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Curbing the Security Council's Powers: Thinking the Unthinkable?

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ABSTRACT

The expending role of the United Nations Security Council not only as a global executive organ but also as a quasi-legislative and quasi-judicial body has led many commentators to pose various questions pertinent to its future direction. In view of that, many countries including even high-ranking UN officials as well as numerous commentators are calling for its reform. Accordingly, this paper aims to examine how the Security Council's powers have been evolving especially after the Cold War and the challenges its faces along with the expension of powers. This paper employs the qualitative research menthod in otder to achieve its objective. It is poposed that there is a need to form an international committee at the UN level to look for the possible avenue to make it more efficient in ensuring international peace and security

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with impartiality and lack of prejudices among the global powers.

INTRODUCTION

The horrors of the World War II and the grave concern of the States that emerged as victors of the war have led to an immediate response in establishing a global organisation, i.e., the United Nations (UN) in San Francisco in 1945 with the main objective to prevent any similar worldwide international armed conflict. The aspirations to create a global security system had been present even before the World War II, but all attempts, meetings and covenants contained numerous loopholes and shortcomings that made all these efforts short-lived and rather fruitless. Thus, the UN was formed with determination to correct the maladies of previous international organisations and to solve the issue of global peace.
Since the leaders of the victors against fascism and nazism were China, France, the Soviet Union, the United Kingdom (UK) and the United States (US), these members accorded themselves special rights in the principal organ of the UN, the Security Council. These rights comprised the permanency of their membership and veto power to block any decision that might threaten their interests. The immediate global power struggle along with political and legal differences between the US and the Soviet Union brought about 'the Cold War', which lasted until the dissolution of the Soviet Union in 1990s. The Security Council during this period was rather stalled body and its activities were mostly guided by the interests of the two disagreeing powers.

The end of the Cold War came with new legal and political challenges and a more active Security Council. The invasion of Kuwait by Iraq, the Yugoslav crisis, the crisis in Rwanda and Lockerbie case demanded immediate response, to which the Security Council devoid of 'Cold War' inaction swiftly responded. The beginning of the third millennium came with the 9/11 attacks and the new threat to the global peace, namely the terrorism. Faced with the stateless threat of terrorism in the unipolar world, the Security Council assumed new legislating and executive powers that created 'overheating' in the UN. The over-active Security Council in the context of rising new powers, the emergence of new nuclear powers, and the armed conflicts in the Middle East have grown into discontent with the function of the UN. Many countries including even high-ranking UN officials as well as commentators are now openly asking for reforms of the UN Security Council. Accordingly, this paper aims to examine how the Security Council's powers has been evolving especially after the Cold War and highlights the calls for its reform.

NATURE OF THE COLLECTIVE SECURITY SYSTEM

The notion of collective security system and its unique nature are pivotal within the context of public international law in general and maintaining

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peace and security or stability in the world in particular. Historically, there were many attempts to establish a system that would ensure peace and stability in the world, deter and punish the potential aggressors as well as come to the aid of victim States. All of these historical precursors to the notion of the collective security system had their flaws and limits, whether in terms of provisions or implementation. Thus, their amendments were necessary in order to find a more efficient system for the maintenance of international peace and security (Hamid, 2019).

Upon the establishment of the UN and its legal provisions, this role of maintaining security and stability worldwide has been couched in the term of collective security system (Akande, 1997). The term could be defined as international system based upon the indivisibility of peace and impartiality which has to be realised by all governments and peoples as well as all international organisations, primarily by the UN. This system ought to have clear goals and legal frames so as to function efficiently and legitimately (Hamid, 2019). As for its objectives, the main focus of collective security system is prevention of aggression of some Member States upon others, and/or in case the aggression has taken place, punishment of aggressors and assistance to the victim States (Einsiedel, 2015). The requirements for the effective keeping of global peace call for the existence of a number of powerful States and the practice of partial disarmament in certain conditions (Hamid, 2019).

