties and the non-use of force, peacekeeping operations have made these principles more flexible. With the first peacekeeping operations, governance was transferred from the UNSC to the Secretariat and the UN General Assembly, which favoured the creation of informal groups of states. Later, following the rapprochement between the superpowers after the Cold War, governance of peacekeeping operations was transferred back to the Security Council (Prantl 2006).

These operations have evolved from peacekeeping to peacebuilding and peace enforcement, complementing Security Council work, and therefore fitting the interpretation of how the organ plays its primary role of maintaining peace and international security. However, given that the UN Secretary-General initially controlled these operations, they could work to heighten competition among Security Council members. Finally, these peace operations were eventually formalised with the establishment of the UN Peacebuilding Commission.

Another type of informal institution that developed over decades in response to environmental changes were the informal groups of states, which began to influence the organ's decision-making process. Prantl (2006) analyses the 'contact groups', which sup-

port the Secretary-General in the course of his or her 'good offices' role and peacekeeping operations. These are *ad hoc* coalitions, not appointed by the Secretary-General, which work separately from the Security Council, and outside the UN framework. They may or may not act in accordance with the UN's objectives, but the 'groups of friends' that lend momentum to the Secretary General's efforts help to encourage continued engagement between members in conflict (Prantl 2006).

However, both 'informal groups of states' are formed in *ad hoc* ways, have informal structures, and have varying impacts on the Security Council. These informal groups were constituted as incremental change agents, expanding Council governance by bridging the gap between conflict management and the legitimisation process (Prantl 2006).

On the other hand, these informal groups may be seen as mechanisms that allow some members to pursue an 'exit option' in respect of the Security Council's structural constraints and/or give 'voice' to the stakeholders in a conflict, as in concepts proposed by Hirschmann (1973). Prantl (2006: 564) defines the exit option as '... the option of leaving the UN framework, either partially or completely, in order to escape from its structural constraints', while 'voice' refers to the opportunity for stakeholders in a given conflict (as well as the UN Secretariat) to articulate their interests before the SC and to exert informal influences over its decision-making.

Voeten (2001) conceptualises the exit option as 'outside option'. He examines whether and how a superpower uses its asymmetric power to achieve favourable outcomes in the multilateral bargaining between states with conflicting interests and veto power. That is, the existence of the 'outside option' by the superpower, unilaterally or with an ally, helps to reach agreements that would be vetoed in its absence (Voeten 2001).⁴ However, it can be regarded as a competing informal institution, or at least as competing behaviour aimed at persuading or coercing powerful states like the USA to act outside the institutional framework at the time of decision-making, violating UN rules in the process, even if their actions are consistent with UN principles. The institutions that promote an increased voice can be regarded as informal and complementary, enabling the participation of actors which, if only under the formal rules, would not have had that opportunity.

States' participation in these informal groups can be so active that they approach the status of informal members and even constitute an informal veto, given that, when submitting proposals to the members of the Security Council, few substantive changes are possible. Their influence can be stronger than those of non-permanent members of the Council, given that many decisions are taken outside the UN's institutional framework (Prantl 2006).

However, the Security Council can only play a marginal role in conflict management, meaning that some informal groups overlap with the Council itself. In cases of deadlocks, for example, the role of legitimising *post hoc* action is left to the Council. Thus, depending on the situation, and who analyses it, informal groups can be seen as complementary to but also as competing with the Council, generating pressure for greater transparency in its working methods and procedures (Prantl 2006).

Given all this, in the typology created by Helmke and Levitsky (2004), we can initially consider these meetings and informal groups as accommodations of informal institutions, when accommodating the interests of new powers – such as Germany and Japan, which are now consulted in all Security Council decisions – and of emerging powers, which now have a greater ‘voice’ in decision-making. By including these actors in the decision-making process, permanent members of the Security Council can assuage questions about the organ’s representativeness, and indefinitely postpone its reform.

However, these meetings and informal groups may compete with formal practice, curbing the occurrence of formal meetings. Moreover, permanent members of the Council often use these groups to define the content of a resolution before discussing it with non-permanent members. Therefore, although this process benefits some states, which are consulted more than before, it does so at the expense of non-permanent members, rivalling the formal body.

