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Reforming the United Nations: Realities, Expectations, and the Way Forward

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Abstract

The United Nations was born as an end-result of the Second World War. Its stated purpose was obvious as enshrined in the Charter of the United Nations ("the Charter") – to maintain international peace and security. The United Nations, however, both in terms of practicality and the will to do such, had been burdened by several problems surrounding them; the ineffectiveness of several bodies such as the Trusteeship Council, the Economic and Social Council ("ECOSOC"), etc.; the overwhelming power of the veto rights vested towards the five permanent members of the United Nations Security Council ("the UNSC"); the strength of certain resolutions towards the international community, to name a few. Though one of the keys to reform the United Nations is by amending the Charter itself, the current development on the issue seems – and continues to seem – moot. Thus, the will to reform has to be from the United Nations itself, since the organization is expected to develop with time and the community, instead of being extremely rigid, dead-locked international organization.

Keywords: Charter of the United Nations, organization, reform, resolution, United Nations.

Reformasi Perserikatan Bangsa - Bangsa: Realita, Ekspektasi, dan Harapan

Abstrak

Perserikatan Bangsa-Bangsa lahir sebagai hasil akhir, atau akibat, dari Perang Dunia Kedua. Tujuan tersurat PBB adalah telah jelas sebagaimana yang tercantum dalam Piagam Perserikatan Bangsa-Bangsa – menjaga perdamaian dan keamanan internasional. Sekalipun demikian, PBB baik secara praktis maupun melihat niat, nyatanya menemui rintangan dan permasalahan yang mengelilinginya seperti tidak efisiennya beberapa badan seperti Badan Perwalian (Trusteeship Council), Badan Ekonomi dan Sosial (ECOSOC), dan sebagainya; kekuatan berlebihan berkenaan hak veto bagi lima negara anggota permanen Dewan Keamanan PBB; kekuatan resolusi-resolusi tertentu terhadap komunitas dunia, dan masih banyak lagi. Sekalipun salah satu kunci reformasi PBB ialah dengan mengamandemen piagam PBB itu sendiri, perkembangan yang terjadi membuat hal tersebut menjadi angan semu semata. Tekad mereformasi PBB sudah sewajarnya berasal dari PBB sendiri. Oleh karenanya, PBB diharapkan untuk berkembang seiring waktu juga dengan komunitas global, bukan menjadi organisasi yang kaku dan terkungkung.

Kata Kunci: Organisasi, reformasi, resolusi, Perserikatan Bangsa- Bangsa, Piagam PBB

A. INTRODUCTION

The United Nations (UN) came into being in the aftermath of the Second World War, which was seen as a replacement international organization for the similar, but failed, League of Nations. It was clear that in the light of the global devastation the two World Wars had brought to mankind, the world leaders of the time envisaged an international body that would promote values of peace, co-operation, and progress between its member-states, a point particularly made clear in the Charter itself.¹

The Charter was a form of compromise between the wills and goals of its founding countries at that particular time. Thus, it was therefore that from this very point, the contents of the Charter became increasingly irrelevant, which, would, of course, affect the practice of states, thus making the 'constitution' of the United Nations rather obsolescent, and in turn, might turn the United Nations into yet a second incarnation of the League of Nations.²

Looking inwards to the specialized agencies of the United Nations itself, one would perceive (and correctly so) that the pinnacle of these agencies is the UN Security Council (UNSC). During the Cold War, especially between 1956 and 1982, the world was engulfed in conflicts in various parts of the globe. The Suez Canal crisis and the Indonesian confrontation of 1960-1962 against the Netherlands on the West Irian campaign are prime examples of the turbulences that the world was facing at the time. Hence, Peter G. Danchin and Horst Fischer argued that the UNSC played a mere marginal role.³ The Charter bestowed upon the UNSC several powers that could be best described as central to the role, object and purpose of the United Nations. For example, Article 24 (1) of the Charter clearly stated that the UNSC's primary

