

CHALLENGES AND REFORMS IN THE UNSC: ENSURING INTERNATIONAL PEACE AND SECURITY

Chandroop

Research Scholar, Department of law, Kurukshetra University Kurukshetra

Dr. Promila

Assistant Professor, Department of law, Kurukshetra University kurukshetra

Abstract

This critical study delves into the role of the United Nations Security Council (UNSC) in maintaining international peace and security. Established in the aftermath of World War II, the UNSC was designed to prevent conflicts and uphold global stability. This paper evaluates the Council's historical context, structural composition and mechanisms of action, highlighting key successes and notable failures. By examining case studies such as the Korean War, the Rwandan Genocide and the Syrian Civil War, the study underscores the impact of geopolitical dynamics and the veto power wielded by the permanent members (P5) on the Council's effectiveness. The analysis also addresses the challenges faced by the UNSC, including geopolitical rivalries, the controversial use of veto power and calls for reform to enhance its representativeness and responsiveness. The paper concludes with proposals for reform aimed at improving the UNSC's capacity to address contemporary global security threats and maintain international peace effectively.

Keywords: United, Nations, Security, Council, Effectiveness

1 Introduction

The United Nations Security Council (UNSC) is one of the most critical components of the United Nations, tasked with the primary responsibility of maintaining international peace and security. Its establishment in 1945 was a direct response to the devastating impact of World War II, with the aim of preventing such conflicts from recurring. The UNSC is unique among the UN organs due to its authority to make binding decisions that member states are obligated to implement, making it a cornerstone of international law and diplomacy. The Council is composed of 15 members, including five permanent members—China, France, Russia, the United Kingdom and the United States—each wielding veto power¹. The remaining ten members are elected by the General Assembly for two-year terms, ensuring a degree of regional representation. The structure and powers of the UNSC reflect the geopolitical realities of the mid-20th century, but its effectiveness and legitimacy in addressing contemporary security challenges have been subjects of ongoing

¹ Voeten, E. (2005). The Political Origins of the UN Security Council's Ability to Legitimize the Use of Force. *International Organization*, 59(3), 527-557.

debate². This paper critically examines the role of the UNSC in maintaining international peace and security, exploring its historical context, structural composition and operational mechanisms. It aims to provide a balanced assessment of the Council's achievements and shortcomings through detailed case studies of its interventions. Furthermore, the paper addresses the challenges faced by the UNSC, particularly the influence of geopolitical dynamics and the contentious use of veto power by the permanent members. In addition to analyzing the Council's past and present performance, this study also explores various proposals for reform. These reforms are aimed at enhancing the UNSC's efficacy, representativeness and ability to respond to the complex security threats of the 21st century. By offering a comprehensive evaluation of the UNSC's role, this paper seeks to contribute to the ongoing discourse on how to strengthen this vital institution to better serve the cause of international peace and security.

2 Historical Context

The formation of the United Nations Security Council (UNSC) in 1945 was a direct response to the catastrophic consequences of World War II. The global conflict, which resulted in unprecedented destruction and loss of life, underscored the need for a robust international mechanism to prevent future wars and maintain peace. The UNSC was conceived as the principal organ of the newly established United Nations, endowed with the authority to ensure international peace and security. The idea of a collective security arrangement was rooted in the failures of the League of Nations, which had been unable to prevent the outbreak of World War II. The founders of the United Nations sought to create a more effective body that could take decisive action to prevent and resolve conflicts³. The UNSC was thus established with a mandate to address threats to peace, breaches of peace and acts of aggression. Its powers were enshrined in Chapter VII of the UN Charter, allowing it to impose sanctions, authorize the use of force and deploy peacekeeping missions.

The early years of the UNSC were marked by the geopolitical tensions of the Cold War. The rivalry between the United States and the Soviet Union often resulted in a deadlock, with both superpowers frequently exercising their veto power. Despite these challenges, the Council managed to authorize several significant interventions. For instance, the UNSC's authorization of military intervention during the Korean War (1950-1953) under UN auspices was a notable early success in collective security efforts. The end of the Cold War brought a period of renewed optimism for the UNSC. With the reduction in superpower rivalry, the Council was able to take more cohesive actions. This period saw an increase in the number of peacekeeping missions, as well as more robust mandates. Successful interventions in conflicts such as the Gulf War (1990-1991), where the UNSC authorized a coalition force to repel Iraq's invasion of Kuwait, showcased

² Dreher, A., & Vreeland, J. R. (2014). The Political Economy of the United Nations Security Council: Money and Influence. *Journal of Public Economics*, 88(5), 899-917.

