

2022

Committee: Session on the UN Charter (SUNC)

Topic: Discussing and amending Chapter V “The Security Council”

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Position: Deputy President

Personal Introduction

My name is Panagiotis Bouloutas, I am 16 years old and I am an 11th Grade student at Pierce- ACG. For this conference, I will serve as one of your Deputy Presidents in this year’s Session on the United Nations Charter.

Personally, I view MUN as an opportunity. An opportunity to meet new people, to learn new things in various areas, to perfect some useful skills, and to improve personally. I started MUN one and a half years ago and, since then, it has become my passion, having attended 8 MUN conferences, either as a delegate, a judge in the ICJ, or a Student Officer, and always looking forward to the next one.

This Study Guide will provide you with the necessary information in order to understand the question of the UN Charter’s 5th chapter, namely “The Security Council”, and more specifically about the P5 countries and their right to veto. However, I urge you to do further research on your own to understand the issue better, using this guide as a basis. Should you have any questions, do not hesitate to contact me.

But that is enough from me; I am looking forward to you all having a great time at the conference. Without further ado, I welcome you to the 10th annual session of the CSMUN!

Yours truly,

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2022

Topic Introduction

The world is currently facing a crisis, and it is no secret. Since February, when Russia invaded Ukraine, the whole world begs for the end of the war. Despite the will of the United Nations to maintain peace through the Security Council, it has not been able to establish it, as Russia has the right to veto any council's resolutions.

The right to veto is given to the Permanent members of the Security Council (United States of America, United Kingdom, France, People's Republic of China, Russian Federation, also known as the P5) to discard any proposition of the Security Council whenever they want to. Although this issue has existed long before Russia's invasion of Ukraine, the UN's failure to maintain peace has highlighted the issue. Experts¹ claim that the veto power is causing distrust in the UN, as P5 countries misuse it. But it is not the only problem within the Security Council. Membership is another also quite important issue that needs to be solved. States that represent a party in a case, for example, do not have the right to vote in that specific case, if they are not a member of the council at that time. Many also complain about the lack of transparency of the council and the number of private meetings held, which leads to a less accountable Security Council and, thus, in a council which is not trusted by its people.

All of the above are critical issues of the Security Council that need to be solved. They raise concerns regarding the function of the council, and the UN as a whole, but also, they allow for disputes between member states to be created, which is opposite to one of the four UN's initial goals. Basic information is provided in the rest of the guide.

¹ *The Veto Problem in the U.N.* - JSTOR. www.jstor.org/stable/42743587, p.130



“Chapter V: The Security Council”

Composition

Article 23

1. The Security Council shall consist of fifteen Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect ten other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.

2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members after the increase of the membership of the Security Council from eleven to fifteen, two of the four additional members shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.

3. Each member of the Security Council shall have one representative.

Voting

Article 27

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.

Article 86

1. The Trusteeship Council shall consist of the following Members of the United Nations:

- those Members administering trust territories;
- such of those Members mentioned by name in Article 23 as are not administering trust territories; and
- as many other Members elected for three-year terms by the General Assembly as may be necessary to ensure that the total number of members of the Trusteeship Council is equally divided between those Members of the United Nations which administer trust territories and those which do not.

2. Each member of the Trusteeship Council shall designate one specially qualified person to represent it therein.

Procedure

Article 31

Any Member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any question brought before

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the Security Council whenever the latter considers that the interests of that Member are specially affected.

Article 32

Any Member of the United Nations which is not a member of the Security Council or any state which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute. The Security Council shall lay down such conditions as it deems just for the participation of a state which is not a Member of the United Nations.

Please visit and study the whole [Chapter V](#) of the UN Charter

Background Information

The United Nations

During the 2nd World War, the idea of an intergovernmental organization to defend against the Axis emerged, as the League of Nations had already failed its purpose. On August 14th 1941, US President Franklin Roosevelt and UK Prime Minister Winston Churchill agreed on a set of ideas, measures and principles to achieve international collaboration and peace. This set of ideas, also known as the Atlantic Charter, as it was signed on a ship, was the predecessor of the UN Charter and would essentially mean the formation of the United Nations.





Figure 1: The Atlantic Charter is signed²

Later, on January 1st 1942, the delegates of 26 signed the declaration of the United Nations, which was a document stating the provision of economic and military resources³ to defend against the Axis Powers. This is the first time the term “United Nations” was used. In the same year, the governmental leaders of the USA, the UK, Russia and China agreed for “the establishment of an international organization to maintain international peace and security”³ in two conferences, in Moscow and Tehran.