responsibility is for the maintenance of the world peace and security, with the latter section, precisely the section (2) of the aforesaid article, deals with specific powers bestowed upon the council, as seen in Chapters VI until XIII. They range from the role in pacific settlement of the dispute (see Articles 33 (2), 34, 36 and 38), dealing with threats and breaches to the peace, as well as acts of aggression through prior determination of the issue and enactment of certain measures without using armed forces (see Articles 39 until 41) or with employing them (see Articles 42 until 44) with the assistance of the Military Staff Committee (see Articles 45 until 47), regional arrangements (which also include settlement of local/regional disputes, see Articles 52 (2) and (3), 53 and 54), among others which also stretches into other specialized agencies of the United Nations itself, all in its purpose to execute its responsibilities set forth for the UNSC. It should be noted, however, that in the light of forthcoming developments, especially in global politics and legal issues, that the role of the UNSC, as well as concerning its membership, should be revamped. How the UNSC should be reformed, and any issues relating thereto, are to be discussed later on.

As with the United Nations General Assembly (hereinafter "the UNGA"), the Charter stipulates that all member-states of the United Nations are members of the UNGA, thus making it the largest agency of the United Nations. As stipulated in Chapter IV of the Charter, its function perhaps could be best described as persuasive-cooperative. Despite of this, it perhaps can also be inferred that due to the more global nature of the UNGA, its decisions reflect how the global community perceives certain issues, in a way that the decisions of the UNGA could be termed – per the writer – as a 'global say' and 'global way' in shaping

¹ Charter of the United Nations, 1945 ("UN Charter")

² Loraine Sievers & Sam Daws, *The Procedure of the UN Security Council*, Oxford: Oxford University Press, 2014, p. 5

³ Peter G. Danchin & Horst Fischer, *United Nations Reform and the New Collective Security*, New York: Cambridge University Press, 2010, p. 1

world view. However, in terms of its duties, objects and functions outlined in the Charter, as well as in terms of the historical and present course of practices, the UNGA's global nature is overshadowed by the UNSC. Even though the UNGA step in relation to the maintenance of international peace and security when the UNSC was unanimous in discussing measures to be taken in the Korean War through the General Assembly Resolution 377(A) (hereinafter, "the 'Uniting for Peace' resolution"), the primacy of the UNSC remains. In the determination of the undertaking of residual (subsidiary) responsibilities by the UNGA, it still shall be determined by the UNSC.⁴ Moreover, in terms of procedural legitimacy, it has been argued that measures taken by the UNSC exclude possibilities for the targeted State to discuss them.⁵ In terms of practice, the UNGA commended back in the year 2001, that the Draft Articles on the Responsibilities of States for Internationally Wrongful Acts (hereinafter "ARSIWA") to be adopted by states as treaty law. The ARSIWA, however, in practice, was met with somewhat passive state reaction, as they could not be swift to adopt it as law.⁶ In the early years of the United Nations, states admitted to the organization peaked at only 60 states until 1950; the United Nations, thanks to its ideological infighting between member-states, were unable to admit any more member-states, and the UNGA could not do anything due to such outstanding issues.⁷ This, perhaps, could be described as one of the earliest 'double-lock' mechanisms in the United Nations, where

the UNGA (and perhaps, any other agencies) could not act independently as it would be down to the UNSC to make any of their decisions into a meaningful part of international law.

The position of Secretary-General of the United Nations (hereinafter "the Secretary-General") was also another issue surrounding the United Nations itself and any reform attempts related thereto. The role of the Secretary-General, as described by Peru's Javier Pérez de Cuellar, was, "...[t]o understand correctly the role of the Secretary-General is to appreciate the whole mission of the United Nations. And that, in turn, is central to the way international life is organized," which in turn, was actually a restatement of the United Nations' core function, which he pointed out that in defining the duties and functions of the Secretary-General is to look to the purpose of the creation of the United Nations itself.⁸ Unfortunately, the UN Charter stipulates that the Secretary-General is appointed by the UNGA following a recommendation from the UNSC; in short, it is the UNSC who decides whether a person is fit to serve as a Secretary-General.⁹ When Trygve Lie was reappointed as the Secretary General in 1951, it was deemed 'illegal' as the Soviet Union vetoed his reappointment due to his differing views on Korea, being contrary to Soviet interests.¹⁰ Prior to the UNGA's passing of Resolution 69/321 in 2015, the election and appointment of the Secretary-General was criticized as lacking transparency, both in terms of procedure and candidates considered by the UNSC.¹¹

⁴ Andrew J. Carswell, "Unblocking the UN Security Council: The Uniting for Peace Resolution", *Journal of Conflict & Security Law*, Vol. 18, No. 3, 2013, p. 472.

