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## ROLE OF THE UN SECURITY COUNCIL IN MAINTAINING PEACE: CASE STUDY OF GEORGIA

Eka Vardiashvili<sup>†</sup>

### Abstract

*Conflict is a certain constant in the known human history. At first, the states resolved the confrontation through military violence. However, along with the development of society, it became clear that solving the issue in a separate area through war or armed conflicts is not an effective way, that is why the main issue for thinkers to discuss was how to avoid the attack of a neighbouring or how to prevent an attack from another state that was stronger than them, and generally, how to solve international problems so that peace can finally be established between nations. It was for this purpose that the United Nations was created in 1945, one of the preambular goals of which was 'to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind'. In this context, the paper assesses the role of the UN Security Council vis-à-vis the Russo-Georgian War.*

**Keywords:** United Nations, UN Security Council, Russo-Georgian War, Peace.

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## I. Revisiting UNSC

The United Nations consists of six main bodies, of which the UN Security Council (UNSC) is vested with the 'primary responsibility for the maintenance of international peace and security'.<sup>1</sup> The maintenance of international peace and security aims at the implementation of certain preventive measures to prevent the violation of the peace. And, in case of its violation, the main mission of the Council is to restore peace. In addition, the UNSC must consider the steps necessary to restore justice and order.<sup>2</sup>

The definition of creating a threat to the peace certainly does not imply any use of force, nor any violation of international law, what constitutes a threat to the peace is entirely within the discretion of the UNSC. The Council is free to define 'distant threat'. A threat to peace can be an action that disturbs the balance of international security. But if we discuss according to Article 39 of the Charter, we shall consider as a threat to the peace what the Council deems to be such a threat.<sup>3</sup> As explained in 1945, UNSC 'does not need to wait until it has been determined who is right and who is false', its function is to 'stop armed conflict or neutralize threats to peace as quickly as possible'.<sup>4</sup> According to the UN Charter, the UNSC has full freedom of action in implementing collective security. He is free to decide in what case, when and against whom to use force.

According to the author, it is important to mention the fact that the recommendations adopted by UNSC are not binding. They can only

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<sup>1</sup> Art. 24(1), UN Charter, 1945.

<sup>2</sup> DINSTEIN YORAM, *WAR, AGGRESSION AND SELF-DEFENCE* 280(4<sup>th</sup> Ed. CUP, 2005).

<sup>3</sup> KHATUNA BAKURADZE, *THE USE OF FORCE AND SELF-DEFENSE IN THE INTERNATIONAL LAW* 18 (TUP, 2011).

<sup>4</sup> Hans Kelsen, *Collective Security and Collective Self-Defense under the Charter of the United Nations*, 42 *AMERICAN JOURNAL OF INTERNATIONAL LAW* 783-96 (1948).

convince member countries of the need to implement certain measures. Recommendations can be related to the facts of creating a threat to the peace, as well as its violation and aggression. They may also include the need for specific action to be taken directly by any State to maintain or restore international peace and security. Member states can implement or refuse to implement the recommendation of the UNSC. But, at the same time, it should be taken into account that in case of disregarding the recommendation of the UNSC, it can make a binding decision.<sup>5</sup>

The UNSC, despite the unlimited powers granted to it by the UN Charter, is not omnipotent. The limitation of the unlimited authority of the UNSC is the political will and action of its member states.<sup>6</sup> This is particularly interesting considering that the UNSC, whose goal is to maintain international peace, takes a decision only with five permanent members taking a positive position on a non-procedural issue. If any permanent member vetoes the proposal under discussion, the matter fails, i.e. UNSC becomes effectively inactive. Therefore, it is interesting whether the use of veto power by the permanent members of the UN Security Council hinders the decision-making process, and is it possible to argue that the veto power used by permanent members of the UNSC always linearly supports peacekeeping? To analyze this issue, it is appropriate to review it.

## II. Right of Veto and UNSC's Inaction

UNSC consists of 15 member states, and obviously, the decision made by them in the process of voting on an individual issue is related to political motives. It is important to note that the UNSC is essentially aimed at establishing international peace and security,

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<sup>5</sup> Bakuradze, *supra* note 3, at 12.

