

CHAPTER II

PROFILE OF UNITED NATIONS SECURITY COUNCIL

This chapter would illustrate the history of United Nations and specifically the establishment of United Nations Security Council. The United Nations Security Council play the key role and become the main organs of United Nations in order to maintain the conflict in the world. This chapter also explains the function and the power belongs to the Security Council to limit the development of Nuclear Proliferation. The sanction from UNSC towards North Korea through the resolution also explicitly explained in this matter.

A. United Nations

The United Nations is an organization, which voluntarily joins the UN to work for peace in the world. United Nations was established on 24 October 1945. At that time, United Nations comprises of 51 nations as Members. Right now, 193 nations are UN members. The UN is a forum, a gathering place, for relatively every country in the world. It gives them components to help discover answers to question or issues and to follow up on for all intents and purposes any matter of worry to humanity. Although now and again UN depicted as "parliamentary states," the United Nations isn't a supra-state or legislative government.¹ It does not have an army nor taxes. It depends on the political will of its members for its decision to be applied and depends on the contribution of its Members to carry out its activities.²

The United Nations plays a central role to reduce international tensions, preventing conflicts and ending the ongoing fighting. It deals with the environment, outer space, and the seafloor. It has helped eliminate several diseases and

¹United Nations, 2018. *Fact Sheet: This is the United Nations the Six Main Organs*. United Nations Headquarters: New York.

expanded food production. It cares and protects the refugees, extends the ability to read and respond quickly to natural disasters. It also protects and promotes the rights of individuals by setting global standards for human rights.

There are six major organs of the United Nations - the General Assembly, the Trusteeship Council, the Economic and Social Council, the International Court of Justice, the Secretariat and the Security Council.³ The court is in The Hague, Netherlands. Every single other organ is based at United Nations Headquarters in New York, USA. While Headquarters in New York fills in as the fundamental nerve center of the organization, several important activities are coordinated from workplaces situated in bases around the world.

Meetings and a few UN bodies are regularly held far from Headquarters. The Economic and Social Council, for example, plays its standard annual sessions between and New York, and the extraordinary advisory groups of the General Assembly have frequently held gatherings in numerous nations around the world. Meetings on subjects, for example, population, food, nature and human rights have been held in different parts of the world.⁴

The purposes of the United Nations, as contained in the UN Charter are:

- Maintaining international peace and security;
- Developing friendly relations between countries based on respect for the principle of equal rights and self-determination of persons;

³ Natural Justice. *Introduction to the United Nations Human Rights System*. Retrieved from <http://naturaljustice.org/wp-content/uploads/2015/09/Intro-UNHR-System-EN.pdf> (Accessed on April, 8th 2018)

⁴United Nations Headquarters. 2013. *Fact Sheet: This is the United Nations, the six main organs*, New York: Public Inquiries, UN Visitor Centre. Retrieved from <https://www.scribd.com/document/326058907/FS-This-is-the-UN-2013-pdf> (Accessed on January 16th, 2018)

- Work together to resolve international economic, social, cultural and humanitarian problems and to promote respect for human rights and fundamental freedoms;
 - To be center for harmonizing the actions of nations in achieving the common goal.
- The United Nations acts on the following principles:
- It is based on the sovereign equality of all its members;
 - All members are fulfilling in good faith their Charter obligations;
 - They settle their international disputes calmly and without harm peace and worldwide security and equity;
 - They are to abstain from the dangers or to use constraint against different nations;
 - They help the United Nations each necessary activity by existing arrangements of the UN Charter;
 - Nothing the Charter approves the United Nations to mediate in issues which are basically essentially within the domestic jurisdiction of any country.⁵

B. The History of the UN Security Council Establishment

To protect global peace and security, diminish dispute and conflict, and to connect the cooperation between nations, the United Nations set up Security Council to achieve these goals. Look at the history of the establishment that the Security Council was established in San Francisco after Dumbarton Oaks Conference in Washington DC. For the first time, the General Assembly was attended by representatives from 51 countries which took place on 10 January 1946 at Church House

⁵United Nations. 2008, *The United Nations Today: Purposes and Principal*. New York: United Nations Department of Public Information. p.5

in London. The United Nations Security Council (UNSC) is one of the main organs of the United Nations.