⁵ Martin Binder & Monika Heupel, "The Legitimacy of the UN Security Council: Evidence from Recent General Assembly Debates", *International Studies Quarterly*, Vol. 59, No.2, 2015, p. 241.

⁶ Conway W. Henderson, *Understanding International Law*, Singapore: Wiley-Blackwell, 2010, p. 29

⁷ United Nations General Assembly (ed. Irving Sarnoff), *International Instruments of the United Nations: A Compilation of Agreements, Charters, Conventions, Declarations, Principles, Proclamations, Protocols, Treaties Adopted by the General Assembly of the*

United Nations, 1945-1995, United Nations: 1995, p. xvi

⁸ Edward Newman, *The UN Secretary-General from the Cold War to the New Era: A Global Peace and Security Mandate?* London: MacMillan, 1998, p. 13

⁹ Article 97, United Nations Charter (UN Charter) 1945

¹⁰ Yves Beigbeder, *The Internal Management of United Nations Organizations: The Long Quest for Reform*, Hampshire: Macmillan Press, 1997, p. 23.

¹¹ Marko Novaković, "Some Remarks Regarding the Procedure of the Appointment of the Secretary General of the United Nations", *Belgrade Law Review*, Vol. 64, No. 3, 2016, p. 174-175.

When these two facts are considered, one may argue that the position of Secretary-General is not inherently independent and reflective of the United Nations' international nature, as the UNSC holds primacy on deciding who shall serve in that position.

For the Economic and Social Council (hereinafter "ECOSOC"), the roles given to it were arguably not so powerful, especially given the fact that the council was only to make recommendations. John E. Trent and Laura Schnuirr point out that experts suggest ECOSOC to be more empowered to make binding decisions.¹² Even so, it has been called into the aid of the UNSC, the UNGA and the United Nations in general, when dealing with certain global issues. Chapter X of the Charter outlines in full regarding ECOSOC, especially concerning its functions and powers in Articles 62-66, with the central theme surrounding its role is to advance the world in the matters of international economic, social, cultural, educational, health and other related issues.

Although its role has been defined in a clear-cut manner, it is just as clear-cut when defining its relations and execution of its functions and powers, which is mostly subordinate to the UNGA and UNSC. The ECOSOC is mostly empowered to make studies and recommendations. Hence, it practically makes the ECOSOC unable to make any decision of their own. The positive side, however, in the epilogue of the Cold War in Africa, the years after it were years of conflicts, wars, and armed confrontations, which caused considerable headaches to the UNSC and the UNGA that has been discussed by the UNSC since 1997. Thus, ECOSOC envisaged an *ad hoc* advisory group on the issue and subsequently endorsed by UNGA in its Resolution 55/217

in December 2000 and came into being as a framework in 2002.¹³

Another issue was regarding the Trusteeship Council. This body originally formed to observe territories placed under the trust of other countries, which were the core tenets and functions of that council as described in Articles 87 and 88 of the Charter. Today, the role has been scrutinized for becoming increasingly irrelevant to the recent international developments. Also, aside from its inability to produce any considerable instruments, it even became embroiled in conflict with members of the United Nations, especially members of the UNSC P5.

