CHAPTER - I

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The aims of the United Nations are diverse, generous and ambitious. They range from the feeding of starving peoples to the development of self-government in backward territories. But the keystone of the whole structure is the maintenance of peace. Without peace, there can be no economic or social progress; there can be no raising of the stature of mankind; none of the noble purposes set out in the opening words of the charter can possibly be achieved. Indeed the two terrible wars through which we have lately passed not only obstructed humanity's natural progress but set civilization back many years; and in any future war in which atomic weapons were used, civilization itself might easily go under. Peace then, must be the first and most essential objective of the United Nations.

However, the principal organ established by the United Nations to preserve peace and security is the security council which consists of fifteen members - five permanent and ten non permanent. The number of members has been increased from 11 to 15 (5+10). It is the organ that is given primary

2. Ibid,
responsibility by the Charter for the maintenance of international peace and security and the Member-States of the United Nations have agreed to accept and carry on the decisions of the Security Council. Article 24(1) provides:

"In order to ensure prompt and effective action by the United Nations, its members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.

Hence, the Security Council is not allowed to wait until somebody else points out a menacing situation to it. It can at any time, decide to consider a threat to the peace at the request of one of its members, or of any other state, or of the General Assembly, or of the Secretary General; but it is clearly the intention of the Charter that the Security Council itself must always be on the watch for signs of trouble.


and it is presumably for this reason that the Secretary-General, who as an international official should be free from the natural reluctance of any nation to involve itself or others in unpleasantness, is empowered to draw the attention of the Security Council which in his opinion may threaten the maintenance of international peace and security.

The United Nations Charter places all the authority firmly in the hands of the Security Council. The Security Council has complete discretion in determining whether peace is threatened. It does not have to decide whether the Charter is being violated, which could involve all sorts of quibblings over the interpretation of the text. It has only to decide the simple question: does a threat to, or breach of, the peace exist? It deals with "dispute" or "situation" likely to endanger peace and recommends appropriate methods of settlement. Article 33 to 51 lay down their appropriate methods which the Security Council may adopt to maintain international peace, such as "negotiation", "inquiry", "mediation", conciliation "arbitration", "judicial settlement" and setting the matter through regional arrangements.

5. Boyd Andrew, op.cit., p. 58. See also Article 99 of the Charter.

6. Ibid., p. 59.
A country may use any other way of settling the dispute peacefully that it likes.

Furthermore, a considerable portion of the UN Charter is directed towards the establishment and maintenance of a system of collective security (collective security means collective action taken by the security Council) and in effect particularly all the rest of it may be regarded as ancillary to this over all objectives. The main provisions in Chapter VI and VII are devoted respectively to the pacific settlement of disputes and to measures designed towards of threats to the peace to suppress aggression. The Charter assigns primary responsibility for all actions that may require enforcement, including the use of arm force to the Security Council, and the members of the United Nations obligate themselves to join in carrying out of the decisions of the Security Council in this respect. The Charter also gives priority to the Security Council in the handling of disputes or situation likely to endanger international peace and security. It has the authority to investigate disputes or situations likely to endanger international peace and security to call on the parties to settle them by peaceful means - as all members are pledged to do - and to take over, when the parties to a dispute fail to

settle it, and recommend "such terms of settlement as it may consider appropriate". The General Assembly is debarred from making recommendations on any dispute or situation while the Security Council is occupied with it except at the Security Council's request.

It is worthy of note that little attention has been given to the "enforcement" provisions set out in Chapter VII, although particularly all of them make suggestions, proposals, and comments bearing on the pacific settlement of disputes. In the early years of the United Nations, there was much controversy among the major powers over the interpretation and implementation of the provisions of Chapter VII - especially over the designation of armed forces that members were to make available to the United Nations and for the marshalling and direction of these forces to preserve the peace or prevent aggression.

According to the theory of the Charter, should the Security Council fail to halt the progress of a threat to or breach of peace, it is then expected to employ some form of


9. Ibid., p. 85.
enforcement action. The decision on the collective measures to be taken is binding on all members of the United Nations since they, in Article 25, 'agree to accept and carry on the decisions of the Security Council in accordance with the present Charter. The Council may also make recommendations on the measures which should be adopted, as it did in Korea such recommendation is not binding and leaves to each member the ultimate decision whether to proceed with collective measures.

