

A COMPREHENSIVE OVERVIEW OF THE SECURITY COUNCIL AS THE PEACE KEEPING BODY OF UNITED NATIONS ORGANISATION

AUTHOR – MS. NUPUR SANJAKUMAR BORA, STUDENT AT DES'S SHRI. NAVALMAL FIRODIA LAW COLLEGE, PUNE

BEST CITATION – MS. NUPUR SANJAKUMAR BORA, A COMPREHENSIVE OVERVIEW OF THE SECURITY COUNCIL AS THE PEACE KEEPING BODY OF UNITED NATIONS ORGANISATION, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 4 (4) OF 2024, PG. 103-108, APIS – 3920 – 0001 & ISSN – 2583-2344.

Abstract

In the tumult of global strife, the United Nations Security Council emerges as a steadfast guardian of international peace and security, its origins dating back to the post-World War II era in 1945. Over time, it has evolved into a pivotal institution, employing diplomatic, economic, and, when necessary, military measures to uphold tranquillity amidst dynamic security landscapes. However, enduring challenges persist, including entrenched veto dynamics among its permanent members and resource constraints amidst emergent threats like terrorism and cyber warfare. Comprising fifteen member states, including five with veto power, the Security Council deliberates on conflicts, sanctions and peacekeeping missions worldwide, notwithstanding persistent criticisms. Central to its efficacy is the question: Does the Council's structure and decision-making process impede or bolster its effectiveness in contemporary peacekeeping endeavours? One hypothesis suggests that the presence of veto power may exacerbate gridlock and inefficiency, hindering the Council's agility in addressing evolving global threats and conflicts. Potential reforms to fortify the Council's effectiveness include reevaluating the veto power system to improve impasses, expanding membership for broader representation and enhancing transparency in decision-making. Strengthening collaboration with regional entities and expanding early intervention capacities emerge as strategies to enhance the Council's role in global peacekeeping. This research endeavours to critically assess the Security Council's effectiveness by examining its historical trajectory and decision-making mechanisms, particularly scrutinizing the implications of veto power. Through comprehensive case studies, the study aims to gauge the Council's efficacy in resolving conflicts and sustaining international peace, offering insights into potential avenues for reform to bolster its capacity as a pivotal peacekeeping body on the world stage.

Key Words – Decision making process, Peace-making Body, United Nations Security Council, Veto Power, World War II.

1. INTRODUCTION

The United Nations Security Council stands as the principal international body responsible for maintaining peace and security across the globe.⁷⁶ With its unique authority granted under the UN Charter, the Security Council has played a crucial role in peacekeeping efforts, conflict resolution and the prevention of armed conflicts. This paper comprehensively examines the United Nations Security Council as the primary organization for maintaining peace within the United Nations system. This article probes into the historical context of the Security Council, its composition, operations, authority and mechanisms for upholding international peace and security. Furthermore, it

discusses the obstacles encountered by the Security Council in discharging its responsibilities, such as issues concerning efficiency, legitimacy and accountability. Through a critical analysis of its strengths and weaknesses, the paper offers insights into potential reforms and improvements to enhance the Security Council's role in global peacekeeping efforts. By conducting a comprehensive evaluation of its advantages and disadvantages, the article presents suggestions for potential modifications and advancements to strengthen the Security Council's contribution to global peacekeeping endeavours.

This paper provides a comprehensive overview of the Security Council's functions, powers and mechanisms as a peacekeeping body within the United Nations system. It examines the historical evolution of the Security Council, its composition, decision-making processes and the challenges it

⁷⁶ *Home Peace and Security*, United Nations (Oct. 19, 2024, 08:16 PM), <https://www.un.org/securitycouncil/>.

faces in fulfilling its mandate. Furthermore, the paper analyzes key case studies and examples of the Security Council's peacekeeping operations to highlight its effectiveness and limitations in addressing global security threats. By assessing the Security Council's role and performance, this paper aims to contribute to a deeper understanding of its significance in international peace and security efforts.

