

RESOLUTION DECISION-MAKING TO INCREASE THE ROLE OF THE UNITED NATIONS FOR WORLD PEACE

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ABSTRACT

The United Nations (UN) was founded on October 24, 1945 or after World War II ended. At the time of its establishment, the UN consists of 51 member countries and continues to grow until now it has 193 members. The birth of the UN was motivated by the failure of The League of Nations because it could not realize the desire of its founders to create peace throughout the world by preventing war. After World War I, it turned out that World War II was still followed. The UN is considered successful in preventing a widespread war so that until now there has been no World War III. However, in the current situation, wars in several parts of the world have recurred, such as in Syria, Palestine, Azerbaijan and others. The existence of the UN as a universal organization that maintains peace is again being questioned. The ability, especially the Security Council, as one of its organs to prevent war, needs to be improved.

Keywords: The Security Council, UN Charter, Veto.

1. INTRODUCTION

In carrying out its duties, the UN has six principals' organs, namely the General Assembly, the Security Council, the Economic and Social Council, the Trusteeship Council, the International Court of Justice and the Secretariat. In accordance with the purpose of its establishment, the UN's most prominent role is implemented by the Security Council which is directly related to efforts to maintain world peace. Currently, the Security Council, which has considerable powers, is expected to be able to do more to prevent things that do not fulfill the sense of justice of the international community.

There have been many violations of international law, neglect of the sovereignty of a state, the use of armed force without the mandate of the Security Council, the use of the Veto that is not in line with international interests and other actions that are generally carried out by superpowers have several times raised questions about the existence of the UN in maintaining international peace and security. The most up to date development is the United States' unilateral recognition of Jerusalem as the capital of Israel. This recognition is contrary to the desire of most countries in the Middle East region to create regional peace, causing turmoil and hurting the sense of justice in the international community. The desire of countries to have the UN Security Council

pass a resolution was thwarted by the veto from the United States. There is a need to improve the Resolution Decision-Making to restore the UN's dignity as world peacekeeper.

2. MATERIAL AND METHODS

2.1 Design Research

This study used *Statute approach*, *Conceptual approach* and *Case approach*. The case approach was conducted by examining some cases related to UN involvement in dealing with conflicts that occur in the world.

2.2 United Nation

The United Nations (UN) is an intergovernmental organization that aims to maintain international peace and security, develop friendly relations among nations, achieve international cooperation, and be a center for harmonizing the actions of nations. It is the largest, most familiar, most internationally represented and most powerful intergovernmental organization in the world.

The UN was established after World War II with the aim of preventing future wars, succeeding the ineffective League of Nations. The organization's mission to preserve world peace was complicated in its

early decades by the Cold War between the United States and Soviet Union and their respective allies. Its missions have consisted primarily of unarmed military observers and lightly armed troops with primarily monitoring, reporting and confidence-building roles. UN membership grew significantly following widespread decolonization beginning in the 1960s. Since then, 80 former colonies have gained independence, including 11 trust territories that had been monitored by the Trusteeship Council.

2.3 World Peace

Peace is a concept of societal friendship and harmony in the absence of hostility and violence. In a social sense, peace is commonly used to mean a lack of conflict (such as war) and freedom from fear of violence between individuals or groups. Throughout history leaders have used peacemaking and diplomacy to establish a certain type of behavioral restraint that has resulted in the establishment of regional peace or economic growth through various forms of agreements or peace treaties. Such behavioral restraint has often resulted in the reduction of conflicts, greater economic interactivity, and consequently substantial prosperity.

World peace, or peace on Earth, is the concept of an ideal state of happiness, freedom, and peace within and among all people and nations on Planet Earth. This idea of the world nonviolence is one motivation for people and nations to willingly cooperate, either voluntarily or by virtue of a system of governance that has this objective. Different cultures, religions, philosophies, and organizations have varying concepts on how such a state would come about.

3. RESULT AND DISCUSSION

3.1 Security Council Composition

The Security Council is one of the main organs of the UN which has enormous powers. It is the most dominant organ, especially regarding peace and security. This agency has the authority to impose military sanctions on countries deemed to have violated UN rules. The UN Charter has given the responsibility for maintaining world peace and security, so that the Security Council decisions will be binding on all UN members. Even if it is related to the use of armed force in order to achieve world peace, Security

Council decisions also affect countries that are not members of the United Nations. World peace contains universal values desired by every human being.

