

## **UN Security Council ... a Legal Critical Approaches**

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### **Summary**

The Security Council, as one of the principal organs of the United Nations, holds a unique and vital role. Member states have entrusted it with the crucial responsibility of maintaining international peace and security.

Comprising only fifteen members of the United Nations, the Security Council is a limited-member body. Among these members, five hold a unique and historical status as permanent members. These states (China, Russia, France, Britain, and the United States) were the victorious states in World War II, a historical advantage recognized in the text of the Charter.

The Charter of the United Nations granted these states an advantage over others by allowing them to use the right of veto in voting on resolutions related to substantive (non-procedural) issues considered by the Council.

The Security Council's powers, outlined in the UN Charter, are primarily focused on maintaining international peace and security. These powers can be preventive, as per Chapter VI, or repressive, as per Chapter VII.

As for Chapter VI, the Security Council may recommend to States that a dispute whose continuation is likely to endanger international peace and security be resolved by one of the peaceful means recognized in international law, including those contained in Article 33 of the Charter, or recommend to them what it deems appropriate elements for its resolution.

Under Chapter VII, the Council wields significant authority. As per Article 39 of the Charter, it has the right to determine whether there has been a threat to the peace, breach of the peace, or act of aggression. It can then

recommend or decide on the necessary military or non-military measures to maintain or restore international peace and security.

Examining the Security Council from a legal standpoint presents several significant and complex legal questions, particularly those concerning the Council's legal nature, which remain prone to misinterpretation in international legal jurisprudence.

The study investigates the role and function of the Security Council. It addresses several issues related to the Council's resolutions, precisely the distinction between substantive and procedural matters. Additionally, it explores the limitations of using the veto as dictated by positive international law, the legal nature of the Council's resolutions, and the circumstances under which these resolutions impose legal obligations on states. There is a degree of legal and practical ambiguity surrounding this issue.

The study also explores maintaining international peace and security, including the limitations of the Council's authority to determine whether a conflict threatens or breaches international peace or constitutes an act of aggression. Additionally, it addressed the restrictions that limit the Council's powers.

The study critically examined the standards and checks that govern the functioning of the Council. It also aims to address some of the challenges that impede its effectiveness and offers several suggestions for improvements until the United Nations Security Council (UNSC) undergoes medium-level reform.