³ Beardsley, K., & Schmidt, H. (2012). Following the Flag or Following the Charter? Examining the Determinants of UN Involvement in International Crises. *International Studies Quarterly*, 56(1), 33-49.

the Council's potential effectiveness. However, the post-Cold War era also presented new challenges⁴. The 1990s witnessed several instances where the UNSC failed to act decisively, leading to tragic consequences. The inability to prevent the Rwandan Genocide in 1994 and the Srebrenica massacre in 1995 highlighted the limitations of the Council's capacity to respond to rapid and complex crises.

In the 21st century, the UNSC has faced an increasingly complex security environment. Global terrorism, intrastate conflicts and humanitarian crises have tested the Council's ability to adapt and respond effectively. The Syrian Civil War, which began in 2011, has been a particularly stark example of the Council's paralysis in the face of deep geopolitical divisions. The repeated use of vetoes by permanent members has prevented decisive action, prolonging the conflict and its humanitarian impact. Throughout its history, the UNSC has faced criticism regarding its composition and functioning. The veto power of the permanent members and the lack of representation for emerging powers and developing countries have been points of contention. Calls for reform have gained momentum, advocating for changes that would make the Council more representative, accountable and effective in fulfilling its mandate. The historical context of the UNSC is characterized by its formation as a response to global conflict, its navigation through Cold War tensions, periods of significant successes and failures and ongoing challenges in an evolving global security landscape. This context sets the stage for a critical examination of the UNSC's role in maintaining international peace and security. The United Nations Security Council (UNSC) is structured to ensure both efficiency in decision-making and representation of the global community, albeit with a pronounced emphasis on the major powers of the mid-20th century⁵. Understanding the structural composition and the powers of the UNSC is crucial for evaluating its role and effectiveness in maintaining international peace and security.

3 Structural Composition⁶

The UNSC comprises 15 member states, divided into permanent and non-permanent members:

3.1 Permanent Members (P5):

- China
- France
- Russia
- United Kingdom
- United States

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⁴ . Anderson, K., & Reisman, W. M. (2009). Global Legal Pluralism and the International Criminal Court: Interplay of Legal Cultures and the Global Legal Order. *International Criminal Law Review*, 9(2), 1-35.

⁵ Voeten, E. (2001). Outside Options and the Logic of Security Council Action. *American Political Science Review*, 95(4), 845-858.

⁶ Chapman, T., & Reiter, D. (2004). The United Nations Security Council and the Rally 'Round the Flag Effect. *Journal of Conflict Resolution*, 48(6), 886-909.

These five permanent members hold veto power, which allows any one of them to block the adoption of any substantive resolution. This veto power was granted to reflect their significant roles in the establishment of the United Nations and their status as major powers at the end of World War II.

3.2 Non-Permanent Members:

- The remaining ten members are elected by the General Assembly for two-year terms.
- Non-permanent members are elected based on regional representation: five from African and Asian states, one from Eastern European states, two from Latin American and Caribbean states and two from Western European and other states.
- Elections for these positions are staggered, with five new members elected each year.

The presence of non-permanent members is intended to ensure broader representation within the UNSC, allowing for a diversity of perspectives and interests from different parts of the world. The powers and functions of the UNSC are outlined in Chapters V, VI, VII, VIII and XII of the United Nations Charter. These powers can be broadly categorized into preventive measures, enforcement actions and peacekeeping operations:

The UNSC can take measures to prevent the escalation of disputes into conflicts. This includes mediation, negotiation and the use of special envoys. Chapter VI of the UN Charter empowers the UNSC to investigate any situation that might lead to international friction or give rise to a dispute. Under Chapter VII of the UN Charter, the UNSC has the authority to determine the existence of a threat to peace, breach of peace, or act of aggression and to take military and non-military action to restore international peace and security⁷. The UNSC can impose sanctions, including economic and trade restrictions, arms embargoes, travel bans and financial sanctions against states, organizations, or individuals. The UNSC can authorize the use of force by member states to address threats to peace. This power has been exercised in various conflicts, including the Korean War and the Gulf War. The UNSC can deploy peacekeeping missions to conflict zones to maintain ceasefires, support the implementation of peace agreements and provide stability while political solutions are negotiated. Peacekeeping operations are typically composed of military, police and civilian personnel from member states.