<sup>6</sup> KETEVAN KHUTSISHVILI, *COMPETITIVE AND COMPLEMENTARY COMPETENCIES OF THE UN SECURITY COUNCIL AND THE INTERNATIONAL CRIMINAL COURT* 16 (TUP, Tbilisi, 2010).



which is sometimes achieved through inaction and unjust actions. Thus, the decisions they make may not comply with the legal aspects. However, I reckon the UNSC should not be satisfied with simply making peace. In my opinion, his mission is even greater than simple peace. UNSC should aim to ensure a just peace in the world.

According to Article 27 of the UN Charter, 'decisions of UNSC on procedural matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members'. If one of the permanent members uses the right of veto and does not agree with the text of the resolution, the decision cannot be taken.<sup>7</sup> Article 27 of the Charter also states that 'in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.' Therefore, in defining this rule, it does not refer to decisions under Chapter VII. Accordingly, a permanent country can exercise a veto and disrupt the voting during the discussion of the measures provided for in Chapter VII, whether or not it is a party to the dispute. All this suggests that the permanent member can always be an obstacle to any resolution dealing with Chapter VII of the Charter.<sup>8</sup>

I think that one of the factors hindering the effective work of the UNSC is the personal interests of the members of the Council in the process of discussion and decision-making. They constantly try to use political or economic levers to achieve their goals and influence on the decision-making processes in the Council. The issue becomes even more complex when the party to the dispute is the permanent member itself. They do not want to abstain from voting. Moreover, if the permanent member does not want to continue the proceedings by the court, or wants not to transfer any situation or case, he enjoys the privilege granted to the permanent members - using the right of veto in the voting process. By using the right of veto, a permanent

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<sup>7</sup> Bakuradze, *supra* note 3, at 22.

<sup>8</sup> *Id.* at 23.

member effectively controls all matters regardless of whether he is involved in it or not. Also, it should be emphasized that a permanent member can convince a sufficient number of members of the Council to prevent the Council from deciding on a non-procedural issue. In this way, not only can a veto by one of the five permanent members of the UN Security Council be decisive, but a negative vote or an abstention from any 9 of the 15 members of the UNSC will block the necessary positive votes from being collected and accordingly, the transfer of the case to the court may be blocked or the suspension of the proceedings by the court may not succeed. Thus, the UNSC becomes powerless and dysfunctional.<sup>9</sup>

Based on the above, it is even more clear that the permanent members of the UN Security Council enjoy several advantages contrary to the principle of equality and representation. The history of the UNSC remembers many cases when a veto used by one of the permanent states prevented the adoption of a resolution. Statistically, Russia used the right of veto most often. However, for example, in the case of Grenada in 1983, the UN General Assembly condemned the use of force, and the adoption of a similar resolution by the UNSC was prevented by the veto of the United States of America.<sup>10</sup>

After the end of the ‘Cold War’, the use of the right of veto was reduced. From 1946 to 2000, the permanent members of the UNSC used the veto 253 times, and from 2001 to the present, it was used a total of 45 times.<sup>11</sup> Such an important organization like the UN can no longer ensure the protection of ‘small’ states from ‘big brothers’. A clear example of this is Georgia when Russia vetoed the continuation of the UN observation mission in Georgia. Thus, although all members of the United Nations and the international

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<sup>9</sup> Khutsishvili, *supra* note 6, at 19.

<sup>10</sup> *Id.*

<sup>11</sup> See: Security Council – Veto List, Dag Hammarskjöld Library, [https://www.un.org/Depts/dhl/resguide/scact\\_veto\\_table\\_en.htm](https://www.un.org/Depts/dhl/resguide/scact_veto_table_en.htm) (Aug. 28, 2023, 9:00 AM).

community agree that there is a need to reform UNSC so that it responds to the changes taking place in the modern world and represents all member states on the basis of equality and justice<sup>12</sup>, unfortunately, effective measures are not yet visible, therefore the problem still remains relevant. The reality shows that all this is bringing more and more serious consequences for the world community.

### **III. Response of UNSC During the Russia-Georgia Conflict**

During the Cold War, the concept of security was centred on the state, which promoted the hegemony of the state's power in its own territory. However, after the end of the Cold War, the state-oriented system was transformed into a human-oriented system. Thus, human rights and freedoms are given more and more importance. During this period, there was a hope that the United Nations would become such an effective international organization as it was conceived. These hopes were not justified and the development of events made it clear that the effectiveness of the UN is still being sacrificed to bipolar interests.<sup>13</sup> Due to the ineffectiveness of the UN, the international community is often stuck and faced with a dilemma: whether to act strictly within the legal framework established by the Charter and turn a blind eye to the mass murders of people, torture and other cruel acts or to go beyond these frameworks and take effective steps to prevent such atrocities.<sup>14</sup>

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<sup>12</sup> Bakuradze, *supra* note 3, at 111.