Consequently, power is conferred on the Security Council in such cases to recommend appropriate procedures or methods of adjustment. Should the parties to the dispute fail to settle it by the means indicated by the Security Council, they shall refer it to the Security Council, which may recommend such terms of settlement as it may consider appropriate. Chapter VII confers jurisdiction on the Security Council to "determine the existence of any threat to the peace, breach of peace, or act of aggression and shall make recommendations, or decide what measures shall be taken with Articles 41 and 42, to maintain or restore international peace and security". It is empowered, in order to prevent an aggravation

of the situation before making its recommendations or deciding upon the measures provided for in Article 39, to call upon measures as it deems necessary or desirable.

However, Article 41 empowers the Security Council to decide upon measures not involving the use of armed force to give effect to its decisions. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio and of other means of communication, and the severance of diplomatic relations”.

Sanctions in this category are to be exercised by the members themselves since the council is authorized only to “call upon the members of the United Nations to apply such measures. These may be as effective as the use of armed force. An economic boycott can be particularly severe and destroy or seriously weaken the military establishment of a state. Once sanctions have been ordered, even if they are non-military only, the duty of the council has been fulfilled. It is not obligated to go beyond such measures.


And Article 42, empowers the Security Council, should it consider that measures provided for in Article 41 would be inadequate, to take such action by air, sea or land forces as may be necessary to maintain or restore International peace and security. Such action may include demonstration, blockade, and other operations by air, sea or land forces of Members of the United Nations.

By Article 43, all members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage necessary for the purpose of maintaining international peace and security. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and members or between the Security Council and groups of members and shall be subject to ratification by the signatory states in accordance with their

respective constitutional process.

Furthermore, Article 46 provides that "plans for the application of armed forces shall be made by the Security Council with the assistance of the military staff committee". And Article 47 provides for the establishment of a military committees to advise and assist the Security Council on all questions relating to the Council's military requirements for the maintenance of international peace and security. It also provides for its constitution and its responsibilities. The "teeth" of the Security Council are to be found in Articles 41 to 59 of the Charter. These articles not only empower the Security Council to use effective force in the event of a threat to the peace; they also give it every facility for making its preparations, so that the force will be ready at an instant's notice if an emergency arises. It is proved that the over-riding authority of the Security Council is the most striking feature of the Security System.

17. Boyed Andrew, op.cit., p. 60.
Though these provisions in Chapter VII do not contain any specific power entitling the Security Council to establish a force of the United Nations itself, it contains large powers to take enforcement measures to deal with threats to the peace, breaches of the peace and acts of aggression. The Council has exercised the powers under Chapter VI and VII on a number of occasions with significant success in the cause of international peace. By reason, however, of the dissensions among its permanent Members, it has failed to act at several critical junctures, particularly when the action called for is in respect of the threats to, or breaches of, the peace by one of the 18 Permanent Members. Even in relation to the Security Council and enforcement action, certain aspects of the Dumbarton Oaks proposals were open to serious objection. Firstly, it was necessary to lay down at San Francisco that action by the Security Council should be based not upon political considerations but upon accepted principle of just international behaviour. Secondly, under the voting formula agreed upon at Yalta, the Big Five were given a privileged position in the Security Council not only in being made permanent members of the Security Council they were also given the right of individual

"veto" on all questions of substance; thirdly, no provisions were made in Chapter VIII, section C of the Dumbarton Oaks draft (regional arrangements) which clearly protected the right of individual or collective self-defence if a country were attacked and the Security Council failed to take action. Fourthly, while situations or disputes arising out of matters which by International Law are solely within the domestic jurisdiction of the state concerned were excluded from the operation of Chapter VIII section A (Pacific settlement), there was no corresponding exception in Chapter VIII, section B (enforcement action).

However, as written at San Francisco, after a lengthy process of elaboration in which the United States played a leading role, the Charter set the maintenance of international peace and security as the first purpose of the organization. It prescribed two principle approaches to the achievement of this purpose: Collective measures for preventing or removing threats to the peace or breaches of the peace, and adjustment or settlement of international disputes or situation by peaceful means. The regulation of armaments was made a subsidiary approaches with emphasis upon agreements to make armed forces

and facilities available to the Security Council and upon achieving "the least diversion for armaments of the world's human and economic resources" consistent with the assured maintenance of international peace and security.