As regards to recent developments, the Trusteeship Council seems to run out of any progress to make. In a 1995 report commissioned by the Commission on Global Governance titled "*Summary of Proposals in Reforming the United Nations*," the council should be given a new mandate to exercise over the global commons; rather curiously, such was to be later turned over to the UNSC or ECOSOC, especially when dealing with issues concerning security, economy, or social-related ones.¹⁴

Lastly, the judicial organ of the United Nations, the International Court of Justice (hereinafter "ICJ") is also a subject of scrutiny when it comes to the reform of the United Nations. The judgments issued by the ICJ are final and binding towards interested parties and cannot be appealed. In spite of such, the ICJ would come into trouble when one of the parties turned out to be a member of the UNSC. A prime example would be in the 1986 judgment concerning the case on activities in and around Nicaragua (hereinafter "the *Nicaragua* case") whereby the parties involved were Nicaragua and the United States. The former pleaded to the UNSC to have the judgment be enforced towards the

¹² John E. Trent & Laura Schnuirr, *A United Nations Renaissance: What the UN is, and what it could be*, Opladen/Toronto: Barbara Budrich, 2018, p. 96.

¹³ Department of Economic and Social Affairs, *ECOSOC Ad Hoc Advisory Groups on African Countries Emerging*

from Conflict: The Silent Avant-Garde, New York: United Nations Publishing, 2006, p. 5

¹⁴ John A. Boyd, Kazi F. Jalal & Peter P. Rogers. *An Introduction to Sustainable Development*. Sterling: Glen Educational Foundation, 2008, p.52

United States, with the latter exercised its right to veto the request.¹⁵

Another example would be in light of the *Avena* case in 2004 between Mexico and the United States. In 2008, The Supreme Court of the United States, in relation to the US municipal case related to the ICJ judgment, the *Medellin v. Texas*, declared to disregard the judgment of the ICJ. The *Avena* case was adjudged by the ICJ in 2004 where the United States failed to inform the right to contact their consulate upon arrest or detention upon Mexican nationals who were sentenced to death. . Then-President George W. Bush in 2005 issued memorandum for the United States Attorney General that the judgment which was also directed to Medellin and other people related to the case did not have any effect in the American municipal law sphere, citing that the grounds used by ICJ in delivering its judgment in the *Avena* case, including the Charter, the Statute of the International Court of Justice (hereinafter “the ICJ Statute”), and the Vienna Convention on Diplomatic Relations of 1963, were non-self-executing in nature. The question would be regarding the effectiveness of ICJ judgments in general, and its relations to the UN in particular, especially when the case involves UNSC member-states, concerning the P5.

Thus, the discussion on the reform of the United Nations would be divided based on the six specialized agencies – or organs – of the United Nations, with relevant issues, theories, practices, and others, to be outlined in the forthcoming contents proper.

B. THE PROBLEMATICS OF UN ORGANS

1. The United Nations Security Council (UNSC)

The UNSC is perhaps the most central organ among other specialized agencies

in the United Nations. Its resolutions adhere to all member-states of the United Nations, due to its core function as the vanguard in the maintenance of international peace and security.

Historically speaking, the original composition of the UNSC was made up of the Allies of the Second World War, specifically in 1944, in which a meeting was held in Dumbarton Oaks, where the plan for a Security Council was first envisaged by the Chinese, Soviets, Americans, and British – all these agreed that they would occupy the permanent seats, with France later included.

Questions regarding the veto rights were even debated in this first meeting of what would later consist of the P5 of today's UNSC. The veto was seen as means of exerting their powers as countries with credible military backbone, where, although even so, the veto right was granted nonetheless.¹⁶ The veto was, however, can be probably seen as a way to stabilize the then-new United Nations, but another question arises as to whether the veto would work when one of the P5 would come into a dispute.

Peter Nadin outlined what would happen if the UNSC veto could be used without any restriction; that, the absolute veto, would deter other countries to have their opinions heard on the United Nations, and perhaps could lead to a repetition of history as can be seen in the League of Nations, whereby countries such as Japan, Germany, and Italy decided to leave the League, especially after they became alienated through condemnation in the League.¹⁷ Needless to say, veto rights became one of the main talking points when discussing the United Nations reform, especially concerning the UNSC. The veto would be then used as a

¹⁵ Ellen Franken Paul (*et.al*), *Morality and Politics*, New York: Cambridge, 2004, p. 26

¹⁶ Peter Nadin, *UN Security Council Reform*, New York: Routledge, 2016, pp. xxviii-xxix

¹⁷ *Ibid*

'weapon' to subject lesser countries into obeying the resolution as a law, thus creating an unstable world, while the Charter later clearly provided that the United Nations was to maintain peace.