<sup>13</sup> V.P. Nanda et. al, *Tragedies In Somalia, Yugoslavia, Haiti, Rwanda and Liberia - Revisiting the Validity of Humanitarian Intervention Under International Law - Part II*, 26 DENVER JOURNAL OF INTERNATIONAL LAW AND POLICY 828-829 (1998).

<sup>14</sup> Nino Rukhadze, *Humanitarian Intervention in Modern International Law*, 1 JOURNAL OF INTERNATIONAL LAW 46 (2009).

History shows that political realities significantly determine the ability of the body 'primarily responsible' for the protection of 'international peace and security'.<sup>15</sup> For example, over time, the ineffectiveness and dysfunctionality of the UN Security Council is becoming more and more evident. This became even more clear during the Georgian-Russian conflict.

During the 2008 Russo-Georgian war, the UNSC has done virtually nothing to prevent the committing acts of the Russian Federation prohibited by the UN Charter. Also, as a result of the conflict, the shortcomings that prevent international organizations from responding effectively and quickly to the situation became clear once again. The situation is always more complex when a permanent member of the UNSC is involved in the conflict. During the Russia-Georgia conflict, the Russian Federation, as a permanent member of the UN Security Council, took advantage of the privileges granted to permanent members, which did not help to ensure Article 39 of the UN Charter, and the protection and/or restoration of international peace and security; On the contrary, one of the permanent members of UNSC, the Russian Federation, carried out an armed attack on Georgia and occupied the territory of Georgia, ignoring all international legal grounds.

Therefore, the question arises: How should the international community act if human rights are trampled under the conditions of a dictatorial regime in one or another state, to which the UNSC - due to the conflicting interests and views of its member states - is powerless to respond appropriately and to make a decision that ensures the suppression of these violations?<sup>16</sup>

To answer the above question, the author finds it is necessary to consider in detail the Russia-Georgia conflict and the involvement of

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<sup>15</sup> Khutsishvili, *supra* note 6, at 17.

<sup>16</sup> Rukhadze, *supra* note 14, at 47.

the UN Security Council in the process of 'restoring peace and security'.

After the restoration of independence by Georgia and the collapse of the Soviet Union, the legal successor of the Soviet Empire - the Russian Federation - continued to inspire armed conflicts on the territory of Georgia, namely, on the territories of the Autonomous Republic of Abkhazia and the former autonomous district of South Ossetia. The Russian government systematically armed the separatists and provided them with military, financial and political support. In the 90s of the 20th century, Russia carried out ethnic cleansing of Georgians through the regular army and mercenaries.<sup>17</sup> Later, during the August 2008 war, Russia violated the basic principles of international law concerning Georgia and carried out aggression against the sovereign state. However, then Russian President Dmitry Medvedev appealed to the subsequent circumstances, namely that they intervened to protect the people and their right to exist as an ethnic group.<sup>18</sup> Also, Medvedev notes that the goal of the intervention was to prevent a humanitarian disaster. He emphasizes that the intervention was limited and driven by absolute necessity and that they acted in accordance with international law, including the UN Charter and the right to self-defence.

In contrast, many Western governments considered Russia's involvement in the armed conflict illegal. British Foreign Secretary

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<sup>17</sup> Bakuradze, *supra* note 3, at 119.

<sup>18</sup> Gregory Hafkin, *The Russo-Georgian War of 2008: Developing the law of Unauthorized Humanitarian Intervention After Kosovo*, 28 BOSTON UNIVERSITY INTERNATIONAL LAW JOURNAL 226 (2010).

David Miliband said in late August that what Russia had done went far beyond the scope of a peacekeeping mission.<sup>19</sup>

At the conference held on August 11, the US ambassador to the United Nations criticized Russia and noted that ‘If the Russian intent as has been stated has been the return to status quo ante in South Ossetia, why start a second front from Abkhazia? Why attack the rest of Georgia? And why attack the infrastructure of Georgia? Why threaten to attack the civilian airport of Tbilisi?’<sup>20</sup> In one of its resolutions, the Congress recognized that Russia's intervention in Georgia was illegal:

The United States condemns the attack on the sovereign territory of Georgia by the military of the Russian Federation in August 2008 in contravention of international law, including the United Nations Charter and Sochi Agreement of 1992 that governed the conduct of Russian peacekeepers in ... South Ossetia.<sup>21</sup>