The United Nations Security Council (UNSC) stands as a cornerstone of global peace and security, wielding significant authority and responsibility in maintaining stability across the international landscape.⁷⁷ Established in the aftermath of World War II, the Security Council

❖ **Background and Significance of the United Nations Security Council**

The United Nations Security Council's origins can be traced back to the League of Nation's inability to prevent another disastrous global conflict, following the devastation of World War II. This devastating event highlighted the urgent need for a more effective mechanism to ensure international peace and security. Consequently, the United Nations was established in 1945, with the Security Council as one of its key components tasked with the primary responsibility of maintaining peace and security. The United Nations Security Council comprises fifteen member states, five of which possess veto power: China, France, Russia, the United Kingdom and the United States. This Council operates on the principle of collective security, in which member States pledge to join forces to address threats to global peace and security. The Security Council's authority is derived from Chapter VII of the United Nations Charter which allows it to take measures including the use of force when necessary, to maintain or restore international peace and stability.⁷⁸ Consequently, the Security Council functions as a critical platform for diplomatic discourse, conflict resolution and peacekeeping interventions, wielding significant influence on global events.

❖ **Purpose and Objectives of the Research**

This study aims to offer a comprehensive evaluation and examination of the United Nations Security Council as a peacekeeping organization within the UN structure. The study will explore into the

organization's structure, functions, decision-making processes and the challenges it faces. The research's primary objective is to achieve a deeper understanding of the Security Council's role and effectiveness as a peacekeeping body within the UN system.

❖ **To enumerate the object of present research are as follows:-**

- i. To examine the historical evolution of the Security Council and its role in maintaining international peace and security.
- ii. To assess the effectiveness and limitations of the Security Council in preventing conflicts, resolving disputes and managing security crises.
- iii. To analyze key case studies and examples of Security Council peacekeeping operations, evaluating their impact and outcomes.
- iv. To identify the challenges and obstacles faced by the Security Council in fulfilling its mandate, including political divisions, veto power dynamics and institutional constraints.
- v. To explore potential reforms and recommendations to enhance the Security Council's effectiveness and adaptability to contemporary security challenges.
- vi. This research aims to contribute to a deeper understanding of significance of Security Council in the realm of international peace and security.

2. Structure and Functions of the Security Council

The United Nations Security Council operates as a multilateral body with defined structure and functions aimed at maintaining international peace and security. Its composition, decision-making processes and mandates are crucial aspects of its operations.

• **Composition of the United Nations Security Council:** The Security Council consists of fifteen member states including five permanent members (namely- China, France, Russia, the United Kingdom and the United States) and ten non-permanent members elected by the General Assembly for two-year terms. The permanent members hold veto power which allows them to block any substantive resolution regardless of the level of support it receives from other members.⁷⁹

⁷⁷ *Id.*

⁷⁸ CFR.org Editors, *The UN Security Council*, CFR Org (Oct. 19, 2024, 08:24 PM), <https://www.cfr.org/background/un-security-council>.

⁷⁹ Security Council Reports, *UN Security Council Working Methods The Veto*, Security Council Reports (Oct. 19, 2024, 09:00 PM),

- **Decision-Making Processes of the United Nations Security Council:** The Security Council makes decisions through various mechanisms including formal meetings, consultations and negotiations among its members. Key decisions such as the adoption of resolutions require a minimum of nine affirmative votes including the votes of all five permanent members. This process reflects the Council's commitment to consensus-building and collective action while acknowledging the influence of its permanent members.

- **Mandates and Resolutions of the United Nations Security Council:** The Security Council's primary function is to maintain international peace and security in accordance with the purposes and principles of the United Nations Charter. To fulfill this mandate, the Council issues resolutions that serve as legally binding directives to member states, outlining specific measures to address security threats or conflicts. These resolutions may authorize peacekeeping operations, impose sanctions, or mandate diplomatic initiatives aimed at conflict resolution.

The Security Council establishes a peace operation by adopting a Security Council resolution. The resolution sets out that mission's mandate and size. The Security Council monitors the work of UN peace operations on an ongoing basis, including through periodic reports from the Secretary-General and by holding dedicated Security Council sessions to discuss the work of specific operations.⁸⁰

❖ **Mandates and Resolutions:**

Below are some mandates and resolutions,

- **Authorization of Peacekeeping Operations:** One of the most significant functions of the Security Council is the authorization of peacekeeping operations to address conflicts or threats to peace in various regions of the world. Through resolutions, the Security Council establishes the mandate, scope and parameters of peacekeeping missions, including the deployment of personnel, the use of force and the protection of civilians⁸¹. These mandates are essential for providing a legal and operational framework for UN peacekeeping efforts.