Thus, the victim of such would be the credibility of the UNSC, and perhaps the United Nations as a whole. This particularly stands when a permanent member of the UNSC took unilateral actions of their own, and some of the UNSC involvement in that matter would give a sense of legitimacy to such actions. This would also create a situation where the very nature of the United Nations was created to be endangered, as the nature of the UNSC would be degraded by the particular member by turning the council into a rubber-stamp council, where the council would ultimately be left powerless.

Another point of contention in the UNSC is the scope of membership of the council. Calls for other countries to be more engaged in the UNSC, especially countries that are not part of the P5, have been growing in the light of a constantly developing, changing world, where the international community will come to not recognizing the existence of 'polar' in its relations. The situation of the post-Cold War reflected this. This created another major problem for the existence of the UNSC, as the P5 continuously came under fire due to their heavy-handedness in terms of policy-making and influence they have on the United Nations, where almost every single country in the world has been part of. Despite the fact that the membership of the UNSC has been expanded to fifteen members (including the P5) through the General Assembly Resolution 1991 (XVIII) A in the paragraphs (a) and (b), it has been argued by Vietnam that the UNSC should not loosely interpret its mandate under the Charter, with Peru also calling for

more states to be admitted to the UNSC.¹⁸

Thus, faced with the aforesaid dilemma surrounding the UNSC, its purposes, functions, and membership, it is imperative that the UNSC should be reformed and adapted to conform to the current international legal and political development. This, in turn, the question on the reform of the UNSC could be narrowed into two spectrums, which encompasses the major problem the United Nations is facing through its central, supposedly representative, Security Council.

a. **The Veto Right**

A veto right is held by every single member of the P5 in the UNSC, in which this power might be used to block any proposals or resolutions from going any further.

Unfortunately, but rather inadvertently, this right has come to be used by individual – or collective – members of the P5 to protect their or their allies' interest, and at times, this has come into conflict with the world's majority opinion on a particular issue. As such, the veto right can also be described as the 'weapon' of the P5 to advance their interests, even when that means conflicting with the majority's say and interest regarding the problem being discussed. There is also an issue of a 'double veto', which is also called a 'hidden veto'. While the 'formal' veto would take place during a session involving the UNSC, the 'hidden' or 'double veto' could perhaps be described as an 'informal' veto, whereby the veto would take form in a rather informal, behind-the-curtain scenario. This would involve a form of persuasion, or even threat, by a member or members of the P5

¹⁸ Martin Binder & Monika Heupel, *Op.Cit.*, p. 244.

towards a country or countries proposing that the issue be brought forward to a United Nations session to be discussed. In other words, the proposals could be 'silenced' before they could even be discussed or debated in a United Nations session. The practice itself had been abandoned since 1959.¹⁹

While the issue of the former remains as a major obstacle surrounding the veto right, the latter, though Jan Wouters & Tom Ruys have concluded that double veto is a relic of the past, recent development has shown otherwise.²⁰ For clarity purposes, the two types of veto would be discussed separately and systematically. The former would be referred to as "conventional vetoes" and the latter as "double vetoes". The examples would be given in the first instance, with analysis later given thereafter.

1) Conventional Vetoes

In 2017, the United Nations discussed a draft resolution proposing sanctions for use of chemical weapons in war-torn Syria. Three members of the P5 supported the draft resolution, namely the United Kingdom, United States, and France. They highlighted the delicate situation concerning the use of chemical weapons – which has been banned since the Geneva Protocol of 1925 (which has been also used by the UNGA to condemn the use of such weapons²¹) until the birth of the Chemical Weapons Convention of 1993 (came into force in 1997) –

that continued to be in use in the Syrian war.