Another informal practice that has acquired some notoriety is the ‘responsibility to protect’, which relaxes the concept of state sovereignty to promote an understanding that states are responsible for protecting their citizens, and that, when they fail to do so, other states should intervene. However, this is the concept that states use to justify ‘humanitarian interventions.’ This informal practice can be considered as substitutive, if we understand that seeking greater protection of human rights fits the organisation’s own principles. Besides that, we can label it as competing, considering that it rivals a principle, that of state sovereignty, which was previously strongly advocated and fundamental to the creation of the UN itself. It can also be classified as competing when it is used as a justification for purely selfish interests. ‘Responsibility to Protect’ is formally recognised in Resolution A/RES/60/1 of the UN General Assembly (UNGA 2005c). However, it is vaguely worded and can be interpreted a number of ways, without emphasising its preventive character strongly enough.

Other informal negotiating groups such as ‘Arria-formula’ and ‘Somalia-formula’ meetings which facilitate the participation of non-members of the Security Council and civil society organisations such as Doctors Without Borders and the Red Cross in decision-making may also be regarded as informal institutions. Arria-formula’ meetings are meetings of council members and eminent persons from states not involved in a given conflict, or representatives of non-state parties involved in the dispute, and may be considered as complementary or accommodating depending on the case. ‘Somalia-formula’ meetings take place among Council members and NGOs and can be considered as complementary, aiming at a greater involvement of civil society.

If proven, the ‘bribery’ hypothesis (Kukienko and Werker 2006; Diniz and Baccarini 2014), involving financial assistance in exchange for votes, would qualify as a competing informal institution. This would happen especially in cases in which a particular issue is judged to be of interest to a great power – the USA, for example – to the detriment of other states and the international community as a whole.

A less extreme hypothesis is that of the ‘exchange of votes’ among states, which, if proven, could constitute competing informal behaviour. This is where State ‘A’ would vote

in favour of State 'B' on a given issue, in exchange for State 'B' voting in favour of State 'A' on another, either in the same body or in a different organ or organisation. This would be competing, because it results in different effects to the formal institution, but also accommodating, if we consider that it accommodates the interests of the great and middle powers without breaking the formal rule.

Some factors which are not yet well understood favoured the emergence of consensus in the Security Council after the Cold War. Factors such as greater historical rapprochement between the great powers due to the fall of the Soviet Union, the lack of emergence of a new revisionist power, and a reduction in inter-state conflicts (at the expense of intra-state conflicts) may have aided in its development. However, it is thought that the emergence of informal institutions, such as the proliferation of groups and informal meetings, and even the possibility of bribes and the exchange of votes 'behind the scenes' through diplomatic means, have a greater explanatory power.

The very emergence of consensus in the Security Council should be regarded as an informal institution, generating behaviour expectations and even sanctions against deviant actors. On the other hand, consensus could express a shift in the decision-making process from a majority to a committee, in line with the concept developed by Sartori (1994). In this sense, consensus can be regarded as a strongly competitive informal practice to formal voting rules, as it limits the conduct of states, which can no longer express themselves freely, at least not in public. In this logic, the voting power of non-permanent members would be further reduced, while permanent members and their veto power dominate the voting, increasing the strength of the historical lock in.

Reforming informal institutions is a lengthy process involving changes in power relations, and overcoming path dependence (Jütting et al 2007). The sources of change in informal institutions are also varied. The first is formal institutional change itself (or changes in the strength and effectiveness of the institution in question), which alters costs and benefit calculations, and can rapidly change informal institutions. Another source would be the evolution of social values, i.e., by changing the culture, which would generate slow and incremental changes in informal institutions (Helmke and Levitsky 2004).

The change in the status quo and in the distribution of power and resources can weaken actors which benefit from particular informal institutions, and strengthen those who seek to change them. This change also tends to be gradual and incremental, caused by the reorientation of expectations about the bargaining power (Helmke and Levitsky 2004). However, changes in the status quo and in the distribution of power and resources that favour actors which benefit from informal institutions may allow these actors to seek formal institutional reform, formalising the institutions once considered informal.

Obviously, as pointed out by Ikenberry, a change in the distribution of power would result in the reformulation or extinction of a number of informal institutions, and if this change occurs abruptly, it might even generate the reformulation of all formal institutions. While complementary and accommodating informal institutions are highly susceptible to changes in formal institutional design, the substitutive and competing ones are susceptible

to changes in the strength and effectiveness of formal institutions (Helmke and Levitsky 2004).