The primary responsibility for doing these things was placed on the Security Council and with voting procedures so defined that no decision other than a procedural one could be taken except with concurrence of the Big Five. This gave assurance that no action could be taken against a permanent members or without his consent. The powers given to the Security Council were such as to give assurance that once the permanent members were in agreement and had the support of two other members - which would in all likelihood not be difficult to achieve effective action could be taken to maintain peace and security. The requirement of unanimity, moreover, was regarded as assurance that the coercive power veted in the Security Council would not be abased. Thus, in effect, the maintenance of international peace and security was to be made the responsibility of a "concert of the permanent members.

21. Ibid.
2* Now four members.
Hence, the Great Powers realised that every nation has an equal interest in the maintenance of peace and security, the main burden of maintaining that peace ultimately and necessarily would fall upon their shoulders. They also know that political decisions could be reached and implemented only to the event that they corresponded to the political realities and that important international decisions would be taken mostly in the context of prevailing power. In other words, they were conceived the United Nations more as a political then as a legal or doctrine instrument for the presentation of peace and security.

The framers of the Charter of the United Nations gave up the traditional unanimity rule that had been observed in the covenant of the League of Nations, except in the case of Big Five (the U.S.A., U.K., U.S.S.R., France and the People's Republic of China) of the Security Council. Since they felt that peace required the unanimity or not all powers but only of those who had the means of maintaining it, they recognized in the scheme of the organization the special role to be played by the permanent members and modified the principle of the sovereign quality of states on which the organization was based by granting them special voting privileges in the Security Council. In this connection Article 27 of the Charter provides


23. Ibid.
that:

1. Each member of the Security Council shall have one vote
2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members.
3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members, provided that in decisions under Chapter VI, and under paragraph 3 of article 52, a party to a dispute shall abstain from voting.

Procuderal questions may be decided by an affirmative vote of any seven members of the Council.

On any point of substance a permanent member of the Security Council, can therefore block a decision which is distasteful to him. This “veto power” has been fiercely criticized over since it was agreed upon by President Roosevelt, Marshall Stalin and Churchill at the Yalta Conference in February 1945. It was attacked at San Francisco, during the General Assembly’s London session, and in some of the first

meetings of the Security Council itself. To justify it, some of the creators of the United Nations point out that the Big Five will in any case have to play the main parts in preventing any future aggression, and their armed forces will be the Security Council's real weapon; that these powers would not adhere to the United Nations if they were thereby liable to lose control of their armed forces; and that it is essential to the very existence of the organization that the great powers should not leave it as they left the league. Their opponents reply that the veto gives the powers an implicit right to violate the Charter when they please, and protects them from the consequences.

Furthermore, the "veto" described as the use of negative vote by a permanent members to prevent the adoption of a proposal which has received the required number of affirmative votes. But decisions regarding the preliminary questions as to whether a matter is procedural or not, must be taken by the vote of nine members including the concurring vote of Five Permanent members. It means that a permanent members can prevent any matter to be


classified as procedural against it will. It is here "Double veto" operates.

This is open to abuse. However there is a way out. The president of the Security Council has the power to rule whether a matter is procedural or not and the president ruling stand unless reversed by a majority of nine members. Thus, in this way the double veto can be by-passed. Members who seek to restrict the application of the so-called "double veto" stress the applicability of Rule 30 and argue that if the President rules that a particular vote is procedural, his ruling stands unless overruled by a procedural vote. Following the vote on the proposal to invite a representative of the complaint of armed invasion of Taiwan, the president declared the proposal adopted even though a permanent member voted against it. After the representative of the Republic of China invoked the San Francisco statement, the President asked the Council to vote on the question whether the vote taken was procedural. The vote was 90 to 1 (China) With one abstention in favour of the procedural nature of the proposal. The President declared the proposal the proposal adopted and then, interpreting the Chinese representative's statement as a challenge to this ruling, he put the challenge to a vote under Rule 30. There were no votes in favour,

no votes against, and no abstentions. The President then declared that his decision stood. However, great care is to be taken by the President while giving this ruling because all the Big Five want to retain veto power and misuse of the power by the President may undermine the principle of Great power hegemony upon which the Council and the Charter is based.