The draft resolution would have specifically targeted 21 Syrian individuals, companies and organizations related to chemical weapons. In a vote concerning the draft resolution, there were 9 states in favor, 3 states declaring abstention, and the other 3 were against the draft resolution – two of the latter are members of the P5 of the UNSC, namely China and Russia.²² A unique instance in the debate surrounding the draft resolution would be – again – the interest of the members of the P5 concerning Syria.

Matthew Rycroft of the United Kingdom pointed out that this was the seventh draft resolution concerning Syria that Russia had vetoed over the last five years (2012-2017), going on as to conclude that this constituted 'proofs' that Russia had been supporting the Syrian government instead of looking towards the wider issue, that is, the Syrian people.

On the other hand, Vladimir K. Safronkov of the Russian Federation argued that they voted against the draft resolution, citing 'odious and erroneous concepts' based on Western doctrines. He also pointed out to possible terrorist groups the use of chemical weapons such as Al Nusra, which then the blame could be thrown upon the Syrian government.²³ Thus, the veto right exercised by Russia and China on the issue seemingly tried to

¹⁹ Jan Wouters & Tom Ruys, *Security Council Reform: A New Veto for a New Century?*, Brussel: IRRI-KIIB, 2005, p. 9

²⁰ *Ibid.*

²¹ Preamble, *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction*, 1993

²² United Nations, "Double Veto Prevents Security Council from Adopting Draft Resolution Intended to Impose Sanctions for Use of Chemical Weapons in Syria", <https://www.un.org/press/en/2017/sc12737.doc.htm>, accessed 21 December 2018.

²³ *Ibid.*

highlight that the Western states in the P5 were viewing that the only way to achieve peace in Syria, was by overthrowing the Syrian government. While one would perceive that the veto was also related to the good relations Moscow and Beijing had with Damascus, it should be noted that it would be unfair if the resolution would be passed later on was of a one-sided nature.

Assessing the chemical weapons situation in Syria, according to Edmond Mulet, the head of the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism (hereinafter "OPCW-UN JIM"), in September 2016, the terrorist group the Islamic State of Iraq and the Levant was responsible for the use of sulfur mustard in Umm Hawsh. Although, in April 2017, Damascus was also found responsible for the use of sarin in their offensive in Khan Shaykhun.²⁴

Previous Security Council resolution on the issue came in the form of Security Council Resolution 2118 of 2013, whereby Syria was under no circumstances, could use, develop, produce, acquire, stockpile or retain chemical weapons. It also condemned the use of such weapons, called for cooperation with the Organisation for the Prohibition of Chemical Weapons (hereinafter "OPCW") concerning efforts in clearing Syria from chemical weapons.²⁵ In the same resolution, however, any individuals responsible for the use of chemical weapons in Syria should

be held accountable, with a seemingly universal coverage ("*Expresses* its strong conviction that those individuals responsible for the use of chemical weapons in the Syrian Arab Republic should be held accountable."). Thus, taking into account the analysis provided on the issue, the veto right regarding the Syrian matter, especially on chemical weapons issue, remained a contestable one; although Russia and China were sharply criticized for the use of the veto in the light of the crisis, another reason of the veto was apparently due to the call for a better assessment and apprehension of the situation, as well as having the resolution not to be one-sided.

Another exemplary case would be the draft resolution on the issue of Jerusalem. On 18 December 2017, the UNSC held a session to vote on the draft resolution S/2017/1060 concerning the status of Jerusalem, which in principle, calls for states not to establish a diplomatic mission in Jerusalem. The resolution itself was drafted by Egypt, whereby it recalled the Security Council Resolution 478 of 1980 on the same issue.²⁶ Fourteen members of the UNSC at the time voted in favor of the drafted resolution, with only one voted against – the United States. The United States representative, Nikki Haley, argued that it is within the sovereign rights of a country to determine where their diplomatic missions should be placed, despite also saying that they used the veto

²⁴ United Nations, "Both ISIL and Syrian Government responsible for use of chemical weapons, UN Security Council told", <https://news.un.org/en/story/2017/11/570192-both-isil-and-syrian-government-responsible-use-chemical-weapons-un-security>, accessed 21 December 2018.

