
The Feasibility of Reforming the UN Security Council: Too Much Talk, Too Little Action?

Seryon Lee*

While a broad consensus exists over the necessity of reforming the Security Council, the disagreement among the different groups of member States prevails in great part due to the enlargement and category of membership and the working methods. Such divergence in views attributed to the stalemate in the debate over the Security Council's reform. However, the recent discussion has gained momentum since the launch of the intergovernmental negotiation at the UN level. The key issues surrounding the UN Security Reform include the size of an enlarged Council, categories of membership with proper regional representation, the veto, working methods and relations with the General Assembly. It is essential not only to properly assess the content of the different proposals to bring out the most 'sensible' solution, but the attitude of the five permanent members should also be closely examined. In any case, the potential changes in the structure of the Security Council would ultimately require a unanimous decision of the 5P States. This article aims to review the historical development of the Security Council's reform debate and concentrate on the most contentious questions by analyzing the content of the relevant proposals to test the feasibility of each option.

Keywords

UN Security Council Reform, G4 Proposal, UFC Proposal, Ezulwini Consensus

* Professor of International Law at Chonbuk National University("CNU") School of Law, Korea, B.A.(Chicago), LL.B.(CNU), LL.M.(NYU), Ph.D.(Yonsei). The author may be contacted at: seryon@jbnu.ac.kr / Address: 567 Baekje-daero, Deokjin-gu, Jeonju-si, Jeollabuk-do, 561-756 Korea.

1. Introduction

It is incontestable that the United Nations Security Council (“UNSC”) remains as an important ground of legitimacy for international peace and security. This legitimacy is defined as “the belief by states that the [Security] Council has the right to make authoritative decision in its area of legal competence.”¹ While the legitimacy of the Security Council is closely related to the effectiveness of its mandate,² the major criticism faced by the Security Council is not so much about its lack of efficiency alone. The legitimacy of the Security Council has been constantly under attack for obsolescence particularly in terms of its underrepresented geopolitical structure and decision-making procedures as well as for what seems to be an indefinite stalemate on the issue of reform.³ The proposed structural changes in the Security Council include, but are not limited to, membership composition, category of membership, proper geographical representation, voting power and more transparent working methods.⁴ In the course of debate over the Security Council’s reform, the UN member States often face a dilemma of maintaining a balance between representation, legitimacy and efficiency.⁵ For instance, an increase in the membership of the Security Council would make it more representative, yet a broad expansion might, at the same time, inevitably limit its

¹ Ian Hurd, *Myths of Membership. The Politics of Legitimation in UN Security Council Reform*, 14 GLOBAL GOVERNANCE 201-202 (2008). In this article, Hurd further explains that this ‘right’ is a normative one that those state with such belief would be inclined to feel “a normative obligation to respect the decisions of the Council.” Moreover, this belief, according to Hurd, produces significant effects when it is shared by many States.

² For instance, Hurd offers a casual connection between legitimacy and the Council reform in four linked steps. In the first step, inequality led to loss of legitimacy. In the second step, loss of legitimacy means loss of effectiveness. At this moment, changes in structure would, according to Hurd, increase in legitimacy, thereby subsequently increasing effectiveness. *Id.* at 202-203.

³ Kara C. McDonald & Stewart M. Patrick, UN Security Council Enlargement and U.S. Interest, 59 Council on Foreign Relations Special Report 7 (Dec. 2010). However, the legitimacy of the Security Council from the perspective of current permanent members seems to be clear on the present geographic representation because equitable regional representation was not the basis for designating the permanent members; rather, the ability to perform a role as a guardian of international peace was a principle criterion. Besides there existed a room to keep the regional balance in the elected seats for non-permanent members with the explicit provision in Article 23 of the UN Charter, mentioning “equitable geographic distribution.”

⁴ Thomas G Weiss, *The Illusion of UN Security Council Reform*, 26 THE WASHINGTON QUARTERLY 148 (2003). Professor Weiss comments that the term ‘reform’ used by UN staff members referred to the routine measures involving personnel changes and management, but now the term applies in a much more broader scope to encompass the constitutional changes in the UN Policy.

⁵ DIMITRIS BOURANTONIS, THE HISTORY AND POLITICS OF UN SECURITY COUNCIL REFORM 10 (2005). Bourantonis explains that this concept of ‘reform’ of the Security Council is distinguished, depending on the way the reform is effected, between ‘*de jure*’ and ‘*de facto*’ reform with the former referring to changes through amendments in the text of the UN Charter and the latter referring to changes without formal amendments of the Charter.