

# The Factual Confrontation of the Expansion of Permanent Members of the UN Security Council for Persuading Larger Freedom: A Proposal for the UN Reformation

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## Abstract

*The United Nations (UN) is an international organization whose aims are to facilitate cooperation in international law, security, economic development, social progress, human rights, and achievement of world peace. The UN was founded in 1945 after World War II to replace the League of Nations to stop wars among countries, and to provide a platform for dialogue. The organization has six principal organs: The General Assembly (the main deliberative assembly); the Security Council (for deciding certain resolutions for peace and security); the Economic and Social Council (for assisting in promoting international economic and social cooperation and development); the Secretariat (for providing studies, information, and facilities needed by the UN); the International Court of Justice (the primary judicial organ); and the United Nations Trusteeship Council. Security Council, the most important organ contains five permanent and ten non-permanent members. The five permanent members namely USA, UK, Russia, China, France possess the veto power as to the question of international peace and security. In this study it is tried to explore the rationale of emergence of new permanent member of UNO. In addition, it searches also obstacles/challenges which shall have to be faced as the permanent states are oriented with veto power and enjoying other privileges.*

**Keywords:** *Distribution of Power, Security Council of the UN, Larger Freedom.*

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## 1. Introduction

The United Nations (UN) is an intergovernmental organization, established to promote international co-operation. This organization was inaugurated on 24 October, 1945 as a replacement of the League of Nations, which completely failed to reach its mandates and unable to stop World War- II. Furthermore, the UN launches multiple subsidiary organizations and programmes to carry out its missions. There are currently 193 United Nations member states, including all undisputed independent states, except Vatican City.<sup>3</sup> From its offices around the world, the UN and its specialized agencies decide on substantive and administrative issues in regular meetings held throughout the year. The organization has six principal organs: the General Assembly (the main deliberative assembly); the Security Council (deciding certain resolutions for peace and security); the Economic and Social Council ( assisting and *in* promoting sustainable international economic developments and enhancing social cooperation among member states); the Secretariat (providing studies, information, and facilities needed for the UN); the International Court of Justice ( assisting as a prime judicial organ for resolving legal conflicts) and the United Nations Trusteeship Council (which is currently inactive, in a true extent). Among these bodies, the General Assembly and the Security Council are the most important as relating to the main objects of the UN. Moreover, Assembly is considered as the plenary body of the UN, comprising of all the member states. General Assembly also exercises the power under the charter i.e. “to consider the general principles of co-operation in the maintenance of international peace and security”<sup>4</sup> and “to discuss any questions relating to the maintenance of international peace and security” as like the security council.

## 2. Objectives and Organization of the Study

- The present research is an attempt to evaluate the powers, functions and limitations of the Security Council. So a legal analysis of the creation and abuse of veto power is the objectives of the research.
- Another main aims of the research is to find out the obstacles as to the inclusion of the new states as permanent and non-permanent members to the Security Council.

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3. Member States of The United Nations, 2015, retrieved from [https://en.wikipedia.org/wiki/Member\\_states\\_of\\_the\\_United\\_Nations](https://en.wikipedia.org/wiki/Member_states_of_the_United_Nations)

4. Art. 11(1) of *the United Nations Charter, 1945*.

### 3. Methodology

The research work is Qualitative<sup>5</sup> research. It has to use facts and information to make a critical evaluation. The methodology of the present research work includes review of related literature, examination of policy document, articles and law books of renowned writers, law based journals, newspaper reports relating to the United Nations. The data and information used was collected from websites.

Security Council (UNSC) was consisted in 1945 in the Dumbarton Oaks conversations. After WW-I, the Cold War between Capitalism and Communism settled in, and the Communist Revolution in China and the Koreans were still on the marsh to victory. Creating a United Nations (U.N.) seemed to be a good idea to prevent a flare up of more wars and maintaining security and peace. And the winners of WW-II crafted its Charters to allow them to control it through the powers of the UNSC. The four powers that participated in the conversations –the United States, the Soviet Union, the United Kingdom, and the Republic of China-invited France to join them as permanent members of the Security Council.