The establishment of the UN preceded by the formulation of its Charter was seen as a better 'constitutional' basis than the earlier attempts at founding the collective security system, such as the Covenant of the League of Nations, which was the first comprehensive attempt at creating a collective security on an international scale (Banks, 2009, Conforti, 2005; Sands, 2009). The UN Charter formulates in more direct and explicit terms the prohibition of the threat to resort to force, sanctions of the peace violation. It also identifies the Security Council as the main authority to name the aggressor and propose further action, including the use of force in order to preserve global peace (Conforti, 2005; Sands, 2009).

On the other hand, the UN Charter contains a number of loopholes. One of the obvious drawbacks is the absence of concrete provisions to formulate and set up armed forces that could be used in case of aggression of a State against another. Moreover, there is no clear formulation of the process of disarmament, which is seen as an unavoidable condition for mainting international peace and security. The most obvious shortcoming of the UN Charter is rendering the status of exclusiveness and invincibility to the 'Big Five', i.e., (Wolfgang, 2008; Howard, 2018) the permanent members of the Security Council (China, France, Russia, the UK and the USA) to the extent that collective security system is not applicable against any of them, albeit these are also the States with utmost military and diplomatic potential to carry out the aggression upon less potent States (Conforti, 2005; Sands, 2009).

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THE SECURITY COUNCIL

The Security Council is much smaller and more compact body of the UN compared to the General Assembly. The main reason for its size comes as a logical corollary of the main objective for the founding of the UN, which is to enable it to act quickly in circumstances where global peace is threatened. It is composed of the five permanent members that emerged as leaders of the victory against the global menace of fascism and Nazism after the World War II (China, France, Russia, the UK and the USA) (Lowe, 2008; Dedring, 2008; Nasu, 2011; Malik, J. M. 2005). These permanent members were granted, or perhaps more precisely granted themselves the power of veto by which they can block any decision in the Security Council (Cassese, 2005). Regarding the voting procedure, which is explicated in the Article 27 of the Charter, each Member State of the Security Council has one vote. Furthermore, decisions on procedural issues are made by positive vote of nine members, while the decisions on substantive matters require consensus of permanent members prior to affirmation of nine votes (Conforti, 2005). Although there have been calls to include other States, the likes of Japan, India, Germany and Brazil into the permanent members' club, such possibility is complicated by the fact that all 'the Big Five' would have to agree with the proposal for it to be successful (Ishan Jan, 2011).

In addition to the five permanent members of the Security Council there are ten non-permanent members, whose temporary tenure in the Security Council is limited by the period of two years (Rodiles, 2013). These non-permanent members are voted into the Security Council by regional groups of States, which is further ratified by the UN General Assembly (Verbeke, 2018). As of 15 March 2021, the non-permanent members of the Security Council are: Estonia, India, Ireland, Kenya, Maxico, Niger, Norway, Saint Vincent and the Grenadines, Tunisia and Viet Nam (UN Security Council, 2021).

Primary Responsibility of the Security Council

The primary responsibility of the Security Council is the preservation of the global peace which is to be done, as frequently quoted 'in accordance with the Purposes and Principles of the UN'. The Security Council, thus, cannot act at whim, regardless of the UN Charter (Corell, 2014). Article 25 provides that: "The Members of the UN agree to accept and carry out the decisions of the Security Council in accordance with the present Charter". This Article reflects the binding nature of the Secuity Council's decisions upon other members of the UN. The question asked by many is how the Security Council maintains global peace? This is basically done in a twofold way. Firstly, the global peace is maintained by peaceful settlement of international disputes, as provided by the Chapter VI (Articles 33-38) (Luck, 2006). Secondly, the Security Council may resort to enforcing action in the form of economic and political sanctions or even military intervention, and this is stipulated in Chapter VII (Articles 39-51) (Scott, 2012; Blokker, 2015).