The decisions are called resolutions really determines what countries in the world should or should not do about a problem. Decisions issued by other UN organs are generally only recommendations, because the UN still recognizes the sovereignty of member states. However, the Security Council has the power to enforce the resolutions that have been made. The sovereignty of member states can be overridden on the grounds of realizing international security and order.

3.2 Security Council Composition

Under article 23 of The UN Charter, The Security Council consist of fifteen members of the United Nations (The Republic of China, France, Russian Federation, The United Kingdom, and The United States of America). These countries were the victorious nations in World War II. Besides these five countries, there are 10 other countries that are non-permanent members who are elected for a term of two years. The requirements for becoming a non-permanent member of the UN Security Council are:

The country has contributed to the maintenance of international peace and security;

The country must contribute in the framework of the principles and objectives of the United Nations as stated in the UN Charter;

Selection is based on the basis of a balanced geographical division; and

After being elected for two years cannot immediately run for the next election.

3.3 Decision Making Mechanism

Under article 27 of The UN Charter, the decisions making that are non-procedural matters, namely related to international peace and security, the Security Council must agree on a minimum of 9 affirmative votes, including all permanent members. This means that all members must remain affirmative, if only one member continues to refuse, then the decision cannot be taken. This rejection is what is commonly called VETO. However, if the decision is a procedural problem, at least 9 affirmative votes do not have to include permanent members. This means that for procedural

matters, the Veto Right is not enforced. If there is a member who has abstained from voting, it will not be counted in the affirmative vote.

If the Security Council fails to make decisions on non-procedural matters because of a veto, while conflict continues so that the situation of international peace and security is threatened, then other members of the Security Council can submit procedural proposals, namely that the Security Council or a majority of the members ask the UN General Assembly to hold a Special Emergency Session on the basis of Uniting For Peace, as stipulated in UN General Assembly resolution 377 (V), November 3, 1950.

First implementation of UN General Assembly Resolution 377 (V) is Resolution 498 (V), February 1, 1951 for Korea Case. In this case, Security Council has failed to exercise its primary responsibility for the maintenance of international peace and security in regard to Chinese communist intervention in Korea. This resolution was also adopted in response to the 6 and 12 September 1950 vetoes by the USSR and requested by six Security Council members. Another resolution is Resolution 1000 (ES-I). Security Council request General Assembly with Resolution 119 (1956) for the situation in the Middle East (Suez Canal). Decision could not be made by Security Council due to vetoed by France and United Kingdom. General Assembly released Resolution 1000 (ES-I) mandating the UN Emergency Force (UNEF).

3.4 Veto

The term of Veto is not found in the UN Charter. However, the Rule of Unanimity mechanism or Collective Agreement is regulated in article 27 (3). This veto was agreed upon at the San Francisco Conference. The reasons for granting Veto Rights are:

- a. The interests of permanent members in the maintenance of international peace and security and contributions to the United Nations organization justify the need for them to pay attention to decisions of a substantial nature
- b. It is necessary to have a concurring vote (unanimity) to provide guarantees that the major powers will cooperate and will not get involved in open conflicts between them

and each other that can endanger the UN organization

The initial purpose of granting this veto is clearly to involve major powers as winners of World War II, to be actively involved in solving problems that threaten international peace by granting privileges. At present, however, the veto power somewhat hampered the resolution expected by the majority of UN members. Veto used with the background of the national interests of the Security Council permanent members. What should be noted is that according to the provisions of Article 27 (3), members of the Security Council involved in the dispute shall abstain from voting. Indeed, what becomes an obstacle is that it is not clearly explained in the charter who has the authority to determine whether a country is declared to be involved or not in a dispute. The case of Suez Canal occurred in 1951, when Egypt prohibited ships from passing through the Suez Canal.