The Dumbarton oaks proposals had envisaged the need for an executive organ of limited membership which would be entrusted with “primary responsibility for the maintenance of international peace and security. The increased degree of centralization of the procedures for maintaining of international peace and security, as contrasted with the league, made the Security Council even more essential than the Council of the League.<sup>6</sup>

Beside the abovementioned primary function of the Security Council to maintain international peace and security<sup>7</sup> it plays some very significant role, such as to investigate any dispute or situation which might lead to international friction<sup>8</sup>; to recommend methods of adjusting such disputes or the terms of settlement<sup>9</sup>; to formulate plans for the establishment of a system to regulate armaments; to determine the existence of a threat to the peace or act of aggression and to recommend what action should be taken<sup>10</sup>; to call on Members to apply economic

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5. In qualitative research, the researcher has to use facts or information already available, and analyses these to make a critical evaluation of the material.

6. Bennet, A. Le Roy., & Oliver James. K., *International Organizations: Principles and Issues*, 7th Edn, (New Jersey: Prentice Hall, 2002) at 70.

7. Article- 24 of *The United Nations charter, 1945*.

8. Ibid., article- 34.

9. Ibid., article- 35.

10. Ibid., article- 39.

sanctions and other measures not involving the use of force to prevent or stop aggression<sup>11</sup>; to take military action against an aggressor<sup>12</sup>; to recommend the admission of new Members; to exercise the trusteeship functions of the United Nations in "strategic areas".

In conferring on the Council "primary responsibility for the maintenance of international peace and security", the members of the organization agree that it "acts on their behalf". The Council thus acts as the agent of all the members and not independently of their wishes; it is, moreover, bound by the purposes and principles of the Organization, so that it cannot, in principle, act arbitrarily and unfettered by any restraints. At the same time, when it does act *intra vires*, the members of the Organizations are bound by its actions and under Article 25, they "agree to accept and carry out the decisions of the Security Council in accordance with the present Charter".<sup>13</sup>

Through practices, since the creation of the United Nation, it has been seen that whether recommendations given by General Assembly will be enforced or even observed as guidelines depends upon the cooperation and action of individual states and that can be described as mere will of the concerned state. So something is needed to bind the member states. Another thing for which the Assembly feels inferiority is to collaborate the power with the Security Council. Accordingly The General Assembly deserve something extra or separate power so that it can act without feeling any pressure. Here we feel the needs of amendment of Charter only which can bind the states to follow the recommendations by the Assembly or Security Council. Amendments to the present Charter shall come into force for all Members of the united Nations when they have been adopted by a vote of two thirds of the members of the General Assembly and ratified in accordance with their respective constitutional process by two thirds of the Members of the United Nations, including the permanent members of the Security Council.<sup>14</sup>

Since its inception in 1945, 66 years ago, when the set-up of the current Council was decided, the geopolitical realities have changed drastically in the world politics but the Security Council has changed very little during this long period. Dividing the veto-power pertinent to the permanent seats amongst themselves, the winners of Second World War shaped the

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11. Ibid., article- 41.

12. Ibid., article- 42.

13. Bowett.D.W., *The Law of International Institutions*. 4th edn. Ldn: *The London Institute of World Affairs*, 1982 at 33.

14. Article 108 of *The United Nations Charter, 1945*.

Charter of the United Nations in their national interests. With the enlargement of the United Nations membership and increasing self-confidence among the new members, going hand in hand with processes of decolonization, old structures and procedures have been increasingly challenged.<sup>15</sup> The imbalance between the number of seats in the Security Council and the total number of member States became evident.<sup>16</sup> The composition, working methods and voting procedure of the Security Council has provoked strong criticism from the vast majority of UN Member States. Together with the manifest failure of the Council to fulfill its tasks as primary factor regarding international peace and security in the Cold War era, led UN Member States to adopt the Uniting for Peace resolution in the General Assembly in 1950<sup>17</sup>, providing for an alternative mechanism in the case of Security Council paralysis. Thirteen years later, continuing unrest resulted in the 1963 amendment of the UN Charter, expanding the number of non-permanent seats from 6 to 10.<sup>18</sup> The effect of this reform was rather short-lived: as UN Membership continued to expand, from 113 countries in 1963 to 193 today. The Council's composition remained blatantly unrepresentative, especially with regard to the developing world. Moreover, the organ was still perceived as overly secretive and undemocratic.