The Charter makes explicit provision for only in the case of Security Council decisions under Chapter VI and Article 52(3), when a party to the dispute must abstain from voting. Neither the Charter nor the council's provisional Rules of procedure contain any provisions explicitly defining the effect to be given to an abstention or an absence in Security Council voting. However, voluntary abstention is not interpreted as veto. Absence is also not a veto. The Security Council has adopted a number of decisions in the absence of a permanent member. This occurred in 1946 when the Soviet representative withdrew in protest against the Council's decision to keep the


Iranian complaint on its agenda and in 1950 when the Soviet representative was absent for a period of seven months in protest against the seating of the representative of Nationalist China. During the first period, the decisions taken by the Security Council were not so clearly of a non-procedural character as to constitute firm precedents, and, furthermore, it could be that, even if present, the Soviet Union would have been obligated as a party to the dispute to abstain. During the second period, however, a number of important decisions were taken by the security Council in respect to the complaint of aggression against the Republic of Korea that were indubitably non-procedural and came under the provisions of Chapter VII. The great majority of the United Nations members viewed these as valid decisions and thereby treated an absence, like an abstention, as not constituting a veto. Consequently, the absence of a permanent members from the Security Council precipitated even more serious problems for the smooth functioning of the Security Council.

However, due to Article 27 of the United Nations Charter which provides the right of veto for the Big Five became the political pivot of the system, although it did not spell out

what would happen in the event of the Five Pillars of Peace and security using the right of veto to neutralize one another. The veto was a weapon powerful enough against small and middle powers but impotent against the Super powers. This impotence was a natural consequence of the internal schism and enmity obtaining among the great power themselves. Furthermore, the development of the cold war, however, doomed the continued collaboration among the great powers that was necessary for effective security council action. Growing disagreement manifested itself in the increasing use of veto by the Soviet Union in stalemate in trying to agree on effective measures for Security Council action, and in the use of special sessions and other devices by which peace and security questions could be transferred to the General Assembly. The nadir of Security Council activity was reached in 1959 when that body met only five times. In recent years the Security Council's role and activity have somewhat reviewed in part to the east-West detente and the common interests of the United States and the Soviet Union in resisting mounting pressures of small, underdeveloped, nations that can, and often do, dominate voting in the General Assembly. In spite of this recent trend, the Security Council has not measured up to its anticipated prominent role in the
However, in the performance of the primary function that the Security Council had achieved a considerable measure of success in dealing with those situation where its permanent members for whatever reasons, have had a sufficient interest in the maintenance of international peace and security to agree on a common course of action. In the course of doing so, the following cases will be cited:

The Indonesian Case:

The situation in Indonesia created by Dutch "Police" action to re-establish the authority of the Netherlands in Indonesia, the Security Council was able eventually to get the parties to agree to the cessation of hostilities leading to an acceptable political settlement. It must be recognized however, the Security Council action alone might not have been effective without strong supporting action of an economic nature by the United States and certain Asian States. The major powers were unwilling however, to use military force to achieve their purpose.


Palestine Question:

In dealing with the Palestine question during the initial period of crisis the Security Council achieved considerable success. After having refused to accept the General Assembly's invitation to assist in the implementation of its recommendations of November 30, 1947, for the settlement of the Palestine question, the Security Council by a series of progressively insistent requests contributed to including Israel and the Arab states to accept a cease-fire and, with the assistance of a UN mediator, to conclude armistic agreements. By a decision of the Security Council the United Nations Truce supervision Organization (UNTSO) was established with a corps of UN observers, thus providing a precedent and experience personnel for the United Nations Emergency Force (UNEF) which was established in 1956. UNTSO, in close collaboration with the four mixed Armistic Commissions established by agreements of the parties has provided procedures for continuous observation and the orderly consideration of the armistic terms, initially by the commissions and then by the Security Council on appeal. These initial arrangement, reinforced at a later time by UNEF, have succeeded well in keeping violence under control. Success in the early year especially was due largely to the common interest of the major powers in preventing the situation from
getting out of hand it for no other reason that to avoid giving a rival power an excuse to intervene militarily in the area.

Success in controlling the use of violence in Palestine was not accompanied by a corresponding measure of success in achieving the settlement of basic issues in the conflict between Israel and the Arab states. At an early stage it was concluded that the work of the acting mediator in assisting the parties in the conclusion of armistic agreements was compromised by the exercise of mediatory functions in the political dispute. Consequently, the function of peaceful settlement was given to the UN conciliation commission for Palestine established by the General Assembly in December 1948. All the efforts of commission to achieve agreed settlement of the issues separating the parties have been marked by failure.