The Security Council has main responsibility, under the Charter, for the maintenance of international peace and security. Established in 1946, the Council has 15 members: five permanent members such as China, France, Russia, UK and the United States America 10 members elected by the General Assembly for a two-year term. The Permanent Five is the primary victor of World War II. Every member has one vote. Choices on procedural issues were made with a vote of no less than 9 of the 15 individuals. Choices on substantive issues require nine votes and the nonappearance of a negative vote by any of the five permanent members. Five permanent members have practiced the veto right at one time or another. If a permanent member does not fully agree with the proposed resolution but does not wish to grant a veto, he may pick not to abstain- thus allowing the resolution to be adopted if it receives the required number of nine votes in favor.⁶

As indicated by the UN Charter article 24, the fundamental agreement of the United Nations, the Member States of the United Nations has given primary obligation regarding keeping up international peace and security to the Security Council and have concurred that this body, to complete this task, follows up on their benefit. Member states have agreed to acknowledge and implement the decisions of the Security Council through article 25 of the Charter, all members of the United Nations consent to permit and execute the decisions of the Security Council. While different organs of the United Nations make recommendations to member states, the Council itself has the ability to settle on decisions by which the Member States are committed under the Charter to implement.⁷

⁶ United Nations. 2008, *The United Nations Today: Purposes and Principal*. New York: United Nations Department of Public Information. p.8

⁷ *Ibid*

To fulfill its responsibility to maintain international peace and security and when faced with a conflict, the Council's first action is to recommend to the parties that they reach agreement through peaceful means. It may appoint a special representative, may request the Secretary-General to appoint a special representative, and may establish principles for peaceful resolution of the conflict. When the dispute leads to combat, the UN Security Council will try to resolve it as soon as possible. This can be done by issuing ceasefire directives, sending UN peacekeepers or ultimately deciding law enforcement measures such as economic sanctions or collective military actions. Other responsibilities also include recommending acceptance of new members and appointment of the Secretary-General to the United Nations General Assembly (UNGA). Together with UNGA, is responsible for selecting an International Court judge (ICJ).⁸

At the point when a complaint about a threat to peace was raised before, the Council's first activity is normally proposed that the gatherings attempt to achieve the agreement in quiet ways. Such as: establish a principle for such an agreement; conduct investigations and mediation, in some cases; send a mission; magnitude a special envoy; or request that the Secretary-General utilize his great office to achieve a pacific question settlement. All things considered, the Council can: issuing ceasefire directives that can help prevent escalation of conflicts; sending military observers or peacekeeping troops to help reduce tension, separate opposing forces and build tranquility in which peaceful settlements can be sought.⁹

The Council may choose enforcement actions, including economic sanctions, arms embargoes, financial penalties and bans, and travel restrictions; termination of diplomatic relations; blocking, or even collective military

⁸ *Ibid*

⁹ United Nations Security Council, *What is the Security Council?*. Retrieved from <http://www.un.org/en/sc/about/> (Accessed on January 16th, 2018)

action. The main concern is to focus actions on those responsible for policies or practices that are criticized by the international community while minimizing the impact of actions taken in other parts of the population and the economy. A representative of each member must be present at all times at the UN Headquarters so that the Security Council can meet at any time by the needs arises.¹⁰

C. Function and Powers of Security Council

Under the Charter, the functions and authorities of the Security Council include the following:

- To maintain international peace and security by purposes and principles of the United Nations;
- To formulate plans for the establishing systems to organize weapons;
- To call upon the parties to the dispute to resolve it in peaceful ways;
- To investigate any disputes or situations that may cause international friction, moreover, to recommend methods for adjusting disputes or settlement requirements;
- To determine any threats to the peace or acts of hostility and to suggest what action should be taken;
- To contact the parties worried to conform to such temporary measures as it deems necessary or attractive to keep the irritation of the circumstance;
- To contact members of the United Nations to take measures that do not involve the utilization of military -, for example, sanctions - to offer impact to the Council's decisions;
- To approve the utilization of power to keep up or restore international peace moreover, security;