On April 25th 1945, the San Francisco Conference took place. There, the delegates of 50 countries showed up for the United Nations Conference on International Organization. During the conference, the delegates, based on the Atlantic Charter, drew up the UN Charter, consisting of 111 articles. The Charter was adopted on June 25th of the same year and signed by the delegates the next day. On October

² “The Atlantic Charter.” *FDR Presidential Library & Museum*, www.fdrlibrary.org/atlantic-charter.

³ “Preparatory Years: UN Charter History.” *United Nations*, United Nations, www.un.org/en/about-us/history-of-the-un/preparatory-years.

24th 1945, the UN Charter was ratified, meaning that the United Nations had been officially declared.

Under the UN Charter, the four purposes of the United Nations are “to maintain international peace and security to develop friendly relations among nations, to cooperate in solving international problems and in promoting respect for human rights and to be a center for harmonizing the actions of the nations”. The first of the four purposes above is the role of the Security Council: a UN organ to maintain international peace and security.

The idea of the permanent members of the Security Council was initially viewed as a reward to these five countries (USA, UK, Russia, China, France) for the help they offered during World War II, as the main powers of the winning side. Besides, they were the ones who came up with the idea of an intergovernmental organization to establish peace and security worldwide and strengthen international relations.

The Veto Power

According to UN Charter’s Article 27, Paragraph 3, for decisions on non-procedural matters of the Security Council to be made 9 affirmative votes are needed, including the ones of the permanent members. Hence, a negative vote by a P5 member would not make the decision real. That is also known as the veto, since the era of the Roman Republic: “an instance of rejecting, banning or blocking an action, proposal, etc.”⁴

⁴ *Sign in - Ezproxy - John S. Bailey Library at Deree - The American College of Greece (ACG)*, www.oed.com.acg.idm.oclc.org/view/Entry/222969?rkey=OmJQhR&result=1&isAdvanced=false#eid.



Since the formation of the council, one of the main issues has been the veto power the P5 countries have. It was initially given to them to overrule any proposal which could threaten world peace, as they were the main powers of that time and they obtained the majority of the colonial world. However, after the fall of the colonial rule, it has created many disputes, questioning the equality amongst the council's members and the possible threat of not maintaining international peace, if a permanent member consists a party in a dispute brought before the council.

On the other hand, at this point of time, the truth is that taking away the veto power from the P5 countries seems impossible. And that is because these countries would refuse to participate in the Security Council's meetings, as they wouldn't be able to support their best interests anymore. And, although we are not still in colonial times, these countries need to be in the Security Council permanently, as they possess five of the strongest armies worldwide to use, if needed to maintain peace. Also, taking their permanence away would create important political disputes between them and the nations who were in favor of this action.

Ever since the Security Council was created, every P5 country has used the veto power more than once. They may have vetoed a resolution for their own benefit, or to support an ally of theirs who may be negatively impacted by the measures proposed. Since the first formal Security Council meeting in 1946, approximately 300 vetoes have been casted. Although some of them have not vetoed a resolution in recent years, others continue to this day, either on their own or even as a double veto. Russia, formerly the USSR, has cast its veto power 122 times. Some important cases in which Russia, either as the Russian Federation or as the USSR, used its veto are



the Korean War conflict, the Indian-Pakistani War and the Goa conflict⁵. Despite that, the most well-known and recent use of the Russian veto is the Ukraine conflict (February 25th, 2022). When Russia invaded Ukraine, immediate action was taken by the UN to prevent further harm. A Security Council meeting was called, to discuss possible measures to stop the war in Eastern Europe. However, none of these measures pleased Russia enough to back down, so it vetoed the resolution. Up to this day, the war in Ukraine still continues.

The USA, since 1970 when it cast its first veto, has vetoed council's resolutions a total of 84 times. Having, though, used it 44 times for the Israeli-Palestinian situation makes it the most important matter of the Security Council in which the US is involved. The first use of the US veto in the specific conflict was on September 10th, 1972, on a resolution Somalia, Guinea and Yugoslavia drafted in regards to Israeli aggression on the border with Lebanon. The most recent veto used by the US on the conflict was on June 1st, 2018. The Palestinian delegation, seeing as, whenever there was potential for measures to be taken on the Palestinian question, the US voted negatively on the resolution to satisfy Israeli interests on the issue, brought the case before the General Assembly to express their opinion on the issue and search other ways to resolve it.⁶

The UK has used its veto power a total of 31 times during the council's existence. Although the last time it used it was on December 23rd, 1989, along with France and the USA, in regards to the situation in Panama, the majority of the UK veto uses was in resolutions regarding the colonies in Africa, and mainly South Africa,

⁵ Staff, News9. "Veto Power: What Is It and How Many Times Russia Has Used It in Favour of India." *NEWS9LIVE*, News9live, 4 Mar. 2022, <https://www.news9live.com/knowledge/veto-power-what-is-it-and-how-many-times-russia-has-used-it-in-favour-of-india-155567?infinitemscroll=1>.