²⁵ United Nations Security Council Resolution, S/RES/2118, 27 September 2013

²⁶ United Nations Security Council Draft Resolution, S/2017/1060, 18 December 2017

for the first time in six years, and 'we do it in no joy, but we do it in no reluctance'.²⁷ The question regarding the status of Jerusalem concerning the dispute regarding its status, especially between Israel and Palestine, therefore remained moot, with the current case itself highlighted that the UNSC at the time overwhelmingly voted in favor of the draft resolution, a move which would have meant that Israel's move to name Jerusalem as its capital as an illegitimate one, as the status remained in dispute.

In this case, however, the United States, as one of the interested parties (and also being a member of the P5) regarding the establishment of their diplomatic mission in the city of Jerusalem, decided that the veto right should be used not just to defend the Israeli move on the Jerusalem issue, but also its own, as they were also contemplating a move of their embassy and related missions from Tel Aviv to Jerusalem. The United States would also seemingly gate-crashed the already-passed Resolution 2334 of 2016, whereby the Israeli settlements on the occupied Palestinian territory, which included (East) Jerusalem, as forms of 'flagrant violation' under international law, aside from that such bore no legal validity, as well as obstructing the two-state solution proposed for the peace of the region, especially between Israel and Palestine.²⁸

In these circumstances, veto levied in a session might be

translated as one – or several UNSC members' – position on a certain issue, but also concerning such circumstances, these could constitute an obstacle in what the Charter describes as "maintenance of world peace and security." Even if the view(s) was/were better expressed in a session, the question would then again revolve around how to redefine "maintenance of world peace and security", and how to achieve and safeguard it, especially in the light of humanitarian crises and/or disputes which may have a plausible effect on the world community. As such, the power of negotiation would have to come first in this instance, logically speaking, aside from the proposal of limiting vetoes, both in numerical and qualitative aspects, as well as an abstention.

2) Double Vetoes

While technically per the Charter, Article 27 (3) stated that any decisions to be made by the UNSC are through votes – and therefore, a reiteration of the use of conventional veto as has been previously discussed, there exist double veto mechanisms. This was used as a journalistic term in which a draft resolution would be defeated by casting negative votes before and during the decision-making procedure in the UNSC.²⁹

Bardo Fassbender elaborated the notion of double veto quite similarly, while at the same time also highlighted the delicate nature of this type of veto, especially in connection with 'procedural

²⁷ Xiang Bo (Xinhua), "U.S. vetoes Security Council draft resolution on Jerusalem", http://www.xinhuanet.com/english/2017-12/19/c_136836795.htm, accessed 21 December 2018.

²⁸ United Nations Security Council Resolution, S/RES/2334, 23 December 2016. ("Reaffirms that the establishment by Israel of settlements in the

Palestinian territory occupied since 1967, including East Jerusalem, has no legal validity and constitutes a flagrant violation under international law and a major obstacle to the achievement of the two-State solution and a just, lasting and comprehensive peace..")

²⁹ Yuen-Li Liang, "The So-Called Double Veto", *American Journal of International Law*, Vol. 1 No. 1, 1949, p. 134

matters'.³⁰ The United States disregarded the definition of 'procedural matters' per Article 27, paragraph 2 of the Charter; this has come to be conflicting in some ways with Article 27 (3) with its voting mechanism, whereby "any permanent member may establish and then may veto the proposal itself".

The notion of 'procedural matters'³¹ concerning the voting system and the right to veto itself would then also define 'double veto'.³² Thus, the definition of double veto, while might appear here as somewhat dubious, the main issue on the double veto is surrounding procedural mechanism and 'procedural matters', that the question, when it eventually reached voting procedure, and when it was previously disagreed by a member of the P5, then that member could then disregard it in the procedure proper by using the veto right in the session, thus the 'kill-switch mechanism' so described.

