

Security Council

The fundamental responsibility of the Security Council, as outlined in the Chapter V of the UN Charter¹, consists of the maintenance of international peace and security.

The Security Council is organized to be able to function continuously, that means, one representative of each of its members must be present at all times at the United Nations Headquarters in New York. This requirement was adopted in order to address the weakness of the League of Nations which was frequently unable to respond quickly in case of crises.²

There are 15 Members of the United Nations in the Security Council. The five permanent members of the Security Council are: France, People's Republic of China, Russia, the United Kingdom and the United States of America. Ten other members are elected by the General Assembly. The term starts on 1 January in each year for five members. The selected members hold a two-year tenure. Every continent should be present in the Security Council, therefore the *African* bloc has three members, the *Latin America and the Caribbean*, *Asian* and *Western European and Others* blocs have two members each. The remaining one non-permanent seat in the Security Council is given to an *Arab* country, additionally either from the Asian or African bloc. From 1 January 2011 to 31 December 2012, Colombia, Germany, India, Portugal and South African are non-permanent members in the Security Council³. From 1 January 2012, Morocco, Togo, Guatemala, Pakistan and Azerbaijan⁴ will replace Bosnia and Herzegovina, Brazil, Gabon, Lebanon and Nigeria that were non-permanent members from 1 January 2010 to 31 December 2011.

The Security Council held its very first session on 17 January 1946 at Church House in London.⁵ Since its first meeting, the Council, which meets regularly, has travelled widely, holding meetings in many cities, such as Paris and Addis Ababa, as well as at its current permanent home at the United Nations Headquarters in New York City.

Under Article 27 of the UN Charter, Security Council decisions on all *substantive matters* require the affirmative votes of nine members. A negative vote, or veto, also known as the rule of "great power unanimity"⁶, by a permanent member prevents adoption of a proposal, even if it has received the required number of 9 affirmative votes. Abstention is not regarded as a veto. Historically, China (ROC/PRC) has used its veto 6 times; France 18 times; Russia/USSR 123 times; the United Kingdom 32 times; and the United States 82 times. The majority of Russian/Soviet vetoes were in the first ten years of the Council's existence⁷. Procedural matters are not subject to a veto, so the veto cannot be used to avoid discussion of an issue. The same holds for certain decisions that directly regard permanent members.

The Presidency of the Security Council rotates every month, according to the English alphabetical listing of its member States⁸. The role of president of the Security Council involves setting the agenda, presiding at its meetings, and overseeing any crises. The president is authorized to issue both presidential statements (subject to consensus among Council members) and notes, which are used to make declarations of intent that the full Security Council can then pursue. The President also usually speaks to the press on behalf of the Security Council.⁹

When a complaint concerning a threat to peace is brought, the Security Council's primary action is normally to recommend to the involved parties to try to reach agreement by peaceful means. The Security Council may undertake investigation and mediation.

Referring the principle of the Security Council, in case of a dispute leading to fighting, *"the Council's first concern is to bring it to an end as soon as possible. On many occasions, the Council has issued cease-fire directives which have been instrumental in preventing wider hostilities."*¹⁰

Furthermore, the Security Council may also send United Nations peace-keeping forces to help reduce tensions in troubled areas, keep opposing forces apart and create conditions of calm in which peaceful settlements may be sought. The Council may decide on enforcement measures, economic sanctions (such as trade embargoes) or collective military action as well.

In an overview, under the Charter, the key functions and powers of the Security Council are:

- " to maintain international peace and security in accordance with the principles and purposes of the United Nations;
- to investigate any dispute or situation which might lead to international friction;
- to recommend methods of adjusting such disputes or the terms of settlement;
- 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;
- to call on Members to apply economic sanctions and other measures not involving the use of force to prevent or stop aggression;
- to take military action against an aggressor;
- to recommend the admission of new Members;
- to exercise the trusteeship functions of the United Nations in "strategic areas"
- to recommend to the General Assembly the appointment of the Secretary-General and, together with the Assembly, to elect the Judges of the International Court of Justice."¹¹

The Security Council may use as the only UN committee the word "decide" in the operative clause of a resolution. Resolutions unanimously passed by the Security Council are legally binding¹² with regard to the chapter 7 of the UN Charter *"Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression"* whilst resolutions from other UN organs are solely recommendations without any obliging characters. Nonetheless, if the Security Council cannot reach consensus or a resolution is vetoed by a permanent member, a Presidential Statement can be created, which has similar content, format and tone to resolutions. However, a Presidential Statement is in contrast to a Security Council resolution not legally binding¹³, but to express the Security Council's concern about a certain issue and to exercise political pressures.

References:

[1]<http://www.un.org/en/documents/charter/chapter5.shtml> (on 2 December 2011)

[2]http://avalon.law.yale.edu/20th_century/leagcov.asp (on 2 December 2011)

[3]<http://www.un.org/sc/members.asp> (on 6 December 2011)

[4]<http://www.reuters.com/article/2011/10/24/us-un-council-idUSTRE79N7PV20111024> (on 6 December 2011)

[5]http://www.un.org/depts/dhl/landmark_sc/administrative.htm (on 6 December 2011)

- [6]<http://www.britannica.com/facts/5/368936/veto-as-discussed-in-United-Nations-UN-international-organization> (on 2 December 2011)
- [7]<http://www.globalpolicy.org/component/content/article/102/32810.html> (on 5 December 2011)
- [8] http://www.un.org/Docs/sc/unsc_background.html (on 5 December 2011)
- [9]http://www.missionofportugal.org/pmop/index.php?option=com_content&view=article&id=49&Itemid=54 (on 5 December 2011)
- [10]http://www.un.org/Docs/sc/unsc_background.html (on 5 December 2011)
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- [12]http://www.mpil.de/shared/data/pdf/pdfmpunyb/wood_2.pdf, pp 77 (on 7 December 2011)
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