On March 21, 2005, the then UN Secretary General Kofi Annan called on the UN to reach a consensus on expanding the council to 24 members, in a plan referred to as "*In Larger Freedom*". He gave two alternatives for implementation, but did not specify which proposal he preferred. The two options mentioned by Annan are referred to as Plan A and Plan B. Plan A calls for creating six new permanent members, plus three new non-permanent members for a total of 24 seats in the council. Plan B calls for creating eight new seats in a new class of members, who would serve for four years, subject to renewal, plus one non-permanent seat, also for a total of 24.<sup>19</sup> Meanwhile, as different of proposals and plans has been described we can see the countries who are aspiring to be permanent member in UNSC.

With the primary aim of achieving permanent membership in the Security Council countries i.e. Brazil, Germany, India, and Japan formed a group, known as G-4, for the purpose of supporting each other's bids for permanent seats on the United Nations Security Council.

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15. Reform of the United Nations Security Council, viewed on September 25, 2015, retrieved from [http://en.wikipedia.org/wiki/Reform\\_of\\_the\\_United\\_Nations\\_Security\\_Council](http://en.wikipedia.org/wiki/Reform_of_the_United_Nations_Security_Council)

16. Ibid.,

17. G.A. Res. 377 (V), 3 November 1950 retrieved from, <http://legal.un.org/avl/ha/ufp/ufp.html/>

18. G.A. Res. 1991 (XVIII), 17 December 1963 retrieved from, <http://research.un.org/en/docs/ga/quick/regular/18/>

19. Anan, Kofi., *In Larger Freedom: Towards Development, Security And Human Rights For All*, Report of the Secretary General, 21 March 2005, A/59/2005, para 146, 181-183; World Summit Outcome 2005, General Assembly Resolution 60/1, A/RES/60/1, 16 September 2005, par. 181-183.

Apart from this, representation of a Muslim-majority nation to the UNSC is now very important. At the same time, the draft of G-4 reform proposals may leave over 1.2 billion Muslims worldwide (which is not limited only in the Middle East, and includes areas from West Africa to Southeast Asia) without any permanent representation on the UN security council. This is a highly controversial issue within the Islamic world and might adversely impact the UN's credibility in portions of the Middle East and in the Islamic world. In June 2005, the foreign ministers of the Organization of the Islamic Conference (OIC) called for a permanent Muslim seat on the UN Security Council.<sup>20</sup>

Besides these Africa has more United Nations members than any other continent and as a whole, is seen as militarily non-threatening. Although no nation from Africa has formally been put forward as a candidate for membership on the Security Council.

As it has been seen in the previous session that some developed and developing countries have been trying for a long time for the permanent membership to the Security Council but they could not succeed. Here I attempt to find out the main obstacles to the way of expansion the Security Council. They are:

- 1) *Veto Power;*
- 2) *Application for Membership and*
- 3) *Obligatory Abstention.*

### **3.1 Veto Power**

Since the “core purpose” of the UNSC in 1945 was “to promote world peace,” each of the “Five Permanent” members had awarded themselves “Veto” power to promote only peace that served exclusively their interests – or to the interests of their allies. The existence of the veto power of the Council’s permanent members is considered as one of the traditional stumbling blocks which enable any one of the so-called P-5 (France, the United Kingdom, the United States, China and Russia) to block any resolution that is not merely procedural in nature. The veto is considered fundamentally unjust by a majority of States and is thought to be the main reason why the Council failed to respond adequately to humanitarian crises such as in Rwanda (1994) and Darfur (2004). It is thus not surprising that most States wish to abolish or restrain the veto. Equally unsurprising is the fact that the P-5, whose concurring votes and ratifications are required for even the smallest amendment of the UN Charter (pursuant to articles 108 and 109), reject any limitation of the veto outright.<sup>21</sup> For this reason,

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21. Fassbender, Bardo., *Pressure For Security Council Reform*, in d.m. malone (ed.), *The UN Security Council: From the Cold War to the 21st Century* (London: Boulder, 2004) p. 352.

many States have abandoned radical reform proposals and have adopted a pragmatic approach, pleading in particular for voluntary restraint on the veto use. Furthermore, the focus of the discussion seems to have shifted to the question whether the possible enlargement of the number of permanent seats should result in a parallel expansion of the veto or not.