¹⁰ *Ibid*

- To encourage a peaceful settlement of local disputes through regional arrangements besides, to utilize local game plans for authorization activity under its purview;
- To prescribe to the General Assembly the arrangement of the Secretary-General in addition, with the Assembly, then elect International Judges Court of law;
- To ask the International Court of Justice to give a warning opinion on any legitimate inquiries;
- To recommend to the General Assembly the acceptance of new members to the United Nations.¹¹

The Council may meet somewhere else: in 1972 a session was held in Addis Ababa, Ethiopia; in 1973 it met in Panama City, Panama; and in 1990 it met in Geneva, Switzerland. At the point when a grievance about a threat to peace was raised before, the Council's first action usually recommended that the parties attempt to achieve understanding in peaceful ways. the Council itself investigates and mediates. It can send a mission, appoint a special envoy or ask the Secretary-General to use his good office. When disputes lead to hostilities, the Council's primary concern is to bring them to an end as quickly as time permits. The Council may issue a ceasefire directive that may play a role in preventing the escalation of the conflict. The Council may also send military observers or peacekeeping troops to help reduce tension, resist opponent forces, and create calm conditions place where peaceful settlements can be sought. Under Chapter VII of the Charter, the Council may decide enforcement actions, including economic sanctions, arms embargoes, financial sanctions, travel restrictions or collective military action.¹²

The sanctions instruments is an important tool for the Security Council, to promote international peace and security. Each of the sanctions regimes. There are currently features

¹¹ *Ibid*,p.9-10

¹² *Ibid*,p.9-10

"smart" or targeted sanctions - arms embargoes, financial sanctions and travel restrictions - are designed to eliminate or minimize the unintended effect by focusing on those responsible for policies condemned by the international community, while allowing other parts of the population and international trade relations are not affected. The council has set up two international criminal tribunals to prosecute crimes against humanity in the previous Rwanda and Yugoslavia. The court is an organ of a subsidiary of the Council. After the terrorist attacks on the United States on September 11, 2001, the Council set up the Counter-Terrorism Committee, which is additionally a backup organ. Since 1994, a working group of the General Assembly has considered Security Council reform, including the issue of equitable representation and membership expansion.¹³

The Security Council must determine first any threat to the peace, a breach of peace, or an act of aggression and after makes a recommendation, or decides what action that must be taken. The UN Security Council may request such parties to file a dispute to resolve them in peaceful ways and recommend adjustment methods or terms of a settlement. In some cases, the Security Council may also use sanctions or even allow the use of force to maintain or restore international peace and security. All Member States are obligated to comply with Council decisions. Therefore, all UN members must approve and implement, the decision of the Security Council.¹⁴

While different organs of the United Nations influence suggestions to member states, only the Security Council has the ability to settle on decisions that member states are then committed to implementing under the Charter.¹⁵ These decisions, or ordinarily known as resolutions, can take any

¹³ *Ibid*

¹⁴ United Nations Security Council, 2018. *What is the Security Council*. Retrieved from <http://www.un.org/en/sc/about/> (Accessed on April, 8th 2018)

¹⁵ *Ibid*

shape. All methods and activity available to the Security Council as long as the resolution, and the mandates the resolution includes, consents to the Council's basic role. The proposals and activities of the Security Council are drafted what is known as a resolution. In the resolutions, the requests and suggestions of the Council are called commands, which are the goals and intends to be implemented by all actors involved. When the resolution refers to a conflict, the mandate and especially the means to carry out a mandate approved by the Security Council may be further specified through references to Chapters VI, VII, and VIII of the UN Charter.¹⁶

When disputes lead to hostilities, the Council's primary concern is to bring them to an end immediately. In this case, the Council can:

- Issue ceasefire directive that can help prevent conflict escalation;
- Send military observers or peacekeepers to help reduce tension,
- Separate opposing forces and establish a calm or peace in which peaceful settlements that can be sought.

The Council may choose enforcement actions, including:

- Economic sanctions, arms embargoes, financial restrictions and penalties, and travel restrictions;
- Blockade;
- Collective military action;¹⁷

The main concern is to focus actions on those responsible for condemned policies or practices by the international community while minimizing the impact of actions taken in other parts of the economy and population.