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Obligatory Nature of Security Council's Decisions

The Security Council as the main organ of the UN acts on behalf of all the members of the UN, and its decisions are binding upon all members. The broad range of Security Council's powers, as mentioned in the Article 25 of the Charter, can be grouped into two types, i.e., the peaceful settlement of disputes and deliberation on the enforcement measures to be taken in times of need. The maintenance of global peace is carried out mostly by these two means (Hlggins, 1972). In addition to these, the Security Council also plays a principal role in the governing of trusteeship territories, or particular areas that need assistance in governing. Moreover, if any amendments to the Charter of the UN are to be made, they require the ratification by all the 'Big Five' or the permanent members of the Security Council and the two-thirds majority in the General Assembly. Furthermore, the appointment of the ICJ judges is also done jointly by the General Assembly and the Security Council (Shaw, 2008). It is important to reiterate that all these decisions, especially the ones made by the Security Council, are binding on all the UN members, and non-compliance is not tolerated (Kelsen, 1948). In such a case, there is an array of possible sanctions, ranging from economic restrictions, to political pressure, and even the use of force can be utilised to make the members comply with Security Council's decisions (Oosthuizen, 1999).

Big Nations' Club: Monopoly of the Permanent Members

Although it is nowhere written that the Security Council will indefinitely continue to be composed of only five permanent veto-bearing members, a possible procedure to amend such a composition is a complex one and unlikely to happen anytime soon (Kelly, 2000). One of the very reasons for the complexity of possible change is the very veto principle, which means any permanent member of the Security Council can block inclusion of new permanent members. This monopolised system has been criticised on many occasions. A number of heads of States, notably President Ahmadinejad of Iran and the late Hugo Chavez of Venezuela severely criticised the power of veto. Even a former Secretary General of the UN, Javier Perez de Cuellar advocated the abolishment of veto (Ishan Jan, 2011). However, as noted by some scholars, even if the power of veto was abolished, it would be hard to imagine a situation in which weaker Member States of the UN taking any action against the nations which are technologically, economically and militarily more capable than them.

Enforcement Powers of the Security Council

There are several ways by which the maintenance of peace in the world can be achieved. Firstly, as stated in Chapter VI (Articles 33 to 38), the Charter recommends and offers assistance for the peaceful settlement of international disputes. In case of failure of the peaceful settlement of disputes, the Security Council may assume a more coercive role, by determining the existence of the threat to peace and making

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recommendations how to maintain and restore peace on the global scale (Ishan Jan, 2011, Gray, 2018). The Security Council relies on two types of enforcement such as action not involving the use of armed force and action involving the use of armed force. These two actions are stated in the Articles 41 and 42, respectively (Hamid, 2001).

In terms of the activity of the Security Council, there are two distinct periods. The first one spans from the founding year of the UN (1945) to 1990 – a period known as the Cold War, and the post Cold War period from 1990 until the present (Hamid, 2001). In the first period, the Security Council was not quite active as it suffered a stalemate position between the two power blocs: the Western Bloc led by the US, and the Eastern bloc championed by the Soviet Union. During this time, the Security Council used its coercive power only once, during the Korean War in the early 1950s (Sievers, 2014). The dissolution of the Soviet Union brought with itself the end of the Cold War era as well as a more active Security Council. In the span of thirteen years, the Council had to act by force in four cases: the invasion of Kuwait, the Yugoslav crises, attack on Afghanistan, and Iraq intervention (ʻĀnī, 2012; Kelly, 2000). The last two acts, namely the attack on Afghanistan and invasion of Iraq were only tabled at the Security Council's meetings, and the attacks were carried out by the US forces without proper authorisation of the Security Council (Gray, 2018; Falk, 2003).