The Russian Federation was not authorized by the United Nations Security Council to use force, and this action is not considered to be an exercise of the right of legal self-defence. Thus, the answer to the question - whether Russia has made an effort to resolve the problem through the instruments allowed by international law and whether it has exhausted these facilities - is an unequivocal ‘no’.<sup>22</sup>

The steps taken by Georgia and the international community in 2007-2008 aimed to create real conditions for participation in the so-called settlement of frozen conflicts and the internationalization of the peace process, which is confirmed by the UN Security Council

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<sup>19</sup> Revaz Tkemaladze, *Unilateral Humanitarian Intervention: A Crime of Aggression under the Rome Statute of the International Criminal Court?*, JOURNAL OF INTERNATIONAL LAW 114 (2020).

<sup>20</sup> Hafkin, *supra* note 18, at 228.

<sup>21</sup> Tkemaladze, *supra* note, 114. H.R. 6911, 110<sup>th</sup> Cong. Para. 2(1) (2008).

<sup>22</sup> Rukhadze, *supra* note 14, at 53.

Resolutions 1781 and 1752 of 2007, the Russian Federation responded with military aggression.<sup>23</sup> It is important to note that the Russian Federation, by occupying the territories of Georgia and taking steps after the August aggression, violated all the basic legal documents of international law - the UN Charter, the Helsinki Final Act, The Charter of Paris, the Universal Declaration of Human Rights, the 1949 European Convention on Human Rights and Fundamental Freedoms and many other international instruments.<sup>24</sup> Russia continues to isolate itself from the civilized world. Every step that Russia takes in relation to Georgia further deepens the gap between Russia and the international community.<sup>25</sup>

The UN Security Council was actively involved in monitoring the occupied regions of Georgia from 1993 to 2009 until the Russian Federation used its veto power and blocked the UN monitoring mission in Georgia.<sup>26</sup> As a general rule, 9 out of 15 votes, including the affirmative votes of all permanent members, are required to pass a decision in UNSC. However, at the meeting of the UN Security Council on June 16, where the situation regarding the continuation of the activities of the UN Monitoring Mission in Georgia was discussed, the decision was supported by ten of the fifteen member states (Austria, USA, Burkina Faso, Great Britain, Turkey, Japan, Costa Rica, Mexico, France and Croatia), while four abstained

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<sup>23</sup> *On the occupation of the territories of Georgia by the Russian Federation*, Resolution of the Parliament of Georgia, 28.08.2008, <https://matsne.gov.ge/ka/document/view/45004?publication=0> (Aug. 29, 2023, 9:30 AM).

<sup>24</sup> Statement of the Ministry of Foreign Affairs of Georgia, Tbilisi, August 7, 2009.

<sup>25</sup> Statement of the Ministry of Foreign Affairs of Georgia regarding Russia's veto on the continuation of the UN monitoring mission in Georgia, Tbilisi.

<sup>26</sup> Kakha Imnadze speech, Tbilisi, November 11, 2018, <https://mfa.gov.ge/News/kakha-imnadze-gaeros-ushishroebis-sabchos-giadeba.aspx> (Aug. 29, 2023, 10:00 AM).

(Vietnam, Libya, Uganda and China).<sup>27</sup> The discussed issue met the prerequisites established by the UNSC. However, the danger of Russia's use of the right of veto always reigned and still reigns.<sup>28</sup> Unfortunately, at the meeting of June 16, 2009, Russia used this right and vetoed the continuation of the UN monitoring mission in Georgia. By blocking the UN mission precisely at the time when its presence on the ground was the most essential (after the August 2008 war), the Russian Federation set a dangerous precedent in the history of UN peacekeepers.<sup>29</sup>

According to the author, the main motive of Russia using such a lever was to create a kind of vacuum and make the territory of Abkhazia uncontrollable for the international community and for the Georgian government itself. By expelling the UN observation mission from the occupied territory, the international community lost the medium through which it controlled Russia's illegal actions in the occupied regions. Thus, the population living in this area lives in a condition where their lives are constantly threatened, where their fundamental rights and freedoms are violated daily, and the security environment is completely dependent on the Russian occupation forces and their proxy Abkhazian police, who are responsible for ethnic cleansing and on many acts of atrocious crimes.<sup>30</sup>

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<sup>27</sup> Statement of the Ministry of Foreign Affairs of Georgia regarding Russia's veto on the continuation of the UN monitoring mission in Georgia, Tbilisi, June 16, 2009.