¹⁶ *Ibid*

¹⁷ Change the World MUN, 2018. *Functions and Powers of the UN Security Council*. Milan

D. Procedural Vote

The Security Council Voting Procedure is governed by Article 27 of the UN Charter and Rule 40 of the Provisional Event Rules. Article 27 provides that the decision of the Security Council be made by a vote of nine members, whereas each member has one vote. However, the Charter distinguishes between votes on "procedural matters" and votes on "all other matters." Article 27 stipulates that permanent members votes be required for the adoption of substantive decisions. Thus, when voting on procedural matters, a negative vote conducted by a permanent member does not invalidate a decision, it stands if it secured nine affirmative votes. (In contrast, Article 27 of the Charter, by requiring the plural vote of all permanent members for non-procedural decisions to adopt, establishing a veto system.) In resolution 267 (3) of 14 April 1949, the General Assembly recommended to the Security Council to consider several types of procedural listed in detail in the appendix. These include:¹⁸

Submission to the General Assembly on any questions relating to the maintenance of international peace and security; request to the General Assembly that they make a recommendation regarding a dispute or situation to which the Council is deprived; request to the Secretary-General to attend the special session of the General Assembly; approval of annual report to the General Assembly; conducting meetings in places other than UN seats; or the formation of subsidiary organs deemed by the Council as essential to the performance of its functions. At the beginning of its history, the Council sometimes feels the need to first decide by voting whether a particular problem is procedural or substantive and uses to vote on the so-called "preliminary question." Depending on the result of the vote on the original question, the law then proceeds to procedural or substantive voting. In the period 1946-1989,

¹⁸ Department of Political Affairs, 2013. *Provisional Rules of Procedure and Related Procedural Developments*. Security Council Practices and Charter Research Branch. New York

153 procedural votes were recorded. Since the end of the Cold War, the use of procedural sounds is rare. Most procedural decisions - such as adoption of an agenda, an invitation to someone to participate in a Council meeting, adding new items to a list of seizures or suspension or adjournment of a meeting - has been reached by consensus.¹⁹

Nevertheless, some procedural votes were recorded during the period since 1990, the most recent of them on December 22, 2014, regarding the addition of the situation in the Democratic People's Republic of Korea to the agenda of the Council. (As stated in Rule 9 of the Council's procedural rules, the first item of the provisional agenda for each Council meeting is the implementation of the agenda. It has been the practice of the Council to adopt the agenda without a vote unless an objection is raised. If differences in the agenda Secretary-General be made among the members of the Council, the decision is solved by procedural votes).²⁰

E. Security Council Actions in Maintaining International Peace and Solving International Disputes

While several resolutions are not effective or categorized failed through the years. However, UN Security Council has succeeded in solving the dispute in a country, which is, the second civil war Liberia in 2003. Even though the United Nations forces have been deployed for years, but Security Council has succeeded to solve this second civil war with established the peacekeeping mission for Liberia or known as UNMIL in October 2003.

1. Liberia Civil War

Related to the issue of second Liberian civil war in 1997-2003, Security Council has succeeded in stopping the civil war in Liberia by issuing several resolutions that have succeeded in

¹⁹ *Ibid*

²⁰ *Ibid*

stopping this conflict. This civil war began in 1999 and ended in 2003. This second civil war was the result of an uprising of several groups under President Charles Taylor's administration, which had previously won the first Liberia civil war. Liberia United for Reconciliation and Democracy (LURD) was the first rebellion group against the Charles Taylor regime with getting support from Guinea. The second rebellion group that also succeeded in dropping Charles G. Taylor regime was known as Democracy Movement, and at that time President Charles Taylor was exiled to Nigeria. The National Patriotic Front, led by Charles Taylor, emerged as winners after the first Liberia civil war, that is very brutal. Abuja peace agreement in 1995 brought a controversial ceasefire recognize Taylor as the unelected Liberian president.