Only under exceptional conditions, the Security Council has been effective in dealing with threats to or breaches of the peace where the vital interest of the permanent members have been directly in conflict. When following the communist coup in Czechoslovakia in February 1948, the complaint of Soviet intervention in that country was brought before the Council, any action, even the appointment of a committee to study the situation, was prevented by Soviet vetoes. It is difficult to see how an effective action could have been taken in any case, even if the right of veto had not existed, unless the Western powers were willing to risk the unleashing of a general war.

In September 1948, the Security Council was asked to consider the situation resulting from the Soviet Blockade of Berlin. The Soviet Union, by its veto, prevented any action from being taken. Again it is difficult to see what the Security Council could have done, even without the veto, without risking a general war, other than provide, as it did, the occasion for representatives of the interested parties to meet and negotiate.


39. Ibid.
Furthermore, the Security Council has the power to appoint and send observation groups and sub-committees to fulfill its primary function of international peace and security. However, as under Article 29 the Security Council has an express power "to establish such subsidiary organs as it deems necessary for the performance of its functions". The most notable examples of the use of this power have been sub-committees created to carry out the Security Council's investigating function under Article 34. For example as in Greece case. It started with the civil war following the ending of German occupation. Again it was first brought to the Security Council in January 1946 by the Ukraine with a complaint that the presence of British troops constituted interference in Greece internal affairs likely to endanger peace and security. The question was removed from the agenda after the president of the Security council took note of British and Greek declarations denying any such interference. British Foreign Secretary Ernest Bevin overoptimistically said: "The case of Greece is finished".


It was back within a year (December 1946). This time on the complaint of Greece that the Greek insurgents were receiving aid from Greece's northern neighbours, Yugoslavia, Bulgaria and Albania. The Security Council established a commission of investigation which conducted extensive observation and hearings on the spot and reported, by a majority vote, generally upholding the Greek charges.

A more ambitious "subsidiary organ was the observer group set up in Lebanon. In 1958, the Lebanese government accused the UAR of "massive, illegal, and unprovoked intervention, "threatening its national security. On the proposal of Sweden, the Security Council decided to send on "observation group" to Lebanon "to ensure that there is no illegal infiltration of personnel or supply of arms or other, material across the Lebanese borders".

In July, 1960, the breakdown of internal law and order only a few days after the Congo became independent, brought a telegram from the Congolese President and the Prime Minister

42. Feller, A.H., op.cit., p. 54.

requesting the "urgent dispatch of military assistance". The Security Council adopted a resolution authorising "the Secretary-General to take the necessary steps, in consultation with the government of the Republic of the Congo, to provide the government with such military assistance as may be necessary, until, through the efforts of the Congolese government with the technical assistance of the United Nations, the national security force may be able, in the opinion of the government, to meet fully their tasks". The force comprised troops from a number of African, Asian and European states supported by services (notably the airlift of contingents and supplies) provided by European states and the United States. It was clearly of a military nature, but, it had of its primary task the restoration of internal order within a state. Even when authority was finally given by the Security Council for ONUC to use force in the face of constant harrassment by rebel troops of the province of Katanga which had purported to recede from the Congolese Republic, the authority was couched in the most cautious terms. The resolution concerned urged the United Nations to "take immediately all appropriate measures to prevent the occurrence of civil war in the Congo, including arrangements for cease-fires, the halting of all military operations, the prevention of
clashes, and the use of force, if necessary, in the last resort."

The Congo operation was controversial because there was no clear mandate for the ONUC or the chaotic internal conditions in the Congo for their own ends. The Secretary-General Hammerskjald attempted to follow a noninterventionist course in restoring order and in assisting a Congo government to acquire the capability for handling its own political, economic, and social problems. But in the process they were attacked by self-seeking internal and external spokesman and were denied the financial support to keep the United Nations solvent.

The Security Council tried its best and passed many resolutions from time to time for peace and order and the unity and territorial integrity of the Congo.