<sup>28</sup> Levan Aleksidze, *About the decisive role of the OSCE in the case of the national condemnation of the ethnic cleansing of the Georgian people in Abkhazia*, 1 JOURNAL OF INTERNATIONAL LAW 35 (2008).

<sup>29</sup> See Kakha Imnadze delivered a speech within the framework of the open debate of the UN Security Council, Tbilisi, November 11, 2018, <https://mfa.gov.ge/News/kakha-imnadze-gaeros-ushishroebis-sabchos-gia-deba.aspx> (Aug. 29, 2023, 10:10 AM).

<sup>30</sup> *supra* note 25.



The UN Security Council failed to take adequate measures to stop the aggression precisely in the presence of the right of veto;<sup>31</sup> In fact, UNSC was powerless to take effective measures. Moreover, 14 years after the 2008 Russia-Georgia war, the majority of the international community still does not recognize the de facto independence of South Ossetia and Abkhazia. However, the recognition of these regions by Russia gives a hand to the division of the country, a continuation of the conflict and destabilization, not only in Georgia but in the entire region.<sup>32</sup>

Thus, the development of the activities of the UNSC both in Georgia and during the ongoing crises in Somalia, Rwanda and Bosnia clearly shows that it is no longer a consolidated, effective body for protecting international peace and security and creating threats to them, which is due to the existence of the right of veto.

Unfortunately, the problem is still relevant and the UN Security Council is still incompetent, inactive, and powerless. The UN Security Council is unable to fulfil its stated goal of protecting or restoring international peace and security. Ukrainian President Volodymyr Zelensky 'challenged the Council to either remove the Russian Federation as a source of war so it can no longer block decisions made about its aggression or simply 'dissolve yourselves altogether' if there is nothing to do other than engage in conversation. 'Are you ready to close the United Nations? Do you think that the time for international law is gone?'<sup>33</sup>

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<sup>31</sup> Levan Aleksidze, *International legal aspects of Russia's armed invasion on the territory of Georgia*, 2 JOURNAL OF INTERNATIONAL LAW 8 (2008).

<sup>32</sup> The situation in the occupied territories of Georgia was discussed at the session of the UN Security Council on the 10th anniversary of Russia-Georgia, August 9, 2018, <https://mfa.gov.ge/News/gaeros-ushishroebis-sabchos-skhdomaze-ruset-saqart.aspx> (Aug. 29, 2023, 10:10 AM).

<sup>33</sup> Ukraine's President calls on Security Council to act for peace, or 'dissolve' itself, UN News, 5 April 2022, <https://news.un.org/en/story/2022/04/1115632>, (Aug. 29, 2023, 10:15 AM).

Nowadays, the current events in the world remind us once again that ‘veto should not be the right to die’.<sup>34</sup> That is why, I think, it is necessary to immediately implement measures in the UN Security Council, to change the system in order to eliminate similar problems; so that finally UNSC can achieve its goal without such obstacles.

#### **IV. Recommendations**

The events of the last decade make it increasingly clear that the UN Security Council is no longer infinitely powerful. The often free and unsubstantiated or contradictory actions of the UNSC undermine the myth of its power, which should neither be in line with the goals of the creators of the UN Charter nor be good for the stability of the modern world.<sup>35</sup> As Eric Sue points out in his work, this body can only be involved in organizing simple peacekeeping operations at this stage, such as - preparation, organization and supervision of elections, in parallel with the mobilization of humanitarian aid. Sui also concludes that UNSC can no longer play an ‘active’ and ‘adequate’ role in peace enforcement. This mandate will increasingly be delegated to member states, that will act individually or collectively, as a coalition of the willing or within the framework of a regional organization.<sup>36</sup>

UNSC can take any measures it deems appropriate to restore international peace and security.<sup>37</sup> However, as Yoram Dinstein points out the UNSC ‘can take action on a threat to the peace that is generally imperceptible to the public just as much as it can refuse to recognize a clear threat to the peace.’<sup>38</sup> Unfortunately, the history of

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<sup>34</sup> *Id.*

<sup>35</sup> Khutsishvili, *supra* note 6, at 21.

<sup>36</sup> Khutsishvili, *supra*, 20.