Security Council members such as France, the Netherlands, Britain and the United States protested by asking the Security Council to end the ban. In a session discussing the issue, Egypt stated that France, the Netherlands, Britain and the United States should abstain from voting, because each had been involved in the conflict by filing protests. But in the end, in the voting, the four countries still have voting rights, and Egypt is the loser. Another example is when some countries was shocked by the statement of the President of the United States of America Donald Trump recognizing Jerusalem as the capital of the State of Israel. As a result of this statement, the conflict tension in the Middle East continues to increase. Egypt submitted a Draft Security Council Resolution to reject the recognition of the United States. Egypt propose Security Resolution S/2017/1060. Jerusalem is Holy City, so It needs protection and preservation of the unique spiritual, religious and cultural dimensions. Almost all Islamic countries expect a resolution to be passed by the Security Council regarding the situation, but the veto has been exercised by United States of America. Defending American sovereignty and America's role in the Middle East peace process is not a source of embarrassment for USA. Again, The Security Council could not be expected to reduce tensions in the Middle East because of the Veto.

Throughout history, the veto has been used by many rights holders. The USSR was the first Permanent Security Members exercised in February 1946. Below are some of the countries that have vetoed the Security Council Resolution Draft:

- a. United States of America.
Exercised on 31 August 2020 to the draft S/2020/852 about Threats to international peace and security caused by terrorist attacks.
Exercised on 1 June 2018 to the draft S/2018/516 and S/2017/1060 on 18 December 2017 and many more about Middle East situation, including the Palestinian question.
- b. China.
1) With Russian Federation exercised on 10 July 2020 to the draft S/2020/667, S/2020/654 (7 July 2020), S/2019/961 (20 December 2019) and S/2019/756 (19 September 2019) about the situation in the Middle East.
2) With Russian Federation exercised on 28 February 2019 to the draft S/2019/186 about the situation in the Bolivarian Republic of Venezuela.
- c. Russian Federation

Exercised on 10 April 2018 to the draft S/2018/321 and 26 February 2018 to the Draft S/2018/156 about Middle East situation.
Exercised on 8 July 2015 to the draft S/2015/508 about the situation in Bosnia and Herzegovina.
With Russian China exercised on 19 July 2012 to the draft S/2012/538, 4 February 2012 to the draft S/2012/77, and 4 October 2011 to the draft S/2011/612 about Middle East – Syria.

From a partial list of the occurrence of vetoes against the Security Council Draft Resolution, it can be seen that in its history vetoes have been widely used by the holders to protect their national interests, not for international peace and security. Many draft resolutions relating to Palestine were vetoed by America, while those relating to Syria were vetoed by Russia and China. In implementing their powers, the role of permanent members as holders of Veto rights becomes an obstacle in decision making. The resolution

expected by the international community has not been released.

3.5 Superpowers Actions

At present, the permanent members color the performance of the Security Council. The power of the state that is owned by many causes' deviations from the main purpose of establishing the UN. A conflict that occurs in a region and causes enormous casualties, all mankind should want it to end soon. The international community really hopes that the Security Council will take steps to resolve it, including if it must use the armed forces of UN member states. However, the long-awaited Resolution did not come. The shadow of veto is always present before the decision-making process takes place. The conflict and casualties continued. The conflict of Israel-Palestine has been existed since 1947. Since the beginning of the second intifada in September 2000 until the end of July 2007, at least 5,848 people have been killed either directly or as an indirect consequence of the Israeli-Palestinian conflict.

The unilateral actions taken by the superpowers indicate that the resolution is not the absolute basis for an international alliance to ignore the sovereignty of other countries. There are countries that carry out attacks on other sovereign countries to impose their version of the truth. The facts that justify this action are not necessarily true from the point of view of other countries.

Russia has several times threatened to use its veto if the Security Council submits a Draft Resolution on Kosovo. Russia will veto efforts by the UN Security Council to support independence for Kosovo, a Serbian province, Russian Foreign Minister Sergei Lavrov said in an interview with the daily Vremya Novostei. Kosovo is a part of Serbia which is an ally of Russia. But what followed was NATO attacking Serbia to end violence against Albanians in Kosovo. This attack was carried out without a mandate from the UN Security Council. In the end, the Security Council passed Resolution 1199. However, this resolution did not mention a NATO attack. The resolution only calls for a ceasefire as a follow up to reports of gross human rights violations.