Later, by September, 1960, the Unanimity of the great powers could no longer be obtained. Following the veto of a resolution sponsored by Tunisia and Ceylon, an emergency special session of the General Assembly was called under the uniting

44. Greig, D.W., op.cit., p. 566.
for Peace procedure. The countries of the Soviet bloc attacked
Hammerskjold's handling of the Congo operation, but the Assembly
voted by 70 votes to none (the Soviet bloc, France, and South
Africa abstaining) to confirm and strengthen the Secretary-
General's mandate. Hence, on this way the Congo operation
was transferred from the Security Council to the General Assembly

In Suez Canal dispute, the security council formulated
certain principles or courses of action and recommended them to
the disputants - or even set up machinery for implementing them
itself. Thus, in relation to the canal dispute the Security
Council laid down that any settlement should meet various
requirements, such as freedom for users from all discrimination,
respect for the sovereignty of Egypt, and the allocation of a
fair proportion of the dues to the development. Few tasks
are harder for the Security Council than the framing of such
recommendations. They must conform to the Charter's standards
of justice and the principles of International Law, at the same
time, since they depend for their effect primarily on the parties'
willingsness to implement them, they must be framed either with
a realistic eye to this practicability or as a kind of long-term

investment in Pial Justitia. _ruat coelum_. The veto generally prevents the Security Council (by contrast with the General Assembly) from too ready a resort to the later procedure, but often at the price of the Security Council's being unable to make an agreed recommendation at all. Consequently, however, due to the use of veto the major handling of questions like Hungry and Suez Canal etc. were shifted from the security Council to the General Assembly.

When the North Korean forces attacked the Republic Korea on June 25, 1950, the Security Council was presented with a unique opportunity to take action in a situation involving the conflicting vital interest of the permanent members. A unified command under the UN flag with General Mac Arthur of the US supreme commander was sent to assist the South Korea against the North Korea. It may be pointed out that the creation of the Unified command in Korea by the Security Council was possible solely because of the fortuitous absence of the Soviet representative in protest against the seating of the Chinese

49. _Ibid._, p. 96.
representative appointed by the Nationalist government. Hence, it was realized by the General Assembly that to prevent matters relating to peace and security from being "frozen" on the Security Council agenda which reduced to "impotence" the organization as a whole, it should assume some of the responsibility of the Security Council. Consequently the General Assembly adopted three closely connected resolution, the first of which is usually termed the "uniting for Peace Resolution". Its intention was to create a nucleus of collective security outside the Security Council. It provides:

"If the Security Council because of the lack of the unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breaches of the peace or act of aggression, the General Assembly will consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace

or act of aggression, the use of armed force when necessary, to maintain or restore international peace and security. If not in session at the time the General Assembly may meet in an emergency special session within twenty-four hours of the request therefor ...

However, Andrew G. Vyshinsky the Soviet representative vehemently criticized all the three resolutions. Vyshinsky said that "the Secretary-General then would be the commander-in-chief of the armed-forces of the General Assembly ... riding on a white horse...".

The adoption of the Uniting for Peace Resolution, Setalvad points out, "was virtually an amendment of the Charter, making an additional provision as it were to Chapter VII, providing for the contingency of the failure by the Security Council to exercise its primary responsibility by reason of the lack of the unanimity of the Permanent members...


58. Setalvad, M.C., op.cit., p. 32.
This transfer-device greatly enlarged the functions and competence of the General Assembly. It is the important shift of emergency power from the Veto-ridden Security Council to the Veto-less General Assembly.

However, a vital development in the functioning of the organization, which has caused deep controversy, has been the declining role of the security council and the growing importance of the General Assembly even in matters concerning International peace and security. This phenomenon is the direct outcome of the disagreement that arose between the Allies in the Second World War. The writers of the Charter envisioned complete agreement among the Five Permanent members of the Security Council, who would be collectively responsible for keeping the peace by supplying arms and men in certain contemplated situations. These situations, however, did not come about. History took a new turn; the Security Council could not act in the manner it was intended to act, and the General Assembly assumed, or has had to assume, certain function not originally contemplated in the Charter. This epitomizes the real cause of the relative change in the functions of these two organs of the United Nations. The very basis on which the founding fathers of the

59. Trygve Lie, op.cit., p. 344.
Chatter built their scheme of collective security failed to work. In important matters the Security Council found itself unable to function and there were deadlocks. The members tried boldly to fill the gap by making the General Assembly the Supreme body, and made it assume functions which really did not belong to it under the Charter. Parties to the controversy have put reliance on the language of different Articles of the Charter either to deprecate the new role assumed by the General Assembly or to justify it. This, however, is not too much purpose. The stark fact remains that the General Assembly has stepped in because the Security Council has failed to act.