EXPENDING AND ASSUMING BROADER POWER

The post Cold War era challenges urged the Security Council to assume new functions and powers. Some of these powers include determining the border decision concerning compensation, and founding the tribunals for war crimes and crimes against humanity. The beginning of the legislative role of the Security Council in this regard is its Resolution 1378 of 28 September 2001. The threat of international terrorism was cited as the immediate reason for this novel inclusion in the objective of the Security Council, adding on its pre 9/11 executive role (Talmon, 2005). Bearing in mind its small composition and the oligarchic tendencies by the 'Big Five', this new role of the Security Council has turned to be of grave concern for many States.

Quasi-Legislative Power

The assumption of broader powers, both legislative and judicial, by the Security Council was heralded some time before the 9/11 attacks by a number of resolutions. Before we analyse these resolutions, it is useful to explain what is precisely meant by the above sub-heading (Gray, 2018). The term quasi-legislative powers of the Security Council can better be understood in the context of international legislation as "both the process and the product of the conscious effort of making additions to, and changes in the law of nations" (Talmon, 2005). In a broader view of the international legislation, it includes general multilateral treaties, making of

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and amendments to the customary international law as well as adopting obligatory resolutions. A whole set of resolutions by the Security Council dealing with the Iraq-Kuwait border demarcation, the disarmament of the Iraqi forces, and the establishment of International Criminal Tribunal for former Yugoslavia (ICTY) in 1993 as well as International Criminal Tribunal for Rwanda (ICTR) in 1994 shed light on the wider legislative activity of the Security Council (Warren, 2014; Talmon, 2005).

The Security Council Resolution 687, Section A made a decision to technically demarcate the border between Iraq and Kuwait, which were later disputed by the Iraqi government as having gone beyond the technical demarcation and allocating part of Iraqi territory to Kuwait (Blokker, 2000). There are two points to be noted at this juncture. Firstly, the Security Council has no authority to violate the territorial integrity of any State not even when the State is found guilty of aggression upon another State as in the case of the Iraq against Kuwait. The territorial integrity of a State as affirmed by peace treaties and cease-fire accords presents a fundamental principle of *jus cogens* which must be strictly observed by all the international bodies. Secondly, as stated in the text of the resolution, it 'may take all necessary measures' to safeguard the inviolability of the international border between the Iraq and Kuwait (Gill, 1995). As for the Section E of the same resolution, the Security Council states: "...16. Reaffirms that Iraq, without prejudice to its debts and obligations arising prior to 2 August 1990, which will be addressed through normal mechanisms is liable under international law for any direct loss, damage – including environmental damage and the depletion of the natural resources – or injury to foreign Governments, nationals and corporations as a result of its unlawful invasion and occupation of Kuwait; 17. Decides that all Iraqi statements made since 2 August 1990 repudiating its foreign debts are null and void, and demands that Iraq adhere scrupulously to all of its obligations concerning servicing and repayment of its foreign debt; 18. Decides also to create a fund to pay compensation for claims that fall within paragraph 16 and to establish a commission that will administer the fund…" (UN Security Council, 1991).

As noted by Malcolm N. Shaw, "the scope and extent of this binding resolution amounts to a considerable development of the Security Council's efforts to resolve disputes. The demands that Iraq give up certain types of weapons and the requirement that repudiation of foreign debt is invalidated would appear to mark a new departure for the Council" (Shaw, 2008). This is a radical leap in the Security Council's legislative power and also visible in the remaining part of the same resolution where "…the guarantee given to the inviolability of an international border which is still the subject of dispute between the two parties concerned. In addition to the provisions noted above, the Council established a fund to pay compensation for claims and created a UN Compensation Commission" (Shaw, 2008). This resolution was later frequently referred to, especially prior to the invasion of Iraq in 2003 by the US and allied forces.