Now I shall try to give an overview of the some controversial aspects of the actual use of the veto power. During the negotiations at the San Francisco Conference (25 April – 26 June 1945), numerous small and medium-sized States protested against the privileged status of the five permanent members as a form of victors' justice and an unacceptable infringement on the sovereign equality of States. Nevertheless, the P-5 made it clear that the complete and unconditional acceptance of the permanent membership and the veto power was a condition sine qua non<sup>22</sup> for their participation in – read: the creation of the new world organization.<sup>23</sup> Indeed, the great powers were convinced that they should permanently play a dominant role in order to make the new body viable.<sup>24</sup> Moreover; the veto was needed to rule out the possibility that the Council would harm relations between the permanent members by making a decision against the will of one of them. The Allied Powers attempted to reassure other countries by pointing out that despite the veto right, the operation of the Council would be less subject to obstruction than was the case under the League of Nations, where unanimity among all members was required.<sup>25</sup> Furthermore, they accepted that their privileged status entailed a primary responsibility with regard to the maintenance of international peace and security and argued that it was not to be assumed that “the permanent members, any more than the non-permanent members, would use their ‘veto’ power willfully to obstruct the operation of the Council”.

In the end, the founding members were forced to accept the codification of the proposed balance of power through the insertion of Article 27 UN Charter. The second paragraph of this article stipulates that decisions of the Council on procedural matters shall be made by an affirmative vote of nine members. According to the third paragraph, decisions on all other matters require an affirmative vote of nine members, including “the concurring votes of the

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22. (Latin word) means, a description of a requisite or condition that is indispensable.

23. Köchler, H., *The Voting Procedure In The United Nations Security Council: Examining A Normative Contradiction And Its Consequences On International Relations*. XVII, (Vienna: International Progress Organization), 1991 at 10. Kirgis, F., *The Security Council's First Fifty Years*, 89 A.J.I.L., 1995 p. 507.

24. Fassbender, Bardo., *The UN Security Council Reform and the Right of Veto: A Constitutional Perspective (The Netherland: Kluwer, 1998)* p 163.

25. Statement by the Delegations of the Four Sponsoring Governments on Voting Procedure in the Security Council', June 7 1945, UNCIO vol. XI, at 754; reprinted in b. simma h. mosler and B. randelzhofer (eds.), *The Charter of the United Nations: a Commentary* (Oxford: OUP) (2002) 2nd Edn. p. 467-469.

permanent members”, provided that, in decisions relating to the peaceful settlement of disputes, a party to a dispute shall abstain from voting. Article 27(3), which carefully avoids the term ‘veto’, was adopted with 30 votes in favor, 2 against, and 15 abstentions. An Australian amendment, which would have ruled out the use of the veto with regard to the peaceful settlement of disputes, was rejected at San Francisco by 20 votes to 10, with 15 States abstaining. Ironically, France had earlier suggested a similar restriction of the veto power in May 1945. It abandoned this idea when it was awarded permanent membership.

According to data collected by Global Policy Forum 262 vetoes have been cast in the period between 1946 and 2009.<sup>26</sup> As a result, a little over 200 draft resolutions have been rejected. The dubious honor of having cast the most vetoes goes to Russia (formerly the Soviet Union), which invoked the privilege 122 times. With 80 vetoes, the United States is entitled to the silver medal. Next in line are Britain and France with 32 and 18 vetoes, respectively. China used the veto merely 5 times, which is less than once every decade. This overall picture is very different if we look only at the last fifteen years, i.e. the post-Cold War period. Indeed, between 1989 and 2009 the United States holds the record with 23 vetoes. Examining the use of the veto power is not an easy undertaking. First of all, objective analysis is hampered by the fact that States often fail to provide clarification of their exact motives for casting a vote. Even when States do give a public explanation, this will not necessarily correspond to the real reason<sup>27</sup>. Secondly, and still more problematic, is the use of the so-called ‘hidden veto’, whereby a permanent member threatens to use its veto if a certain measure or statement is put to the vote. The hidden veto is used mainly in closed-door informal consultations, rather than in open meetings<sup>28</sup>, which makes it extremely difficult to gain information on its use and assess its effect on the work of the Security Council.