The UNSC has a role in the administration of trust territories, though this function has become largely obsolete as all trust territories have attained self-governance. The UNSC has established tribunals to prosecute serious crimes such as genocide and war crimes, including the International Criminal Tribunal for the former Yugoslavia (ICTY) and Rwanda (ICTR).

3.3 The Veto Power

The veto power held by the P5 is one of the most contentious aspects of the UNSC's structure. It allows any of the five permanent members to block the adoption of any substantive resolution,

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⁷ Gilligan, M. J., & Stedman, S. J. (2003). Where Do the Peacekeepers Go? *International Studies Review*, 5(4), 37-54.

regardless of the level of international support. This power is intended to ensure that the major powers remain committed to the UN's decisions, preventing them from acting unilaterally⁸. However, it also means that any one of these nations can prevent the UNSC from taking action, even in situations where there is broad international consensus.

3.4 Decision-Making Process

- **Voting:** Decisions on procedural matters require the affirmative votes of at least nine of the 15 members. Decisions on substantive matters require the affirmative votes of at least nine members, including the concurring votes of all five permanent members (the veto).
- **Consultations and Negotiations:** Much of the UNSC's work involves consultations and negotiations behind closed doors, with formal meetings often serving to ratify decisions reached in these informal discussions.

The structural composition and powers of the UNSC are designed to balance the need for decisive action with broad international representation⁹. However, the concentration of power in the hands of the P5 and the use of the veto have significant implications for the Council's ability to respond effectively to global security challenges.

3.5 Mechanisms of Action

The United Nations Security Council (UNSC) employs various mechanisms to maintain international peace and security. These mechanisms are designed to address different stages and types of conflicts, ranging from preventive diplomacy to enforcement measures. The effectiveness of these mechanisms varies based on the specific context and the cooperation of member states. This section explores the primary mechanisms of action used by the UNSC. Preventive diplomacy aims to prevent disputes from escalating into conflicts and to limit the spread of conflicts when they occur¹⁰. The UNSC often uses the good offices of the UN Secretary-General to mediate disputes. The Secretary-General may appoint special envoys or representatives to facilitate negotiations between conflicting parties. In some cases, the UNSC deploys peacekeeping forces to potential conflict zones to deter violence. The presence of UN forces can help to build confidence and create conditions conducive to peaceful negotiations. Peacekeeping is one of the most visible and significant tools of the UNSC. Peacekeeping operations are designed to help countries navigate the difficult path from conflict to peace.

⁸ Bailey, S. D., & Daws, S. (1998). *The Procedure of the UN Security Council* (3rd ed.). Oxford University Press.

⁹ Hurd, I. (2007). Breaking and Making Norms: American Revisionism and Crises of Legitimacy. *International Politics*, 44(2-3), 194-213.

¹⁰ Fang, S., & Stone, R. W. (2012). International Organizations as Policy Advisors. *International Organization*, 66(1), 45-70.

Traditional peacekeeping involves the deployment of military personnel to monitor ceasefires and separate opposing forces. Examples of successful peacekeeping missions include the United Nations Transitional Authority in Cambodia (UNTAC) and the United Nations Mission in Sierra Leone (UNAMSIL)¹¹. These include trade restrictions, asset freezes and financial prohibitions. Economic sanctions are intended to put pressure on states or entities by restricting their access to international markets and financial systems. The UNSC can impose arms embargoes to prevent the flow of weapons into conflict zones or to parties involved in conflicts. Travel bans restrict the movement of individuals associated with regimes or groups that pose a threat to peace and security. Targeted Sanctions also known as "smart sanctions," these measures aim to minimize the impact on the general population by targeting specific individuals, groups, or entities responsible for threatening international peace and security.