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Quasi-Judicial Power

The establishment of the two tribunals for international crimes in ICTY (UN Security Council, 1993a; UN Security Council, 1993b) and ICTR (UN Security Council, 1994) marked as another quasi-legislative leap that the Security Council had taken in order to venture into triying individuals responsible for a variety of war crimes, crimes against humanity and even genocide that took place in ex-Yugoslavian wars (Croatia, Bosnia, and later on Kosovo) and Rwanda (Sievers, 2014; Chesterman, 2008). The reason why these resolutions sparked a lot of debate and discussion among the commentators of international law may be at least partly due to the absence of any similar precedent in the history of the international criminal law, apart from perhaps the Nuremberg Tribunal that tried the persons charged with accounts of war crimes during the World War II (Warren, 2014). The question of Security Council's legal appreciation or its assuming judicial and quasi-judicial broad powers in the wake of the post-Cold War era has prompted many experts on international law to analyse these assumed powers and ponder over the possible boundaries of the Security Council's judicial function (Droubi, 2014).

The main concern for the community of legal scholars and practitioners here appears to be, "the scope of the Security Council's expanding powers will not be determined by a constitutional court, but through the tension between ends-driven demands of responding effectively to perceived threats to peace and security, and means-focused requirements of legitimacy" (Chesterman, 2008). The reactions from the legal professionals, therefore, has been mixed, with many lawyers pointing out the negative effects of such new role, while some have been preparing themselves to cope with the challenging context.

Extended Executive Power

The end of the bipolar world in the early nineties of the last century and the wars and crises that took place therein caught the Security Council in the Cold War slumber. But this inaction did not last long. Chapter VII of the UN charter started to be interpreted in new manners unknown in the Cold War era. This "broad and purpose-oriented interpretation of the Security Council's powers under Chapter VII is endorsed by the more or less undisputed power of the Security Council to authorise the use of force by Member States although the precise legal basis for this in the Charter is not clear" (Wolfgang, 2008). With the passing of the Resolution 1373 of the Security Council, this organ of the UN assumed extended executive powers. These powers have had wide-ranging effects on the issues concerning sovereignty of States, human rights and the principle of the separation of powers (UN Security Council, 2001; McLeod, 2015).

Since 9/11, a new legal framework has developed in which the UN has set mandatory but general legal parameters for a global anti-terrorism campaign. National governments have tailored those mandates to the local situation. There has been a global anti-terrorism campaign that is being

waged through domestic laws but coordinated through various international mechanisms (Ahmad, 2017). In many places, the anti-terrorism campaign has concentrated power in the hands of state executives often without legislative approval. In requiring the criminalisation of terrorism, significant power has been placed in the executive branch of government, which typically decides whom to prosecute under the criminal laws. In pushing States to freeze assets without legislative or court approval, the anti-terrorism campaign encourages further concentration of power in the executive branch (Scheppele, 2004). This clearly jeopardises the principle of separation of powers within national governments and also encroaches human rights of individual persons. In addition, the promulgation of national interests of a singe State or countable hanful number of States through the Security Council along with the forceful and 'arm twisting' demands for its implementation is a worrying international trend. After all, such practice appears to counter the very purpose of the founding of the UN which is to ensure a peaceful world (Orakhelashvili, 2007).

THE SECURITY COUNCIL VS THE ICJ

Bearing in mind the broad assumption of new quasi-legislative and quasi-judicial powers of the Security Council, many debates about the legality of such assumption and about the possibility to review the decisions of the Security Council have sprung among the international law experts. Notwithstanding the fact that dynamic international relations of the post Cold War era have called for attention and intervention of the international community, primarily by the principal UN organ – the Security Council – the overactive Council, the multitude of resolutions passed by it should not and cannot be done in an unbridled fashion without any possibility of constructive criticism, and more significantly, without possibility of judicial review (Sands, 2009).