<https://www.securitycouncilreport.org/un-security-council-working-methods/the-veto.php>

⁸⁰ United Nations Peacekeeping, *Role of the Security Council*, United Nations Peacekeeping (Oct. 19, 2024, 09:03 PM), <https://peacekeeping.un.org/en/role-of-security-council>.

⁸¹ Jean-Marie Guéhenno, *United Nations Peacekeeping Operations Principles & Guidelines*, United Nations Peacekeeping (Oct. 19, 2024, 09:07 PM), https://peacekeeping.un.org/sites/default/files/capstone_eng_0.pdf.

- **Imposition of Sanctions:** In situations where peaceful means prove inadequate to address security threats, the Security Council may impose sanctions on States, individuals or entities responsible for actions that undermine international peace and security. Sanctions can include arms embargoes, financial restrictions, travel bans and other measures aimed at coercing compliance with Security Council resolutions or deterring further aggression.⁸²

- **Conflict Prevention and Resolution:** Through its resolutions and diplomatic initiatives, the Security Council plays a crucial role in preventing conflicts and facilitating their peaceful resolution. This may involve diplomatic mediation, negotiation of ceasefire agreements, or the establishment of transitional arrangements to facilitate political transitions and reconciliation processes. By addressing root causes of conflicts and promoting dialogue among conflicting parties, the Security Council seeks to prevent the escalation of violence and promote sustainable peace. In summary, the United Nations Security Council's structure, functions, decision-making processes and mandates are designed to address the complex challenges of maintaining international peace and security. Through its resolutions and actions, the Security Council seeks to prevent conflicts, resolve disputes and promote peaceful coexistence among nations, reflecting the principles of collective security and cooperation enshrined in the United Nations Charter.⁸³

3. Powers and Authorities of the Security Council

The United Nations Security Council is vested with broad powers and authorities under Chapter VII of the UN Charter⁸⁴ to maintain or restore international peace and security. These powers include the authorization of sanctions and enforcement measures, as well as the establishment of peacekeeping operations.

- ❖ **Sanctions and Enforcement Measures:** Under Chapter VII, the Security Council has the authority to impose sanctions on states, individuals, or entities deemed to pose a threat to international peace and security.

⁸² *Id* at 6.

⁸³ *Supra* Note 5.

⁸⁴ *Charter of The United Nations And Statute of The International Court of Justice*, United Nations Treaties (Oct. 19, 2024, 09:11 PM), <https://treaties.un.org/doc/publication/ctc/uncharter.pdf>.

Sanctions can take various forms, including:

- **Arms Embargoes** which includes prohibition on the sale, transfer or supply of arms and related materiel to designated entities or regions.
- **Economic Sanctions** like restrictions on trade, financial transactions and economic interactions with targeted states or individuals.
- **Travel Bans** which includes restrictions on the travel of designated individuals associated with conflicts or security threats.
- **Diplomatic Measures** including suspension or expulsion of diplomatic missions or representatives of targeted states.

Sanctions are intended to exert pressure on non-compliant parties, deter aggression and promote compliance with Security Council resolutions. However, the effectiveness of sanctions depends on factors such as implementation, enforcement and the degree of international cooperation.

❖ **Peacekeeping Operations:** Peacekeeping operations represent a central tool of the Security Council's efforts to maintain peace and security in conflict-affected regions. These operations are deployed with the consent of the parties involved and aim to monitor and observe ceasefires and peace agreements, facilitate the delivery of humanitarian assistance, support political processes and institutions, assist in the disarmament, demobilization and reintegration of combatants and protect civilians and promote human rights.

The Security Council authorizes peacekeeping missions through resolutions that define the mandate, scope and duration of the operation. Peacekeeping operations are typically conducted by multinational forces comprising military, police and civilian personnel contributed by member states. They operate under the support of the United Nations guided by the principles of impartiality, consent of the parties and non-use of force except in self-defense and defense of the mandate.⁸⁵

Peacekeeping operations are a critical component of the Security Council's efforts to prevent and resolve conflicts, stabilize post-conflict situations and promote sustainable peace. However, they face challenges such as inadequate resources, complex

political environments and evolving security threats which require continuous adaptation and support from the international community.⁸⁶