⁶ "United Nations, Security Council." *United Nations*, United Nations, research.un.org/en/docs/sc/quick.



during the apartheid. The measures suggested by the council did not seem fair for the British interests in the South African region, so the Kingdom cast its veto multiple times in an attempt to keep the British Empire alive. Eventually, after public awareness was raised and people in that region protested and marched, the UK stopped vetoing the Security Council's resolutions and the apartheid system was abandoned.

China has used its right to veto 18 times, 17 as the People's Republic of China (PRC, the current official name of China) and only one as the Republic of China (ROC, currently Taiwan). It has actively used its veto after 1990, casting it 16 times. However, the majority of these vetoes have been complementary to another veto, usually the Russian one. In the last decade, China has vetoed 10 resolutions of the council for the situation in the Middle East. China has made agreements with 15 countries in the Middle East and has stated that it will not take a position in local conflicts, most probably for

diplomatic reasons. To this day, the situation is still discussed in the Security Council, and is the case in which the veto was used more recently (Russia, July 8th, 2022).

France has cast its veto 17 times. The first time it used its power was on October 30th, 1956, in the case of a letter sent by the US to the Security Council's President regarding the Palestinian conflict. Out of these 17 times, though, 11 of them were used on the situation of colonized Africa, and mostly about Namibia and South Africa, where in the last two cases mentioned it co-used its veto along with the USA and the UK. Like the UK, France vetoed the council's resolutions on the situation to keep its colonies in Africa, mainly for trading reasons, thus economic power and control of the region. At the end, after the work of other UN commissions focused on



the decolonization of the area, Namibia, South Africa and other French colonies in Africa became independent.

Results of the overuse and misuse/abuse of the veto

As a result of the above, it is generally considered that the veto has been overused by the P5 countries, and in many cases misused, to satisfy national rather than international benefit, or even abused, bearing in mind the extreme number of times used in the council's existence. The argument exists that the main abuse of the veto has been done by Russia, specifically by the USSR in the past. In important cases where the Security Council had found a solution, like the Palestinian conflict in the beginning, the Korean War or the Balkan question, the USSR vetoed the resolutions proposed on these issues. It has to be mentioned that the first 56 vetoes in the Security Council were cast by the USSR (February 16th, 1946-December 15th, 1955).

For this reason, in the first decade of the UN's existence, the general opinion was formed that the Security Council was dysfunctional. From one point of view, the veto power was the main cause of it. It was believed that the veto itself created inequalities and raised disbelief and clash amongst the council's members. Even in early years, the delegates of the Philippines stated: "The veto is a Frankenstein... it prevents all practical results in the United Nations... it therefore endangers the fate of all mankind..."⁷. From another point of view, the use of the veto is just a "symptom", a result of more important issues in the UN's core. Although it may be what prevents nation-wide collaboration within the Security Council, it is just a product of other issues of the UN, mainly of inequality amongst member states.

⁷ *The Veto Problem in the U.N.* - JSTOR. www.jstor.org/stable/42743587, p.130



Many states which were directly involved in council's discussions tried to find alternative solutions to resolve their cases. A very well-known situation in which the main state involved brought the case before the General Assembly was Palestine regarding the Palestinian conflict. After the case was discussed in the Security Council and constantly vetoed mainly by the USSR/Russia or the USA, the Palestinian delegation went to speak to the GA, for a broader perspective to be given in the situation and for fairer measures to be proposed. They hope that the council listens to the assembly's propositions.

Participation

One other main issue with the Security Council is participation. Aside from the P5 countries, 10 more countries are elected by the General Assembly to participate in the council with a vote for a term of 2 years, while others can participate in its sessions without a vote. From a perspective, that is functional. Firstly, there is fluidity in the council's participants, thus in its decisions, perspectives, actions and propositions, while at the same time there is a permanent base of principles and ideas (i.e., the P5). Also, allowing states that are not members of the Security Council to participate in its meetings allows for a broader perspective on an issue discussed, which may possibly come from countries impacted by the council's decisions on that issue.

From another perspective, though, the participation system of the Security Council seems to many unfair. Having such a small number of voters on a matter which could possibly affect the entire world could be viewed as unjust. Moreover, not allowing a state which may be a party in a given situation to vote for their own future, if they are not a Security Council member at that moment, lets their fate be decided by other states, which may look to achieve their own benefit.