Security Council's Powers: Not Unlimited

The relationship between the principal peacekeeping organs of the UN namely the Security Council and the ICJ, the main judiciary body, shed additional light on the role, strengths and weaknesses of the UN (Treves, 2000). Furthermore, the intertwining nature and overlapping of aims and objectives of these two bodies touches on the delicate interplay between the international law and politics of the powerful and the not-so-powerful States (Mishra, 2015). Even though the Security Council in theory, and perhaps more so in practice, has broad powers, it would be erroneous to conclude that it stands as a sovereign organ or that it exercises its power unilaterally. The powers of the Security Council are legitimate solely insofar as they are either explicitly stated in, or implicitly derived from the Charter of the UN. The most obvious limitation to the powers of the Security Council is the duty of this UN organ to act within Purposes and Principles of the UN (Akande, 1997). These purpose and principles are explicitly stated in the Articles 1 and 2, and these have been invoked by

several judges of the ICJ in a number of cases. The other limitation of power to the determinations and decisions of the Security Council is related to the norms of the general international law, whereby no breach nor derogation is permitted even by the Security Council, and in case there is an encroachment in the form of any decision that runs against the norms of the general international law, such determinations will be deemed null and void (Hamid, 2019). The third limitation to the power of the Security Council comes from the UN judiciary organ – the ICJ.

Jurisdiction of the ICJ

Perhaps the most delicate and sensitive limitation to the power of the Security Council originates from the legal determinations and rulings of the ICJ. Although the UN Charter does not directly provide for the review of the decisions of the Security Council, it does not prohibit the ICJ from doing so (Distefano, 2012). The key factor that 'calls on' the ICJ to review the decisions of the Security Council is thus not a written provision, but rather a practical necessity or the circumstances that may arise by which the review is warranted (Shahabuddeen, 2001).

In view of many researchers and scholars, primarily in the field of international law and international relations, the turning point in history in the ICJ's exercise of review powers was the end of the Cold War. By the year 1990, the main concern of many countries was to get the Security Council to exercise its powers and deliberate on the pressing global issues. The ICJ's power to review the decisions of the Security Council has been likened by some to the power of the US Supreme Court to review the constitutionality of certain government body's rulings, even though the similitude is not completely adequate since the Security Council and the ICJ's aims and objectives are neither hierarchically nor 'constitutionally' defined as is the case with the US Supreme Court and the executive bodies (Roberts, 1995).

Turning back to the circumstances that may call on the Court to review the Security Council's decisions, one may list four sources from which this power can be derived such as the Charter of the UN, the Statute of the ICJ, the history of the negotiation process and, the relevant Court decisions from the past (Roberts, 1995). However, before the ICJ does indeed step into this process it is wise, or at least expected from it to presume the validity of the Security Council's decisions (Akande, 1997). Thus, the Court has the authority to review, but the power to do so and the implementation of its rulings depend on a number of other factors underlying the interplay between the Big Five and other circumstances that may prevent the case to be brought to the ICJ.

Lockerbie Case

One of the earliest and the most salient examples of the impotence of the ICJ to enact any significant legal restraint upon the Security Council can be witnessed in the Lockerbie case. In this case, when the representatives

of the US and the UK in the Security Council requested Libyan government to surrender the two suspects, who were allegedly involved in the explosion of the Pan Am commercial aircraft that killed more than 260 people, the Libyan government responded by filing a suit against the US and the UK and invoked the Montreal Convention for the Suppression of Unlawful Acts Against the Safety of the Civil Aviation of 1971 (Lowe, 2008; Sievers, 2014; Zubel, 1999). However, after short deliberation, the ICJ did not review the decision of the Security Council but rather affirmed it. Legally speaking, a particularly disturbing lesson from the conclusion of the Lockerbie case is not the affirmation of the Security Council's decision, but rather the explanation offered by the Court in which it stated that neither it nor any other judicial organ has the authority to review the decisions of the Security Council (Jaroslav, 2014; Martenczuk, 1999; Ishan Jan, 2011).