### ***3.1.1 Negative impact of veto against establishing peace:***

The previous discussion has clearly shown the undemocratic nature of the veto power. It has negative impact against establishing peace. But still there are some countries that support the veto power. In 2007 and afterwards, Russia repeatedly threatened to veto any resolutions that would recognize Kosovo as an independent state and undermine Serbia’s sovereignty.<sup>29</sup>

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26. Subjects of UN Security Council Vetoes, Global Policy Forum, 2015, retrieved from, <https://www.globalpolicy.org/component/content/article/102/40069.html>

27. Bailey, S. D & Daws., S., *The procedure of the UN Security Council* (Oxford: Clarendon Press, 1998), p. 228.

28. Nahory, C., “The hidden veto”, *Global Policy Forum*, (2004), retrieved from <http://www.globalpolicy.org/>.

29. Okhovat, Sahar., *The United Nations Security Council: Its Veto power and its reform*, CPACS Working Paper 15/1, *The Centre for Peace and Conflict Studies*, The University of Sydney (2012), p.24-25.



Beside these USA has used the veto power against the statehood of Palestine. The President (Obama) has strongly implied that the U.S. would veto a recommendation on Palestinian statehood and that does seem to be the U.S. position. However, President Obama should remove any doubt by clearly stating that the U.S. will veto any recommendation for Palestinian membership in the U.N. before a permanent peace agreement.<sup>30</sup> But I believe that U.N. membership or recognition of a Palestinian state by the General Assembly would help to resolve the international peace and security issues in the Israeli–Palestinian conflict.

### ***3.2 Application for Membership***

According to Article 4(2) of UN Charter, the admission of a State as to membership of the United Nations “will be effected by a decision of the General Assembly upon the recommendation of the Security Council”. Thus, the Security Council was given the right of initiative on the grounds that the admission of former enemy States would touch upon essential aspects of world security<sup>31</sup>. This right of initiative is considered subject to the veto power of the P-5. As early as February 1946, it became clear that the veto power led to a complete deadlock in the admissions procedure: The cause for this deadlock consisted in the disagreement between the United States and its western allies on the one hand and the Soviet Union on the other, in relation to the question whether applications should be dealt with as a whole (US) or whether each candidacy should be considered individually (USSR). Between 1946 and 1955, discord among permanent members prevented the admission of all but a small number of new members. All in all, approximately one quarter of all the vetoes cast since the creation of the United Nations have been directed against applications for membership. The Soviet Union used its veto no less than 51 times to block the applications of Kuwait, Mauritania, Vietnam, North Korea, South Korea, Japan, Spain, Laos, Cambodia, Libya, Nepal, Ceylon, Finland, Austria, Italy, Portugal, Ireland and Jordan. The United States moreover blocked the application of Vietnam six consecutive times. China used its veto twice: to reject the membership of Mongolia in 1955 and to reject the Bangladeshi application in 1972.

### ***3.3 Obligatory Abstention***

In accordance with Article 27(3) of UN Charter, both elected and permanent members are obliged to abstain from voting in decisions regarding the peaceful settlement of disputes

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30. Brett, D. Schaefer and James, Phillips., “How the U.S. Should Respond to the U.N. Vote for Palestinian Statehood *The Heritage Foundation*, 2011.

31. Competence of the General Assembly for the Admission of a State, Advisory Opinion of 3 March 1950, I.C.J. Rep. (1950), p. 8-10.

whenever they are a party to the dispute under consideration. This provision was a compromise solution between the idea that the Council should never adopt coercive measures against one of its permanent members on the one hand, and the general principle of *nemo iudex in sua causa*<sup>32</sup> on the other hand.<sup>33</sup> Obligatory abstention is only applicable when three cumulative conditions are fulfilled: (1) the Council must deal with a ‘dispute’, as distinct from a ‘situation’; (2) a member of the Council must be a ‘party’ to this dispute; and (3) the dispute has to be dealt with under Chapter VI (peaceful settlement), as distinct from Chapter VII of the UN Charter (action with respect to threats to the peace, breaches of peace and acts of aggression)<sup>34</sup>. The problem is that no clear-cut guidelines exist in order to establish whether the aforementioned conditions are met. In the early Charter era, it was assumed that the risk of abuse of Article 27(3) would be minimal.<sup>35</sup> This optimism seemed justified in the first United Nations years, when Member States appeared to make genuine attempts to adhere to the rule and to define its scope<sup>36</sup>. In 1947 for example, the United Kingdom abstained from voting on the Corfu Channel Question<sup>37</sup>. In 1950-51, India abstained with regard to the India-Pakistan question. Both the United Kingdom and India expressly referred to Article 27(3).