Without carrying out the mandate of the United Nations, the United States and its allies become world police and ultimatum Saddam Hussein. The Security Council's

ability to prevent unilateral action to superpowers is again questioned. We can see differences in the exploitation of natural resources in Iraq before and after the attack. Prior to the fall of Saddam Hussein's regime, the Iraqi oil industry was fully nationalized and closed. After the Iraq war ended, several US-owned oil companies were already operating there, such as Exxon Mobil, Chevron, BP and Shell.

In 1989 the United States of America deployed nearly 28,000 troops to invade Panama. Panama President General Manuel Antonio Noriega was arrested, tried and jailed in The United States of America. This American action also did not receive any sanctions even though it violated international law for attacking a sovereign state. This incident is an example that proves that Superpower tend to be above the law.

China refused to recognize the 2016 Permanent Court of Arbitration decision. This case filed by the Philippines on January 22, 2013. This arbitration stated that China had violated the law by applying the Nine Dash Line to control the South China Sea. China's refusal has not received a significant reaction from the international community so that until now the Permanent Court of Arbitration decision in 2016 cannot be executed.

The behavior of superpowers is also a reference for other countries in making decisions on how to react to the current situation. Small countries will respond to actions or statements in accordance with their national interests. When a situation is happening, the trend that has occurred recently is that countries are waiting for the reaction of members of the Security Council, to then be used as a reference in taking a stand. A country does not want to issue a statement or acknowledgment if it is not in line with the situation developing among members of the Security Council. It is as if there is the impression that if the attitude taken by his country is contrary to that of the members of the Security Council, then his attitude will be in vain. It could even backfire if it is against a Superpower that has had many cooperative or dependent relationships. The President of the United States of America, Donald Trump, has threatened to cut off financial aid to countries that support a UN resolution against Jerusalem as Israel's capital. "They take hundreds of millions of dollars and even billions of dollars, and then they vote against us," he told reporters at the White House.

This United States of America threat is one example that a country whose survival depends on it can't take position freely. Another example is when Catalonia proclaimed its independence from Spain, not a single country in the world declared its recognition, because they saw no reaction whatsoever by the members of the Security Council against the proclamation.

3.6 The UN Charter Amendments

The Charter of the United Nations is the main document that becomes the constitution and has roots from the past as an expression of the founders' desire to realize world peace. In it contains an agreement between the contracting states in the San Francisco Conference which provides restrictions on the freedom of action of member countries. Even countries that are not members of the United Nations also have an obligation to obey it. The Charter of the United Nations has laid down noble goals and principles for maintaining international peace and security, enhancing friendly relations and achieving international cooperation in all fields. As the main UN instrument, since the implementation of October 24, 1945 after being ratified by the participating countries of the conference, according to Article 108 of the UN Charter until now it has has been amended five times, namely:

- a. In 1965 and and put into effect in 1965, Article 23 was amended to enlarge the Security Council members. Prior to the amendment, the number of members of the Security Council was 11 consisting of 5 permanent members and 6 non-permanent members. After the amendment, the number of members of the Security Council became 15 consisting of 5 permanent members and 10 non-permanent members.
- b. In 1965, Article 27 was amended to increase the Security Council votes number from 7 to 9.
- c. In 1965, Article 61 was amended to enlarge the members of Economic and Social Council (Ecosoc) from 18 to 27.
- d. In 1968, Article 109 was amended for changing the requirements for a General Conference of Member States for Charter review.
- e. In 1973, Article 61 was amended to enlarge the Economic and Social Council become 54 members.

3.7 Security Council Reform

It cannot be denied that the UN Security Council reform of need to be implemented to create a new system or mechanism that can prevent the deviation used of Superpowers armed forces of or the use of veto power in the national interests of their owners. The credibility and neutrality of the Security Council in carrying out its duties is questionable. Senior staff of the Indonesian National Human Rights Commission, Mimin Dwi Hartono in Jakarta said that the veto power of the five permanent members of the United Nations Security Council made the UN undemocratic. The desire of the majority of countries in the world can be thwarted by one country.

At the time of its establishment, UN had only 51 members. The Charter of the United Nations which became the constitution, procedures, and other mechanisms that were formed at that time was in the context of answering the needs of UN organizations in accordance with the problems faced. Now 73 years have passed. The number of UN members has increased almost 4 times from the original members. The problems faced, especially those related to world peace and security, are increasingly complex, both those coming from outside and from within the members of the Security Council itself. Reform is absolutely necessary so that international peace and security can be maintained.