Since 1948, the UN has helped end conflicts and foster reconciliation by conducting successful peacekeeping operations in dozens of countries including Cambodia, El Salvador, Guatemala, Mozambique, Namibia and Tajikistan.⁸⁷ UN peacekeeping has also made a real difference in other places with recently completed or on-going operations such as Sierra Leone, Burundi, Côte d'Ivoire, Timor-Leste, Liberia, Haiti and Kosovo. By providing basic security guarantees and responding to crises, these UN operations have supported political transitions and helped strengthen new state institutions. They have helped countries to close the chapter of conflict and open a path to normal development even if major peace-building challenges remain.⁸⁸

To demonstrate the instance, the Security Council in the year 1947 had sent Military Observer Groups in India and Pakistan, immediately after Partition, with the consent of both States to maintain peace and security among them and the surrounding nations. This peacekeeping action of the United Nations was successful in achieving the aims of the organization.

4. Mechanisms for Maintaining International Peace and Security

A multidimensional strategy involving numerous mechanisms, such as diplomacy and conflict prevention, peacekeeping missions, peace-building and post-war reconstruction activities, is required to maintain international peace and security.

❖ **Diplomacy and Conflict Prevention:** One of the most important instruments for minimizing conflicts and settling disputes amicably via discussion and negotiation is diplomacy. A lot of the time, an impartial third parties- like the UN, regional organizations and individual states- mediate, arbitrate and facilitate diplomatic endeavors. Diplomacy is essential in defusing tensions and averting violence because it addresses underlying grievances, addresses the causes of conflicts and cultivates mutual trust and understanding between

⁸⁵ Field Missions Dashboard, *Peacekeeping Operations Key Documents*, United Nations Security Council (Oct. 19, 2024, 09:13 PM), <https://main.un.org/securitycouncil/en/content/repertoire/peacekeeping-missions>.

⁸⁶ K.C.JOSHI, INTERNATIONAL LAW AND HUMAN RIGHTS 238-239 (14th ed. 2019)

⁸⁷ United Nations Peacekeeping, *Our Successes*, United Nations Peacekeeping Organization (Oct. 19, 2024, 09:19 PM), <https://peacekeeping.un.org/en/our-successes#:~:text=Since%201948%2C%20the%20UN%20has,%2C%20Mozambique%2C%20Namibia%20and%20Tajikistan.>

⁸⁸ *Id.*

disputing parties.

❖ **Peacekeeping Missions:** Peacekeeping missions are crucial to maintain international peace and security, authorized by the UN Security Council. They deploy military, police and civilians to conflict zones, monitor ceasefires, protect civilians and facilitate peace agreements. Peacekeepers operate impartially, with consent and non-use of force help stabilize volatile situations, create conditions for peace and support post-conflict reconstruction.⁸⁹

❖ **Peace- building and Post-Conflict Reconstruction:** Peace- building and post- conflict reconstruction are essential for addressing the root causes of conflicts, rebuilding societies and promoting sustainable peace. They include institution-building, rule of law promotion, economic development, reconciliation and human rights protection. International organizations, donor countries and local stakeholders collaborate to address grievances, promote social cohesion and create opportunities for stability and prosperity. By investing in peace- building and reconstruction, the international community aims to prevent conflicts, address grievances and create inclusive and resilient societies.

5. Challenges Faced by the United Nations Security Council

The United Nations Security Council faces many challenges that hinder its effectiveness in maintaining international peace and security. These challenges range from geopolitical divisions and veto power dynamics to limited representation and legitimacy, as well as resource constraints and operational challenges.⁹⁰

❖ **Geopolitical Divisions and Veto Power:** Geopolitical divisions among the permanent members of the Security Council often hinder consensus-building and collective action. The veto power exercised by these members can lead to deadlock, preventing the Council from effectively addressing security threats. Political rivalries and conflicting interests among the permanent members worsen divisions and undermine the Council's authority as a neutral intermediary of global security issues.

❖ **Limited Representation and Legitimacy:** The composition of the Security Council, with its five permanent members and ten non-permanent members, does not fully reflect the contemporary geopolitical landscape or ensure equitable representation of all regions and interests. This limited representation undermines the Council's legitimacy and credibility, as decisions may be perceived as favoring the interests of powerful States over the broader international community. The lack of inclusivity weakens the Council's authority and diminishes its effectiveness in addressing complex security challenges.