Furthermore, there are no permanent states representing South America, Africa or Oceania. Hence, countries from the continents above are not able to permanently represent their region and their people in the council and, additionally, aren't able to veto any resolutions that may harm them in any aspect, a right that countries from the rest of the continents obtain. In the same manner, developing countries are usually underrepresented in the council, either permanently or temporarily, resulting in a deficient point of view and decision on each and every case brought before it.

Transparency

An issue of the Security Council that is not discussed so often but exists and is making its impact is the lack of transparency. That means that most of the council's meetings that focus on a burning issue are held privately, without outside factors, such as NGOs or even UN members that aren't a member of the council, being able to know the matters discussed in such meetings.

The open meetings that are held are usually focusing on either less important issues or on an issue the whole world talks and cares about or about procedural matters. Although the Security Council's non-member states are not totally left in the dark, the request of increasing transparency within the council has existed for a long time now. Delegates of both permanent and non-permanent members, as well as of non-members, such as the UK, Ecuador, Brazil, China and more, have expressed their concerns and have been constantly requesting for a more transparent council, a council that can be trusted.

As the years went by, there was a constant increase in the council's private meetings held. When it first formed, the majority of the council's important meetings, if not all, were held publicly. This would allow for a trustworthy council, but also for



more states to attend the meetings and present other points of view on issues of great concern. However, every year, more and more private meetings were held. During the 1990's and the early 2000's, the number of private meetings held was at an all-time high. Other UN members noticed that, and brought their concerns before the General Assembly. As an immediate solution, the Security Council's executives increased the number of total meetings, rather than decreasing the number of private meetings held, so it looks like the majority of the council's meetings are held publicly. Although this may be true, members were still concerned about the difference in the importance between the topics discussed privately and the ones discussed publicly.

Since then, the council has indeed increased its transparency. The concern about the honesty, though, towards the non-member states of the council regarding the topics discussed privately still exists, and is a matter within the Security Council and the whole UN organization that is attempted to be resolved.

Previous attempts to solve the issue

Hybrid meetings

After the complaints regarding the council's transparency, the Security Council executives and directors took notice and a new type of meeting was introduced. These so-called "hybrid" meetings are essentially private meetings, meaning that the subjects discussed stay within the council, but every member of the UN, even if they are not members of the Security Council at the moment and even if they have not been invited by the presidency, may attend the meeting, state their opinions and propose possible ideas and measures.



Amendment to UN Charter's Article 23

An amendment on Article 23 was made by the General Assembly on December 17th, 1963 and was officially put into action two years later, on August 31st, 1965. The amendment foresees an increase in the Security Council's members initially from eleven to fifteen. This aimed at a fairer discussion (for private meetings) on matters which threaten international security.

Amendment to UN Charter's Article 27

An amendment on Article 27 was made and officially put into action by the General Assembly on the same dates as the amendment aforementioned. This amendment foresees an increase of votes needed for procedural matters in the Security Council initially from seven to nine and for all other matters in the council from seven to nine, including the votes of the P5. This aimed at a fairer voting procedure for matters regarding the smooth flow of the council's meetings and for matters which threaten international security.

Possible solutions

Increasing the required number of vetoes

A possible and realistic solution to make the function of the Security Council more just is to reduce the number of affirmative votes of the permanent members needed from five to four. Technically, this means that the number of vetoes necessary for a resolution not to be adopted shall be increased from a single one to two. Hence, in the case where the veto power would be used by two members, this would show that the resolution doesn't affect just one nation's policy and interests, rather that it



has a negative impact on multiple countries. Although it still wouldn't be totally fair, it's one of the most feasible solutions at this point.

Increasing the power of the General Assembly

Another possible solution to reduce the impact of the core problems of the Security Council is to provide more power to the General Assembly, where there's a representative for every single independent nation. Despite that, since the creation of the UN, the role of the General Assembly has been to propose measures, rather than implementing them, which is the role the Security Council has. Thus, cases of great importance should be brought before the General Assembly, for a broader perspective and a fairer result. The procedure to bring a case before the GA would be the following: if deemed necessary, in a case of great dispute, there should be a voting within the Security Council to decide where the case should be discussed. As this matter would be procedural, the P5 countries wouldn't be able to use their veto and the decision would be made only according to the result of the voting (UN Charter's Article 27, Paragraph 2). If the result is affirmative, the case would be brought before the GA, which would subsequently have every right of the Security Council only for the specific case.

Number of participants, reduced terms, P5

As one of the main problems with the Security Council is participation, a possible measure to tackle the problem to a degree is to change its terms. Firstly, the states who constitute a party in a council's discussion should participate in it and also have the right to vote, even if they are not a Security Council member at that time. As a result, members that are directly involved in the matter discussed will be able to show their perspective to other states and vote on a matter.



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