Even though it cannot be argued that Member States' obligations at the Charter of the UN prevail all other international legal agreements there are important lessons to be learned from the individual opinions of the judges, both those who were in favor of the final judgment and those who dissented it, as it is in those opinions that the possibility of the Security Council's resolutions being ultra vires can be discerned (Jaroslav, 2014; Martenczuk, 1999; Ishan Jan, 2011). The judges who favored the verdict did not question the ICJ's propriety of reviewing the Security Council's resolution, but rather Libya's obligations to it. On the other hand, the judges who dissented were openly critical of the Security Council for a variety of reasons ranging from their calls to the Security Council to act within the frame of the UN Charter. The most acerbic in the dissenting opinion was the ad hoc dissenter judge who mentioned that the US and the UK were obliged to abstain in the case, and pronounced the Resolution 748 to be ultra vires (Weller, 2015; Hamid, 2001).

Genocide Convention Case

The Convention on the Prevention and Punishment of the Crime of Genocide 1948 provides that any individual or State found in violation of the convention shall be tried under the international law (Weller, 2015; Hamid, 2001). Article 2 of the the Convention defines the term genocide as: "(a) killing members of the group; (b) causing serious bodily and mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole in the part; (d) imposing measures intended to prevent births within the group; (e) forcibly transferring children of the group to another group". This convention was not much invoked upon until the early 90s when the dissolution of Yugoslavia and the clashes in Rwanda brought about horrendous crimes, some of which, particularly in the Republic of Bosnia, were deemed as ethnic cleansing and genocide. Throughout the course of the war in Bosnia, the Security Council passed a number of resolutions and these were not reviewed in the subsequent case Bosnia against Yugoslavia by the ICJ (Shaw, 2008). The most recent example of

invoking this Genocide Convention can also be seen in the case of Myanmar (formerly known as Burma) where the country is currently being prosecuted for committing ethnic cleansing and genocide against Rohingya ethnic minority before the ICJ.

Calls for Change

Although it might seem, at least from the viewpoint of international law, rather hard to initiate any reform of the Security Council, such calls have lately been heard from a number of diplomatic and political circles. In April 2015, the Kingdom of Saudi Arabia's permanent representative to the U.N. Ambassador Abdallah Al-Mouallimi reiterated the call for the reform of the UN Security Council. The ambassador cited the 'deadlock faced by the Security Council on many issues, including the Palestinian and the Syrian crises' as the main reasons for his country's calls for the reforms of the Security Council (Al-Arabiya News, 2015). Another call for the reform of the Security Council for similar reasons recently came, right after the commemoration of the 70th anniversary of the signing of the UN Charter visiting member of Parliament from India Mansukh Mandaviya, who said: "The conflicts in the Middle East, North Africa and Europe, and the rise of ISIS have resulted in a refugee crisis of a level not seen since the Second World War. The State of extreme economic deprivation in some parts of the world has compounded this problem" (Times of India, 2015). Global Policy Forum offers a vast repository of official UN documents on the discussion of the Security Council reform. These documents are classified under four categories or sections such as (a) the Membership section, (b) the Working methods section, (c) the section on the Veto, and (d) Regional representation section. The titles of these sections stand for the main reasons for the calls for the Security Council reform (Global Policy Forum, 2020).

CONCLUSION

The UN as a leading international organisation in general, and its primary executive organ Security Council in particular have evolved from a body primarily concerned with the maintenance of global peace and security, from a relatively inactive, stalled organisation to a more dynamic enforcer, peacekeeper, legislator and executive. This transformation has no doubt been mostly shaped by the rapid changing world of international relations and challenges for the public international law posed by fast social changes. The challenges and consequences of the newly assumed role of the Security Council as a global legislator and executive organ have led many legal scholars to pose questions pertinent to the present and future direction of the Security Council. These questions and issues warranted numerous calls for reforming the Security Council. Despite the fact that it would be easier said than done, it is timely to form an international committee at the UN level to look for the possible avenue to make it better in ensuring international peace and security with impartiality and lack of prejudices among the global powers.

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