<sup>37</sup> Alexander Orakhelashvili, *The Legal Basis of the United Nations Peace-Keeping Operations*, 43 VIRGINIA JOURNAL OF INTERNATIONAL LAW 485-493 (2003).

<sup>38</sup> YORAM DINSTEIN, WAR AGGRESSION AND SELF-DEFENCE 251 (2001).

the UNSC has set many precedents for this, when due to the right of veto exercised by the permanent member, in effect, he refused to recognize the creation of a clear threat to the peace.

Thus, the need for reform of the UNSC is becoming increasingly clear to the world, although the reform will be successful only when it fully reflects the principle of equality of member states. As Boutros Gal points out: 'Member countries agree that the number and composition of the current members of the Council do not reflect the reality caused by political and economic changes and are completely unrepresentative.'<sup>39</sup> That is why, I think, it is especially important to increase the representation of developing states because the issues to be discussed in UNSC mainly concern them. Expanding the number of members in UNSC, per se, will not be a sufficient prerequisite for successful reform. Thus, the UNSC must implement such measures that will allow the non-member countries to state their position and participate in the decision-making process. Also, it is necessary to implement such measures that will make the activities of the UNSC clearer. Finally, it is significantly important to change the preconditions for the use of the right of veto.

In the shortest period after the entry into force of the Charter of the United Nations, it became obvious that the UNSC would find itself in a hopeless situation due to the existence of the right of veto. In 1950, the General Assembly passed the famous 'Unity for Peace' resolution, which noted that the lack of unanimity among the permanent members of the UNSC hindered the fulfilment of the Council's primary responsibility for peace and security.<sup>40</sup> However, I

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<sup>39</sup> Press Release, United Nations, Secretary-General Speaks of Security Council Reform in Lecture at Foreign Ministry of Mexico, March 4, 1996, <https://www.un.org/press/en/1996/19960304.sgsm5906.html> (Aug. 29, 2023, 11:00 AM).

<sup>40</sup> Christian Tomuschat, *Uniting for Peace General Assembly Resolution 377 (V)*, Audiovisual Library of International Law, October 2008, <https://legal.un.org/avl/ha/ufp/ufp.html> (Aug. 29, 2023, 11:15 AM).

think it is unclear on what basis the General Assembly can be said to be a better guardian of international peace than the UNSC.

In my opinion, it will bring a positive result if the permanent members of the UN Security Council do not have the right to use the veto at all, because, with the current situation, it seems like we are dealing with a kind of fair injustice. Even if an instrument like the right of veto were no longer allowed to the permanent members, the UNSC would become more efficient and would ensure the adoption of any resolution under Chapter VII of the UN Charter without any hindrance. However, as the authors of the UN Charter believed, the big countries would not agree to sign the Charter if they did not have the ability, according to the Charter, to block decisions.<sup>41</sup>

Therefore, I think it would be more effective if the permanent members of the UNSC, who represent the parties to the dispute, were limited in the use of the right of veto when considering an individual issue. In my opinion, establishing the principle of *nemo iudex in sua causa* would make UNSC relatively more effective. Accordingly, such a transformation of the right of veto will reduce such injustice as was revealed in the example of Georgia.

If the permanent members had been limited by the right of veto in 2008, Georgia would not have found itself in such a weak position. The Russian Federation would no longer have the right to use this instrument since it was a party to the dispute. Accordingly, he would no longer be able to veto the mandate of the UN monitoring mission, and his legally unjustified reasons would no longer be sufficient to block the project.

Once can also refer to the current events in Ukraine. If the power of the permanent members were limited by such leverage, the Russian Federation would not be able to block a UN Security Council resolution condemning Russia's invasion of Ukraine. In author's

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<sup>41</sup> Bakuradze, *supra* note 3, at 100.

opinion, taking into account the aforementioned recommendations, it will be possible for the UNSC to turn into such a body, where it is not dependent on the will of the five big countries to make political decisions.

## **V. Conclusion**

Finally, in conclusion, I would like to say that today such an important body as the UN Security Council is completely incapable of ensuring the establishment and/or restoration of international peace and security. It seems that the UNSC is no longer able to protect small countries from the 'big brothers', who commit serious violations using violence and coercive policies incompatible with the principles of international law and justice. We saw all this clearly in the example of the use of force by the Russian Federation against Georgia. Thus, the UNSC needs to be reformed. It is especially necessary to reform the use of the right of veto by the permanent members so that the UNSC can adopt any resolution related to Chapter VII of the UN Charter without hindrance from the permanent members.

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