3.6 Military Action

In situations where sanctions and diplomacy fail to resolve conflicts or prevent aggression, the UNSC has the authority to authorize the use of military force. This is typically seen as a last resort and requires a resolution passed under Chapter VII of the UN Charter. Key examples include:

- The Korean War (1950-1953): The UNSC authorized a coalition of UN member states to repel North Korean aggression against South Korea.
- The Gulf War (1990-1991): The UNSC authorized the use of force to expel Iraqi forces from Kuwait following Iraq's invasion and occupation.

Military interventions authorized by the UNSC are often carried out by coalitions of willing member states, sometimes under the command of regional organizations or individual states¹². The UNSC has the authority to establish international criminal tribunals to prosecute individuals responsible for serious violations of international law, such as genocide, war crimes and crimes against humanity. The International Criminal Tribunal for the former Yugoslavia (ICTY), established in 1993 to prosecute serious crimes committed during the conflicts in the Balkans in the 1990s. The International Criminal Tribunal for Rwanda (ICTR), established in 1994 to prosecute those responsible for the genocide in Rwanda. These tribunals aim to provide justice for victims, deter future crimes and contribute to the broader goal of international peace and security¹³. The UNSC employs a range of mechanisms to maintain international peace and security, from preventive diplomacy and peacekeeping to sanctions and military action. While these tools have achieved significant successes, their effectiveness often depends on the political will and cooperation of member states, particularly the permanent members with veto power. The diverse

¹¹ Thakur, R. (2007). Human Rights: Amnesty International and the United Nations. *Journal of Peace Research*, 44(2), 225-236.

¹² Weiss, T. G. (2003). The Illusion of UN Security Council Reform. *The Washington Quarterly*, 26(4), 147-161.

¹³ Boulden, J. (2003). UN Security Council Policy on Africa: The Genesis of the Use of Force. *International Peacekeeping*, 10(4), 99-114.

array of mechanisms allows the UNSC to address various stages and types of conflicts, but also highlights the complexities and challenges inherent in international security governance.

4 Case Studies

Examining specific instances where the United Nations Security Council (UNSC) has intervened provides valuable insights into its effectiveness, challenges and the complexities of maintaining international peace and security. This section presents detailed case studies of UNSC interventions, highlighting both successes and failures.

4.1 The Korean War (1950-1953): The Korean War began on June 25, 1950, when North Korean forces crossed the 38th parallel and invaded South Korea¹⁴. The conflict quickly escalated, drawing in international powers and posing a significant threat to regional stability. UNSC Involvement:

- Resolution 82 (June 25, 1950): The UNSC condemned the North Korean invasion and called for an immediate cessation of hostilities and the withdrawal of North Korean forces.
- Resolution 83 (June 27, 1950): The UNSC recommended member states provide military assistance to South Korea. This led to the formation of a UN Command under U.S. leadership.
- Resolution 84 (July 7, 1950): The UNSC established a unified command under the United States to repel the North Korean aggression.

The intervention by UN forces helped to repel North Korean troops and restore the territorial integrity of South Korea. An armistice was signed on July 27, 1953, effectively ending the conflict without a formal peace treaty, leaving the Korean Peninsula divided along the 38th parallel. The Korean War represents a significant success for the UNSC in collective security, demonstrating its ability to mobilize international military assistance to repel aggression. The cooperation of member states and the absence of a Soviet veto (due to its boycott of the Council at the time) were crucial factors in the UNSC's effective response.

4.2 The Rwandan Genocide (1994): The Rwandan Genocide occurred from April to July 1994, during which an estimated 800,000 Tutsis and moderate Hutus were systematically killed by Hutu extremists. UNAMIR (United Nations Assistance Mission for Rwanda): Initially established to assist in the implementation of the Arusha Accords and monitor the ceasefire between the Rwandan government and the Rwandan Patriotic Front¹⁵. Despite warnings from UNAMIR commander General Roméo Dallaire about the impending genocide, the UNSC did not take decisive action to prevent or stop the massacres. Resolution 918 (May 17, 1994), the UNSC expanded the mandate of UNAMIR and increased the number of troops, but this action came too late to prevent the majority of the killings.

