

The members are
now necessary for a
decision.



The expanded 15-member Security Council took office on January 1, 1966, in terms of the amendments to the United Nations Charter, which were approved by the General Assembly in 1963, and which became effective on September 1, 1965, after being ratified. Under the terms of expansion five of the ten non-permanent seats go to Afro-Asians (three Africans and two Asians), two to West Europe and others, and two to Latin America. The ten non-permanent members are elected by the General Assembly for a period of two years. The retiring member-State is not eligible for reelection immediately after the expiration of its term in order to enable other States to take their term at membership of the Security Council.

The Charter provides for a continuous session of the Security Council and every member-State, which is represented on the Council, is required to maintain a delegate at the Headquarters of the United Nations. The Council must meet at least once every two weeks or as often as is necessary. The Charter permits the Council to hold its meetings at any place other than the Headquarters if that would facilitate the work of the Council. Each member of the Council has one vote and on matters of a procedural nature, votes of nine members are now necessary for a decision.

On substantive matters, too, the affirmative majority of the nine members, as against seven before 1 January, 1966, are required, but the affirmative majority of nine votes must include the concurring votes of all the permanent members. Any decision to impose sanctions, either economic or military, must be taken with the concurrence of the five permanent members even if one of them is a party to the dispute which is before the Council. It

means that any permanent member, by disagreeing with the majority, can veto the proposition.

This process of obtaining concurring votes of all permanent members is known as the unanimity of the “ Big Five.” There is, however, one exception to this rule. When the Security Council is considering peaceful settlement of a dispute, a member-State which is a party to the dispute abstains from voting.

Only the members participate and vote in the proceedings of the Security Council, but in certain circumstances countries not represented on the Council and even countries not members of the United Nations may participate in the proceedings without the right of voting. This may happen, first, whenever the Council considers that the interests of any particular member-State are specially affected in the discussion of any question. Secondly, if a member is a party to a dispute under consideration of the Security Council, it must be invited to participate in the discussion without a vote.

Even States which are not members of the United Nations may be invited to participate in the discussion of any dispute to which they are a party on just conditions to be laid down by the Council. The Security Council elects its own President and that office rotates month by month among members. The position and authority of the Security Council is the most important. The Charter confers on the Security Council the primary responsibility of maintaining international peace and security. It further lies down that if member-States are parties to a dispute which is likely to endanger peace,

they must seek a solution by all possible peaceful means. If they fail to settle their disputes by negotiations, inquiries, mediation, consultation, judicial settlement or by other peaceful means, it is the duty of the Security Council to call upon the parties to settle their disputes. The Council is further empowered to investigate any situation which may cause international friction or dispute in order to determine whether the situation is likely to endanger peace and security of the world.

Apart from the Security Council's own initiative, it is open to any one of the member-States to draw the attention of the Security Council or the General Assembly to such a situation or dispute. Even a non-member State of the United Nations can bring any dispute to which it is a party to the notice of the Security Council or the General Assembly, provided it accepts beforehand the obligation of a peaceful settlement under the terms of the Charter. The Secretary-General may likewise bring to the attention of the Security Council any matter which, in his opinion, threatens the maintenance of international peace or security. If, in the opinion of the Security Council, continuance of such a dispute is detrimental to world peace, or peace has actually been broken, or an act of aggression has been committed, it may do any one of these things: (1) call upon the parties to settle their disputes by peaceful means; (2) recommend appropriate procedures and methods for ending the dispute; (3) propose the actual terms of settlement. If one or both the parties to the dispute fail to comply with the recommendations of the Security Council, the Council may ask other member-States of the United Nations to either break off diplomatic relations with the country or countries concerned, or to cut all rail, sea, air, postal, telegraphic, radio and other

communications, or to break economic relations partially or completely with the offending State or States. Should the Security Council deem that such measures are inadequate or have proved inadequate, it is competent to take such military action as may be considered necessary to meet the situation. Every member-State is pledged, under Article 43, to supply to the Council on its call such military forces as are needed to meet the situation.

The Security Council maintains a Military Staff Committee to assist and advise it on all its military requirements including the employment and command of the armed forces placed at the disposal of the Council and on the regulation of armaments and disarmaments. This Committee consists of the Chiefs of Staff (or their representatives) of the permanent members—China, France, the United Kingdom, Russia and the U. S. A.

In order to enable the United Nations to take urgent military measures, member- States are required to immediately make available their national air-force contingents for combined international action. The Security Council is required to make the plans for the application of armed forces with the assistance of the Military Staff Committee and the Charter requires the members of the United Nations to join in affording mutual assistance in carrying out the measures decided upon by the Security Council. The other functions of the Security Council are: to recommend the admission of new members to the General Assembly; to recommend to the General Assembly the suspension of the rights and privileges of any member-State against whom it is taking preventive or enforcement action; to recommend to the General Assembly the expulsion from the U. N. of a member-State persistently violating the principles of the Charter; to convoke a special

<https://assignbuster.com/the-members-are-now-necessary-for-a-decision/>

session of the General Assembly by a request to the Secretary-General; and to establish subsidiary organs for the due performance of its functions. All the functions of the United Nations with respect to Trust areas classified as “Strategic” are exercised by the Security Council. It votes simultaneously, but independently of the General Assembly in the election of the Judges of the International Court of Justice.

When a party to a case fails to carry out a judgment of the Court, the Security Council may, on the appeal of the other party, make recommendations or decide upon measures to be taken to give effect to the judgment.