Nevertheless, since the beginning of the 1960s, it has become increasingly rare for Council members to invoke abstention pursuant to article 27(3).<sup>38</sup> In several cases where Security Council members did abstain, they claimed to have acted on a strictly voluntary basis.

#### 4. Other Challenges

A controversy relates to the question whether the increase in the number of elected members should meet with a parallel increase in permanent seats. Four States – Germany, Japan, India and Brazil – (the so-called G-4) have formed an alliance to lobby for such a seat for themselves as well as for two African countries.<sup>39</sup> Given the importance of these States in

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32. It is a Latin maxim that means, no man should be judge in his own case.

33. Wouters, B. Jan and Ruys, Tom., “Security Council reform: a new veto for a new century?”, *No. 78, (2005)* K.U. Leuven: *Institute for International Law*, p. 11 see also: B. Simma, h. Mosler and B. Randelzhofer (eds.), *The Charter of the United Nations: a Commentary* (Oxford: OUP) (2000) 2nd ed., p- 455.

34. Blum, Y.Z., *Eroding the United Nations Charter* (Dordrecht: Martinus Nijhoff, 1993) p-195

35. Arechaga, J. De., *Voting and the Handling of Disputes in the Security Council*, New York: Carnegie Endowment for International Peace, (1950.) (Blum, Y.Z. loc. cit., supra n. 39, at 194.50), P 29.

36. Blum., Y.Z., loc. cit., supra n. 39, at 194.

37. *United Kingdom of Great Britain and Northern Ireland v. Albania, ICJ, 1949.*

38. Higgins, R., ‘*The Place of International Law in the Settlement of Disputes by the Security Council*’, (1970) 64 *A.J.I.L.*, p. 2.

39. Global policy forum. retrieved from, <http://www.globalpolicy.org/security/membership/veto/vetosubj.htm>.

terms of population and financial support for the United Nations, their candidacy has attracted the approval of numerous other UN Members. Three of the existing P-5, France, the United Kingdom and Russia, together with the majority of EU Member States and several other States, have explicitly endorsed the four applications.<sup>40</sup> Further support for the increase in permanent seats can be found in the ‘*Ezulwini consensus*’<sup>41</sup> of the African Union, which pleads for ‘no less than two permanent seats’ for African countries, to be allocated within the AU.<sup>42</sup> Moreover, China has announced its support for India’s bid for a permanent seat<sup>43</sup> and the United States has done the same with regard to Japan.<sup>44</sup> Nevertheless, expansion of the P-5 is unlikely to go smoothly.

Another stumbling block relates to the veto power. Here a twofold question must be answered: (1) should the veto be curtailed or should it be left unabridged; (2) should the veto also be awarded to possible new permanent members or not?

Beside these as regards the existing veto power of the P-5 it is crystal clear that a majority of UN Member States support the abolition of this prerogative.<sup>45</sup> Such a reform is being promoted by the African Union, the Arab League, the Group of Non- Aligned Nations, but also by numerous western countries.<sup>46</sup>

Another proposal, advocated by the African Union and several individual Member States of UN (e.g. Italy, Mongolia, Singapore and Tunisia), suggest that the veto power should only prevent the Council from adopting a resolution if it were cast by two or more permanent members simultaneously.<sup>47</sup> This would strongly restrict a single permanent member’s power,

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40. Wouter, S.J. and Ruys, T., ‘Hervorming van de Veiligheidsraad. Op zoek naar een Europees perspectief’, (2005) p. 59-6. *Internationale Spectator*, pp 295-298; Riegers, B., “Europe’s UN Security Council Ambitions”, *Deutsche Welle*, 2004.

41. The Common African Position on the Proposed Reform of the United Nations, African Union, Addis Ababa, 2005

42. Common African position on the proposed reform of the United Nations’, Executive Council 7th Extraordinary Session, African Union, Addis Ababa, 2005.