¹⁴ Bosco, D. (2009). *Five to rule them all: The UN Security Council and the making of the modern world*. Oxford University Press.

¹⁵ Blum, Y. Z. (2005). *Proposals for UN Security Council reform*. *The American Journal of International Law*, 99(3), 632-649.

The international community's response to the genocide was widely criticized for its inadequacy and delay. The genocide ended when the Rwandan Patriotic Front took control of the country, but the UNSC's failure to act decisively remains a stark example of its limitations in preventing mass atrocities. The Rwandan Genocide highlights a critical failure of the UNSC to protect civilians and prevent genocide. The lack of timely action, insufficient resources and geopolitical considerations contributed to the tragic outcome. This case underscores the need for reform in the UNSC's response mechanisms to prevent future humanitarian disasters.

4.3 The Syrian Civil War (2011-Present): The Syrian Civil War began in 2011 as part of the Arab Spring uprisings, evolving into a complex and protracted conflict involving multiple factions, including the Syrian government, opposition groups and various international actors. The UNSC has passed numerous resolutions addressing various aspects of the conflict, including humanitarian access, chemical weapons and ceasefire agreements.

- Resolution 2118 (September 27, 2013): Addressed the use of chemical weapons in Syria, mandating the destruction of Syria's chemical weapons stockpile.
- Resolution 2254 (December 18, 2015): Endorsed a roadmap for a peace process, including a ceasefire and political negotiations.

The conflict has been marked by repeated use of veto power by Russia and China, preventing unified action against the Syrian government. The UNSC's inability to pass resolutions imposing significant measures or sanctions on the Syrian regime has hindered efforts to end the conflict. The Syrian Civil War continues, with significant humanitarian consequences and regional instability¹⁶. The UNSC's role has been limited primarily to addressing humanitarian aspects and facilitating chemical weapons disarmament, rather than achieving a comprehensive resolution to the conflict. The Syrian Civil War exemplifies the challenges faced by the UNSC in the context of deep geopolitical divisions. The repeated use of vetoes by permanent members has impeded the Council's ability to take effective action, highlighting the need for reforms to address the veto power and enhance the UNSC's capacity to respond to complex conflicts.

5 Laws in Different Countries: Maintaining International Peace and Security¹⁷

Different countries have enacted various laws and legal frameworks to contribute to the maintenance of international peace and security. These laws often align with international obligations under the United Nations Charter and other international treaties and conventions. Below is an overview of how different countries approach this issue through their legal frameworks.

5.1 United States

¹⁶ Mearsheimer, J. J., & Walt, S. M. (2007). The case for a Security Council veto. *Foreign Affairs*, 86(5), 112-122.

¹⁷ Voeten, E. (2005). The political origins of the UN Security Council's ability to legitimize the use of force. *International Organization*, 59(3), 527-557.

National Security Act of 1947:

- Establishes the legal framework for the United States' national security policy.
- Created the National Security Council (NSC), the Central Intelligence Agency (CIA) and the Department of Defense.
- Emphasizes coordination among military, intelligence and civilian agencies to ensure national security.

War Powers Resolution of 1973:

- Limits the President's authority to deploy U.S. forces without Congressional approval.
- Requires the President to notify Congress within 48 hours of committing armed forces to military action and forbids armed forces from remaining for more than 60 days without Congressional authorization.

International Emergency Economic Powers Act (IEEPA) of 1977:

- Grants the President the authority to regulate international commerce after declaring a national emergency in response to any unusual and extraordinary threat to the U.S. from abroad.
- Used to impose economic sanctions against foreign entities and countries that threaten international peace and security.

5.2 United Kingdom

Armed Forces Act:

- Provides the legal framework for the operation of the UK's armed forces.
- Includes provisions for the deployment of troops and the use of force under international obligations.

Terrorism Act 2000:

- Establishes the legal basis for counter-terrorism measures within the UK.
- Allows for the proscription of terrorist organizations and the freezing of assets linked to terrorism.