Flowing from the explanation above, there are steps that can be taken to increase the role of the United Nations in maintaining world peace by improving the decision-making system in producing resolutions, namely:

a. UN member states have not given up hope in echoing the need for Security Council reform. State leaders constantly voiced the need for this reform in various international forums, such as Regional Forum, the UN General Assembly Meetings, the World Parliament forum, and others. Regional Agreement can be fought to be larger agreement or even International Agreement.

b. All UN Members have equal rights. There is no difference whether it is a superpower or a small country. It is also not distinguished whether the country won World War II or not. For this reason, every mechanism created within the UN

organization must consider these principles. Privileges shouldn't be given based on the background of the war winner which took place 73 years ago. Thus, the existing mechanism is kept up to date and can answer any problems that occur.

c. If there are differences in interpretation of existing rules such as the assessment of whether a country has a vote or not based on article 27 (3) of the UN Charter, this can be submitted to the International Court of Justice to decide. Thus, the decision making of the Draft Resolution is not always hampered by veto from the permanent member countries, even though the permanent members can be categorized as a party to a dispute.

d. The provisions regarding a case that is included in the procedural or non-procedural category need to be clarified in the UN Charter, so that it could be the boundaries of each organ in creating its procedures. The UN Charter Amendment is a natural thing to do to adjust to global update so that it can answer existing problems.

e. The powers of the General Assembly need to be strengthened. As the main organ consisting of all UN members, the General Assembly should have the highest authority among other organs. All problems should be handled by the General Assembly without exception. Article 12 of the UN Charter needs to be reviewed so that the General Assembly has the authority to discuss issues relating to international peace and security and issue recommendations, even though the situation or any dispute is being exercised by the Security Council.

f. The General Assembly must be more enthusiastic about applying the Uniting for Peace Principle to face potential situations of using veto against a draft Security Council Resolution. Member countries must actively voice the importance of the UN General Assembly Resolution 377a to face a veto.

g. In making a decision on a draft resolution, vote from the country that is in the same area as a conflict is very important. This vote can be considered representing regional countries with the hope that they will first discuss to vote at the UN session. However, when a military operation is carried out, the country closest to the conflict area will suffer the consequences, both the arrival of an influx of refugees and the economic activities of the region which are disrupted by war.

h. The existence of the Veto at the Security Council Meeting needs to be reviewed. Democracy which has become a global value needs to be upheld in a universal international organization such as the United Nations. It cannot be said to be democratic if the wishes of the majority can be thwarted by one other member. Common interests still have to take precedence over the interests of some or even one country. The use of the Veto right by a country will be greatly influenced by the political and governmental conditions in that country. Political conditions that are not conducive in a veto-holding country can affect the world. This is something that cannot be accepted in order to realize universal ideals.

i. If it is too difficult to abolish Veto Rights because the owners are superpowers that also have big influence, then it is necessary to develop a balancing mechanism from the existing conditions. Ten non-permanent members are given one veto vote in decision making. The ten countries must have one vote in addressing a problem that is being discussed, so that they can use their veto in voting. With a mechanism like this, the privileges owned by permanent members do not disappear, but there is a balance from non-permanent members. Although this recommendation is a very difficult and minor progress, because it is not easy to equalize the votes of the 10 permanent-level member countries, each of which could be influenced by the major powers to take their stand. But if it can be done, this small step will have a big enough impact. At least it appears on the surface that the current system is not fixed price, there is still a chance to change it in the future. The Charter of the United Nations is not a holy book, but it's created by humans, so that it can be modified to meet international needs facing current problems.

4. CONCLUSION

The UN needs to improve itself to increase its role in maintaining world peace. No organization or entity in this world may act unilaterally on the grounds of the interests of world peace. Resolutions as a high value must be able to become the foundation of the hopes of the international community. The decision-making mechanism in producing a resolution needs to be improved by reviewing the existence of veto rights and applying the principle of Uniting for Peace more intensely. Amendments to the Charter

of the United Nations are a natural thing to do in order to keep up with the development of global problems in line with the times.

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