However, it is true that the excessive use of the veto has been the cause of the Security Council's failure. Hence, after the Indonesian affair in 1947 (in which there was unanimity and Until the Congo crisis of July 1960, there had been no occasion on the Security Council effectively used its powers under Chapter VII, except that of Korea in 1950, and this only due to the frontiers absence of the USSR. The successive crisis of Berlin, Palestine, Indo-China, Hungry and Suez, to pick random examples have all involved the East-West

conflict of interests and, therefore, the Security Council has never used its enforcement powers. The East-West conflict destroyed the principle of unanimity upon which the whole structure of Chapter VII (and indeed the United Nations Organization itself) depends for its ability to work as intended under the Charter.

A secondary but important function of the Security Council is its participation in the elective process that it shares with the General Assembly. Before the General Assembly can admit a state as a new member of the United Nations, the Security Council must recommend admission. Since admission of a state is a substantive matter, any permanent member of the Security Council may block admission by a negative vote. The process of selecting a Secretary-General is identical to the requirements for admission of members and is, therefore, also subject to the veto. The only instance in which a majority vote of the Security Council is sufficient for a decision is in the selection of the judges of the International Court of Justice. The judges are elected by an absolute majority vote of the General Assembly and of the Security Council proceeding independently of each other.

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Throughout the history of the United Nations the prestige of the Security Council has fluctuated greatly. From an optimistic beginning, through a period of growing frustration manifested by frequent exercise of the veto and the use of the Security Council as an East-West propaganda arena, the Security Council sank in world esteem to a low point in the 1950s. As disillusionment with the effectiveness of the Security Council grew, attempts were made to strengthen the General Assembly or to utilize the initiative of the Secretary General to fill the gap. In the 1960s some sign of revivification of the role of the Security Council began to appear. Meetings were more frequent, and stalemate was avoided by the increased use of abstentions, restraint in the exercise of the veto, and efforts accommodate conflicting views in the formulation of resolutions before they were brought to vote. The effectiveness of the Security Council is inextricably tied to the utility of the whole of the United Nations, and that utility ultimately depends on the attitude and cooperation of the member governments.

Clearly the Security Council has failed to discharge its Charter responsibilities in the manner and with the degree

of effectiveness which the authors of the Charter envisaged. Furthermore, there can be little doubt that the Security Council has declined greatly in prestige and has seemed to most members of United Nations less useful than in the beginning. This decline has been accompanied by a corresponding increase in the prestige and use of the General Assembly.

From the above discussion we can say that the following factors have helped the Security Council's failure:

1. The one reason upon which most people would seem to agree is the "veto". It is common to cite the number of vetoes cast and to draw the conclusion that the excessive use of veto has been the cause of the Security Council's failure.

2. The primary cause of the decline of the Security Council and especially of its role in relation to the General Assembly must be sought in the breakdown since 1945 of wartime alliance of the Soviet Union, the United Kingdom, and the United States - the alliance whose continuation

was the assumption upon which the idea of the Security Council as the guarantor of peace was constructed. The rivalry among the major powers induced them in many cases to use the Security Council as a tool for propaganda purposes to advance their divergent political objectives rather than to harmonize the action of nations in the attainment of common purposes, as intended by the authors of the Charter. Furthermore, these same powers discovered that for the purpose of appealing to world opinion, and gaining support for their respective policies and programmes in the cold war the General Assembly provided a more effective forum than the Security Council. Hence, the work of the Security Council has been hampered by the conflicts among the former Allied powers over the peace settlement.

3. Another cause contributing to the diminishing role of the Security Council has been the post-war emergence of numerous new nations in Asia and Africa, their crucial role in the world balance of power, and their general preference for the General Assembly than the Security Council for beginning their influence to bear in connection with the issues of colonialism, human rights and
disarmament. The anxiety of the major powers to win resounding political victories by the support of these newly independent states has helped the General Assembly to gain further importance.

However, the failure of the Security Council to fulfill its primary purpose of maintaining international peace and security has led to two major developments which are as follows:

1. The first is the assumption by the General Assembly of a role which was certainly never intended for it, namely that of determining a breach of peace or an act of aggression, and recommending action by members, including the use of armed forces.

2. The second is the development of powerful regional security systems of alliances outside the United Nations, such as NATO or the Warsaw Treaty Organization, a development symptomatic of the breach of Unity between the permanent members and the lack of confidence in the efficacy of the general collective security based on the Security Council.