The prolonged crisis in Liberia interferes Sierra Leone as their neighbor. President Taylor got the benefit from his support against the rebellion group which controlled the diamond mining areas. Under Taylor's rule, United Nations has given sanction to Liberia. The Security Council imposed an arms embargo in 1992 and in 2001 issued Resolution to ban the import of Liberia's diamonds and impose travel ban against members of the Taylor regime. Resolution 1478 in 2003 prohibited import of wood. In November 2005, and Taylor was exiled to Nigeria. After that, Liberia held a successful democratic election with the aid of UN. Ellen Johnson-Sirleaf became Liberia's first woman president in Africa and with the help of the UN Security Council. She called to arrest Taylor and handover to the Special Court.²¹

²¹ Global Policy Forum, *Liberia*. New York. Retrieved <https://www.globalpolicy.org/security-council/index-of-countries-on-the-security-council-agenda/liberia.html>(Accessed on April 10th, 2018)

2. Provisions and Prohibitions on Nuclear Development

As we know that the effect of nuclear weapons is very dangerous for the human life. Such as: besides killing millions of people, also infected can trigger cancer, damaging the natural environment due to the effects of radiation and could destroy our lives of future generations through the long-term impact of the disaster. Under UN Charter article 2 (4), All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.²²

The threat of using armament is prohibited. This applies to all forms of armament against other countries. However, weapons that may be aimed to be used. This category is also included in the prohibition on nuclear weapons. The Treaty on the Prohibition of Nuclear Weapons bans countries from developing, producing, testing, manufacturing, obtaining, owning, stockpiling anything that related with nuclear weapons. Signatories are prohibited from receiving and transferring nuclear weapons, control the weapons or any support with activities prohibited under the Treaty. Countries are also prohibited from using or threatening in using nuclear weapons and other nuclear explosive tools. Also, NWS members such as the USA; Russia; China; France and United Kingdom that could not allow the placement, deployment, or installation of nuclear weapons and other nuclear explosive devices in their territory. Besides the Treaty's prohibitions, NWS members are required to provide assistance to victims and assist the efforts of environmental improvements.²³

Article I

²² Nuclear Threat Initiative. 2017. *Treaty on the Prohibition of Nuclear Weapons*. Washington, DC. Retrieved from <http://www.nti.org/learn/treaties-and-regimes/treaty-on-the-prohibition-of-nuclear-weapons/> (Accessed on April 5th, 2018)

²³ *Ibid*

Prohibitions.

Each State Party never undertakes under any circumstances to:

- (a) Develop, test, produce, manufacture, otherwise acquire, possess or stockpile nuclear weapons or other nuclear explosive devices;
- (b) Transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly or indirectly;
- (c) Receive the transfer of or control over nuclear weapons or other nuclear explosive devices directly or indirectly;
- (d) Use or threaten to use nuclear weapons or other nuclear explosive devices;
- (e) Assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Treaty;
- (f) Seek or receive any assistance, in any way, from anyone to engage in any activity prohibited to a State Party under this Treaty;
- (g) Allow any stationing, installation or deployment of any nuclear Weapons or other nuclear explosive devices in its territory or at any place under its jurisdiction or control.²⁴

²⁴United Nations. 2017. *Treaty on The Prohibition of Nuclear Weapons*. <http://www.icanw.org/wp-content/uploads/2017/07/TPNW-English1.pdf>. (Accessed on February 11th, 2018)

The article above shows that states or parties are prohibited from everything that related to using, producing, testing nuclear energy for weapons necessity. Nuclear weapons are one of the sensitive issues to talk about. As we know that, United Nations has been trying to eliminate such nuclear weapons since its establishment. Only NWS members can use but still with some requirement that must be followed. Nevertheless, in fact, there are some countries such as North Korea who did not obey this regulation. Even though it is mentioned in UN chapter three will be resolution or sanction for those countries who do not obey the regulation.

3. Resolutions of Security Council Following North Korea Nuclear Testing

The resolution adopted by the United Nations Security Council is the official text adopted by United Nations bodies and the decisions of the fifteen members of the Security Council. Although all UN organs can issue a resolution, in practice, the most common is the United Nations Security Council or the General Assembly of the United Nations.