43. China Supports India’s Bid For UNSC Seat, viewed on 27 October, 2005, retrieved from <http://in.chineseembassy.org/eng/ssygd/zygx/t191495.htm>

44. Reform of the United Nations Security Council, viewed on 27 October, 2015, retrieved from [https://en.wikipedia.org/wiki/Reform\\_of\\_the\\_United\\_Nations\\_Security\\_Council](https://en.wikipedia.org/wiki/Reform_of_the_United_Nations_Security_Council)

45. *Need for security council reform given new impetus by recent events, general assembly is told* (2001) retrieved from, <http://www.unis.unvienna.org/unis/pressrels/2001/ga9943.html>

46. Winkelmann, I., “*Bringing The Security Council Into A New Era, Recent Developments In The Discussion On The Reform Of The Security Council*”, vol.1, Max Planck Y.B., 1997 p. 75-83

47. Fassbender, B., op. cit., supra n. 5, p. 268.

as past practice shows that concurring vetoes have only been exercised 27 times. Some States have also suggested excluding the veto with regard to specific types of decisions, such as requests for an Advisory Opinion of the International Court of Justice or the dispatching of UN observers. The 'Group of Ten' advocated moreover that the veto should be excluded with regard to the admission or expulsion of Member States, or the appointment of the UN Secretary-General. Another important controversy regarding veto reform relates to the extension of the veto to possible additional permanent members. In this regard, Germany, Japan, India and Brazil have argued that there can be no discrimination between first rate and second-rate permanent members. They declared: "New permanent members should have the same responsibilities and obligations as the current permanent members".<sup>48</sup> Finally, it must be noted that the different proposals to expand the number of permanent members should be reviewed after a period of 10-20 years (15 years according to the G-4). The G-4 proposition argues that Security Council members would not be allowed to use the veto with regard to this review process.

## 5. Policy Recommendations

1. *Completely Abolishing the Veto*: Veto power is one of the biggest flaws of the Security Council and the main factor that has rendered this body undemocratic. This power has been criticized since its establishment and has led to strong calls for reform. So the abolition of veto may be the best solution.
2. *Extending the Veto to New, Semi-permanent Members*: It is the most probable solution to extend the veto power to the proposed new members. It will ensure the equality among the member states.
3. *Abolishing the Veto for Genocide and Other Crimes against Humanity*: A possible solution might be to limit the use of the veto, for example by not allowing a veto in cases of genocide or restricting it to vital national security issues. Any reform of the UNSC will require a change in the UN Charter, and this is only possible with all five permanent members of the UNSC agreeing and a two-thirds majority of the GA. It is generally seen as impossible to change the veto as the permanent members are unlikely to give up part of their power by either expanding the number of permanent members with veto power or by abolishing the veto.

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48. *Draft Resolution on Security Council reform*, 13 May 2005, and '*Draft Resolution on Security Council Reform*', viewed on 8 June 2005, retrieved from <http://www.globalpolicy.org/>

4. Representation from Regional Basis: The rationale for expansion of membership is to include emerging powers on the Council, but new single state members could exacerbate regional competition rather than collaboration. This section aims to examine an alternative model for Council reform that would give permanent seats to regional organizations or blocs rather than individual countries. This could make the Council more representative without having to enlarge the Council too much.

## 6. Conclusion

We all dream of a better world, a world of freedom and justice, a world of brotherhood and unity for the welfare of humanity. Such a world can only be by putting out a joint strategy to build a planet representing by all the independent States regardless of economy, country size, atomic power, religion, and region. This can only be by considering ourselves as Earthlings, a part of the Great Universe, United Brethren and free to think and choose our lives without touching the other's freedom. Have we been able to achieve the very purpose for which the United Nations was built? Certainly not. The only success what can be demanded that is the World had not to see another war. To keep pace with the demand of the new century there must be a broad change to the UN charter. This can be done abolishing the so called veto power which narrow down the idea of “principle of sovereign equality of all Members” and increasing the number of Security Council by including more permanent members. Countries from group of four, African nation and Muslim representation can be rewarded with permanent membership. In case of Security Council, decision can be made by two-thirds vote of the permanent members and simple majority of the non-permanent members, showing respect to the permanent members. Permanent members should understand that such measures are not a sacrifice on their part, but rather an investment in a better and safer world.

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