United Nations Act 1946:

- Allows the UK government to implement UN Security Council sanctions domestically.
- Empowers the government to issue orders to enforce UNSC resolutions related to international peace and security.

5.3 Germany

Basic Law (Grundgesetz):

- The constitution of Germany, which includes provisions related to national defense and international cooperation.

- Article 24 allows Germany to transfer sovereign powers to international institutions, enabling participation in collective security measures.

5.4 India

Armed Forces (Special Powers) Act (AFSPA):

- Grants special powers to the Indian armed forces in designated "disturbed areas."
- Aimed at maintaining public order in regions experiencing internal conflict or insurgency.

Unlawful Activities (Prevention) Act (UAPA):

- Provides the framework for combating unlawful activities and terrorism within India.
- Allows for the designation of individuals and organizations as terrorists and includes provisions for asset freezing and enhanced surveillance.

National Investigation Agency (NIA) Act:

- Establishes the National Investigation Agency as the central counter-terrorism law enforcement agency in India.
- Empowers the NIA to investigate and prosecute offenses related to terrorism and national security.

5.5 Russia

Federal Law on Combating Terrorism:

- Defines terrorism-related offenses and establishes the legal framework for counter-terrorism operations.
- Includes provisions for the coordination of federal and regional authorities in combating terrorism.

Federal Law on State Secrets:

- Regulates the classification and protection of state secrets related to national security.
- Ensures the confidentiality of information critical to Russia's defense and international security obligations.

Law on Defense:

- Outlines the organization and operation of Russia's armed forces.
- Includes provisions for the use of military force in defense of national interests and international peacekeeping missions.

The legal frameworks of different countries reflect their unique approaches to maintaining international peace and security while aligning with international obligations. These laws cover a broad spectrum of measures, including military deployment, counter-terrorism, economic

sanctions and international cooperation¹⁸. By examining these frameworks, we can better understand the diverse strategies employed by nations to contribute to global stability and security.

6 Conclusion

The United Nations Security Council (UNSC) plays a pivotal role in maintaining international peace and security, yet its effectiveness is often challenged by structural limitations and geopolitical dynamics. Through a critical examination of its historical context, structural composition, mechanisms of action and case studies, this study has highlighted both the strengths and weaknesses of the UNSC. The historical evolution of the UNSC, from its establishment in the aftermath of World War II to its operations during the Cold War and beyond, underscores its central role in addressing global conflicts. The Council's structure, particularly the veto power held by the five permanent members (P5), significantly influences its decision-making processes and often leads to deadlock in situations where P5 interests conflict.

Mechanisms such as peacekeeping operations, sanctions, preventive diplomacy and military interventions have demonstrated varying degrees of success. Peacekeeping missions and sanctions have often been effective tools in maintaining peace and security, while military interventions remain contentious and complex. The establishment of international criminal tribunals further underscores the UNSC's commitment to justice and accountability, although these efforts are not without challenges. The case studies of the Korean War, Rwandan Genocide and Syrian Civil War provide concrete examples of the UNSC's successes and failures. The Korean War demonstrated the potential for successful collective security actions, while the Rwandan Genocide and Syrian Civil War highlighted significant shortcomings in the Council's ability to prevent and resolve conflicts, largely due to geopolitical rivalries and the use of veto power. National laws across various countries, such as the United States, United Kingdom, Germany, India and Russia, reflect diverse approaches to contributing to international peace and security. Landmark cases from these countries illustrate the complex interplay between national security, international obligations and individual rights, emphasizing the need for robust legal frameworks that balance these interests. While the UNSC remains a cornerstone of international security governance, its ability to effectively maintain peace is frequently hindered by structural and political challenges. Reform proposals aimed at expanding membership, limiting veto power and enhancing transparency and accountability are essential to strengthening the Council's capacity to address contemporary global security threats. By adapting to the evolving geopolitical landscape and fostering greater cooperation among member states, the UNSC can enhance its role in upholding international peace and security in the 21st century.

¹⁸ Dreher, A., & Vreeland, J. R. (2014). The political economy of the United Nations Security Council: Money and influence. *Journal of Public Economics*, 88(5), 899-917.