1. October 9, 2006. North Korea conducts an underground nuclear test near the village of P'unggye.
October 14, 2006. UN Security Council adopts Resolution 1718. The action demands that North Korea refrain from further nuclear tests and asks Pyongyang to return to six-party talks and abandon its nuclear weapons. It also imposed additional sanctions on trade with Pyongyang, extending the range of forbidden transactions beyond those banned under Resolution 1695.²⁵
2. May 25, 2009: North Korea conducts its second underground nuclear test several kilometers from its

²⁵Resolution 1718 (2006) *United Nations Security Council*.
(Accessed on January 26th, 2018)

2006 test site near the village of P'unggye. June 12, 2009.

In response to North Korea's nuclear test on May 25, the UN Security Council adopted Resolution 1874, which extended sanctions against Pyongyang. The resolution inspection regime to prevent proliferation to and from North Korea called for an increase in financial restrictions on North Korea and North Korean companies, an almost comprehensive arms embargo against the country, and strengthened council oversight over the implementation of the resolution. It also prohibits North Korea from conducting further missile tests.²⁶

3. February 12, 2013: The Comprehensive Test Ban Treaty Organization (CTBTO) detects seismic activity near North Korea's nuclear test site. CTBTO Executive Secretary Tibor Toth says that the activity has "explosive-like characteristics" and confirms that the activity United from the field of nuclear tests in 2006 and 2009. South Korea's defense ministry estimated the result at 6-7 kilotons soon after and asks for a UN Security Council. March 7, 2013: UNSC unanimously adopted Resolution 2094 in response to North Korea's third nuclear test on February 12, 2013. Resolution 2094 reinforces existing sanctions by extending the scope of materials covered and adds additional financial sanctions, including blocking massive cash transfers. Individuals and additional entities are also identified to freeze assets.²⁷

²⁶Resolution 1874 (2006) *United Nations Security Council*. (Accessed on January 26th, 2018)

²⁷Resolution 2094 (2013) *United Nations Security Council*. (Accessed on January 26th, 2018)

4. January 6th, 2016. North Korea has conducted a fourth nuclear weapons test, which claims to have detonated a hydrogen bomb for the first time. Monitoring stations of the Comprehensive Nuclear Test Ban Organization detect the seismic activity from the test. March 2, 2016: UN Security Council adopted Resolution 2270 condemning the nuclear test and launch early in 2016, demanding that North Korea not conduct further tests and suspend all activities related to its ballistic missile program. Resolution 2270 expands existing sanctions against North Korea by adding to the list of individuals and sanctioned entities, introducing new financial sanctions, and banning countries from providing certain aviation fuel and other specified minerals to North Korea and also introduces a requirement that UN member states inspect all cargo on the way to or from North Korea for illicit goods and weapons.²⁸

5. September 9, 2016: North Korea conducts its fifth nuclear test. The seismic activity notes a magnitude of 5.0. The Security Council adopted Resolution 2321 on 30 November 2016, following the fifth nuclear test of North Korea on 9 September. Resolution 2321 significantly extends sanctions against North Korea. Resolution 2321 imposed new sanctions that prohibiting North Korea from Exporting minerals, such as copper, nickel, silver, and zinc.²⁹

6. September 3, 2017: North Korea conducts its sixth nuclear test, claiming that the device tested was a hydrogen bomb, and the test was "a perfect success."

²⁸Resolution 2270 (2016) *United Nations Security Council*.
(Accessed on January 26th 2018)

²⁹Resolution 2321 (2016) *United Nations Security Council*.
(Accessed on January 26th, 2018)

Seismic activity shows that North Korea conducted its biggest nuclear test to date at 3:30 UTC. The initial estimate of the Comprehensive Test Ban Treaty Organization (CTBTO) is that a seismic magnitude of about 5.8, occurred at very shallow depths, and occurred around Pyungye-ri North Korea test site. According to seismic data, some experts consider the device had an explosive result that excess of 100 kilotons TNT equivalent, which is significantly higher than previous North Korean nuclear tests. North Korea's claim that the device was a hydrogen bomb occurred be independently proven, but the higher yields could be an indication of a boosted fission or thermonuclear device. September 11, 2017, United Nations Security Council issues resolution number 2375 imposing additional sanctions on North Korea, including a ban on textile exports and restrictions on imports of petroleum products.