❖ **Resource Constraints and Operational Challenges:** The Security Council faces significant resource constraints and operational challenges in implementing its mandates, particularly in the context of peacekeeping operations. Insufficient funding, logistical constraints and personnel shortages can hinder the timely deployment and effectiveness of peacekeeping missions. Moreover, peacekeepers often operate in unstable environments with limited infrastructure and security risks, posing significant operational challenges and endangering their safety and security.

6. Strengthening the Security Council

Strengthening the United Nations Security Council is imperative to enhance its effectiveness, accountability and legitimacy in maintaining international peace and security. Various proposals, reforms and debates have been put forward to address its shortcomings and geopolitical imbalances.

❖ Reforms and Proposals:

• **Expansion of Membership:** Proposals have been made to expand the Security Council's membership to better reflect the contemporary geopolitical landscape. This could include adding new permanent members, such as emerging powers from Africa, Asia and Latin America, as well as increasing the number of non-permanent seats to ensure greater representation and inclusivity.

• **Restructuring the Veto:** There is an urgent need to reform or limit the use of the veto power by the permanent members to prevent its abuse and ensure greater accountability. Proposals include requiring collective veto or imposing restrictions on its application in certain circumstances, such as

⁸⁹ *Id.*

⁹⁰ Media Center, *Challenges Ahead For The United Nations Closing Address Of Bertrand Ramcharan*, United Nations Human Rights Office of The High Commissioner (Oct. 19, 2024, 09:22 PM), <https://www.ohchr.org/en/statements/2009/10/challenges-ahead-united-nations-closing-address-bertrand-ramcharan>.

mass atrocities or humanitarian crises.⁹¹

- **Enhancing Transparency and Accountability:** Efforts to increase transparency and accountability within the Security Council include improving reporting mechanisms, enhancing dialogue with non-member states and civil society organizations and increasing scrutiny of its decision-making processes.

❖ **Enhancing Effectiveness and Addressing Geopolitical Imbalances**

- **Strengthening Conflict Prevention and Mediation:** Prioritizing conflict prevention and mediation efforts can help address security challenges. This requires greater investment in diplomatic initiatives, early warning systems and capacity- building for conflict resolution.

- **Improving Peacekeeping Operations:** Enhancing the effectiveness of peacekeeping operations entails improving training, equipment and logistical support for peacekeepers, as well as ensuring clear mandates, adequate resources and strong political support from the Security Council.

- **Promoting Inclusive Decision- Making:** Encouraging greater consultation and collaboration among Security Council members, including non-permanent members, can foster consensus-building and enhance the legitimacy of its decisions. This could involve expanding the role of regional organizations, engaging with emerging powers and promoting dialogue among diverse stakeholders.

7. Conclusion

The United Nations Security Council is crucial institution in global peace and security efforts. However, it faces several challenges that hinder its effectiveness. Geopolitical divisions, veto power dynamics, limited representation and resource constraints limit the Council's ability to respond promptly and firmly to emerging security threats. Despite these obstacles, the UNSC plays a critical role in authorizing peacekeeping operations, imposing sanctions and facilitating conflict resolution efforts worldwide.

The need for comprehensive reforms to strengthen the Security Council's capacity to address contemporary security challenges is underscored by

the implications for future peacekeeping efforts. This requires expanding the Council's membership to better reflect the diversity of the international community, reforming veto power mechanisms to prevent obstructionism and hindrance and enhancing transparency and accountability in decision-making processes. Moreover, there is a persistent need to invest in conflict prevention, mediation and peace- building initiatives to address the root causes of conflicts and promote sustainable peace.

The scheme or suggestion for future research includes investigating new and innovative ways to approach peacekeeping and conflict resolution, evaluating the effectiveness of regional organizations in supporting the efforts of the United Nations Security Council and analysing the influence of rising powers like India in shaping global governance.

In conclusion, enhancing the United Nations Security Council's capacity to maintain international peace and security requires concerted efforts, innovative strategies and on-going research to address evolving security challenges and promote sustainable peace worldwide.

⁹¹ Professor Sally Totman, *Restructuring the United Nations – a global imperative*, Charles Sturt University (Oct. 19, 2024, 09:24 PM), <https://news.csu.edu.au/opinion/restructuring-the-united-nations-a-global-imperative>.