Table 6 summarises the informal institutions surrounding the Security Council, their impacts, and their implications for the Council's decision-making process and functioning:

Table 6: UN Security Council Informal institutions

Typology	Informal institutions	Change of / impact on informal Institutions
Complementary	Alliances and regional military actions Peace operations Arria Formula Somalia Formula 'Voice' Abstention Vote	By changing the institutional design
Accommodating	Contact groups Groups of Friends Arria Formula Exchange of votes Abstention Vote	By changing the institutional design
Substitutive	Coercive power delegation Responsibility to protect	By changing the distribution of power and the effectiveness of formal institutions
Competing	Coercive power delegation Peace operations Contact groups Group of Friends Exit Option (Outside Option) Responsibility to protect Bribery Exchange of votes Consensus	By changing the distribution of power and the effectiveness of formal institutions

Source: Compiled by the author.

Final considerations

The institutional process of change cannot stop, as the institution involved might otherwise become outdated. However, UN Security Council reform is hampered by both formal and informal mechanisms and processes. Formally, the historical lock-in resulting from the UN Charter (which gave permanent Council members veto powers) as well as other rules established a path dependence that greatly hinders the reform process. The informal

institutions that have emerged to relieve the pressure also run the risk of producing limited results.

Changing these informal institutions is dependent on the shift in the institutional design that, as we have seen, suffers from strong historical lock-in, and/or a change in power distribution in the international community. As pointed out by Ikenberry, a sudden change in power distribution which could be regarded as a breaking point in the established international order occurs only in cases of major wars or global economic crises. Given this, we can only hope that the UN and its Security Council will continue to assess the organisation's formal rules, particularly whether they work to create a lock-in effect, and then set out to amend them.

If this does not happen, there is a risk that various accommodating and complementary institutions will emerge to resolve individual cases, while the substitutive and competing institutions remain, spreading their perverse effects, threatening the formal institution, and generating more questions about the established order.

Finally, this research is exploratory, and not intended to define or exhaust the study of informal institutions in the UN Security Council. Further research is needed to analyse the effects of the various institutions, or even just to determine whether they really are institutions or only sets of behaviours, deviant or not, that work either to break or complement the institution in question.

Notes

1. The group is made up of Austria, Chile, Costa Rica, Estonia, Finland, Gabon, Hungary, Ireland, Jordan, Liechtenstein, New Zealand, Norway, Papua New Guinea, Peru, Portugal, Republic of Maldives, Saudi Arabia, Slovenia, Sweden, Switzerland, Tanzania and Uruguay.
2. Prantl (2014) presents two ideal-type logics of informal institutions – mediative and transformative – associated with two different negotiation strategies, namely integrative and distributive. He analyses three cases to test his hypothesis: 1) the role of the Contact Group in addressing conflict in Yugoslavia (1991-5); 2) the PSI (since 2003) and the objective of preventing the spread of nuclear weapons and securing nuclear materials; and 3) the role of the G-20 in addressing the global financial crisis in 2008. Although Prantl's framework is innovative, this analysis is limited to the Helmke and Levitsky (2004) typology in that it first explores possibilities for the Security Council.
3. For more information on the informal structure, particularly informal decision-making processes, see Dreher, Sturm and Vreeland (2009a, 2009b), Hurd (1997), Pouliot (2016), Prantl (2006), Schia (2017), Sending (2017), and Smith (2006).
4. Gruber (2000) presents a similar argument. His concept of 'go-it-alone' power assumes the possibility of unilateral decisions by dominant actors, and the repercussions for the options of other actors. In this author's view, these actors will participate in new regimes to avoid unilateral action, since the maintenance of the status quo is no longer an option. On the other hand, the rulers of countries that have 'go-it-alone' power tend to 'lock in' their successors, creating flexible structures in order to make it more difficult for them to withdraw from the arrangement in question.

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A Reforma Informal no Conselho de Segurança da Organização das Nações Unidas

Resumo: Este artigo analisa as tentativas de reforma do Conselho de Segurança das Nações Unidas através de uma perspectiva histórico-institucional. Argumenta-se que as possibilidades para reforma sofreram com o bloqueamento que deixou a ONU resistente à mudanças. Por outro lado, o processo de tomada de decisão da ONU evoluiu desde o seu estabelecimento, especialmente desde o fim da Guerra Fria, em responder às novas aspirações de poder, tornando-o mais representativo e legítimo. O Conselho de Segurança passou por contínuas reformas informais uma reforma informal contínua, que o permitiram adaptar-se aos novos tempos.

Palavras-chave: Processo de tomada de decisão; mudança informal; instituições informais; reforma institucional; Conselho de Segurança das Nações Unidas.

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