As far as the double veto is concerned, the Soviet Union at times tried in turning procedural questions into non-procedural ones, especially in the case of the four-power statement in the San Francisco Conference involving the Soviet Union, United States, United Kingdom, and China. Despite this, the presidential ruling bestowed upon the president of the UNSC possessed the ability to prevent any

abuse of the double veto; if he ruled that such questions procedural, then the ruling is final, although it could reverse by another vote (procedural) of the UNSC.³³

As such, the question of double veto revolves around procedural matters and questions related thereto. Just as the conventional veto is in nature, the double veto revolved around the point of view held by a member or members of the UNSC proper. Although the presidency of the council is rotated on a set basis, the issue of effectiveness and veracity of the double veto would still be narrowed to the intent or will of the members itself.

2. United Nations General Assembly (UNGA)

As regards the Charter, the UNGA is the largest organ of the United Nations in terms of membership. Therefore, in terms of theory at the very least, should serve as the common, authoritative voice of the global community. The reform of the United Nations indeed should also concern the UNGA, whereby the Article 25 of the Charter stipulated that the decisions of the UNSC are the ones that should be adhered to and respected by all members of the United Nations, particularly in matters relating to the maintenance of international peace and security. This comes into conflict with the cooperative, equality-based principle that lays the very foundation of the organization, as the UNGA resolutions are not as strong or as

³⁰ Bardo Fassbender, *UN Security Council Reform and the Right of Veto: A Constitutional Perspective*, The Hague: Kluwer Law International, 1998, p. 274

³¹ The terms 'procedural matters' and 'non-procedural matters' are not defined clearly in the UN Charter. To define a matter as procedural in the UNSC, it has to be voted as if the matter is non-procedural (i.e., requiring a concurrent vote from the P5 in order to determine that the issue is procedural, per Article 27 (3) of the UN Charter. Any negative vote is regarded

as a veto). Alan R. Feldstein, "The Double Veto in the Security Council: A New Approach", *Buffalo Law Review*, Vol. 18, No. 3 (1969), p. 552; Yasmine Nahlawi, "Overcoming Russian and Chinese Vetoes on Syria through Uniting for Peace", *Journal of Conflict & Security Law*, Vol. 24, No. 1 (2019), p. 114.

³² Bardo Fassbender, *Loc.Cit*

³³ Peter Malanczuk, *Akehurst's Modern Introduction to International Law: Seventh Edition*, New York: Routledge, 1997, p. 374

adhesive towards the United Nations as a whole in particular, and the global community in general.³⁴

Against the backdrop of the sovereign equality principle and a democratic, inclusive United Nations, recommendations are, although qualifies as the voices of the majority of the global community, mere voices that can be defeated by a UNSC resolution on the same or related issue, turning the United Nations as a subordinate organ of the UNSC instead of the reverse, which should have been the way it has to take.³⁵

Another issue surrounding the quest for the reform of the UNGA is the ineffectiveness of a certain issue. While this problem seemingly plagues other bodies in the United Nations, the fact that the UNGA had to convene several times to discuss a particular issue in a repetitive manner further highlighted the need to reform the UNGA.

In the era of apartheid South Africa, the question over the official race policy of the country had been scrutinized by the UNGA since 1946. It began from India's complaint to the UNGA regarding Pretoria's perceived discrimination of over 285,000 citizens, who had Indian origin; this was also seen as a violation of an agreement on that issue between India and South Africa. Since then, even though the general discussion on the racial policy of South Africa had only begun in earnest since 1952, that issue had been brought in every UNGA session, with the 19th session of 1964 being the only exception to this. It was also recorded that in the UNGA's 27th session held in 1972, whereby the Special Political Committee of the assembly held 51 meeting – 19 of them discussing just the apartheid issue, as it was widely known. Also, from the same

standpoint, a year later, it was recorded the 12% of all resolutions adopted by the UNGA were condemnatory towards South Africa concerning the issue.³⁶

A problem regarding the UNGA's relation with the UNSC is also seen in the Charter, which further reinforces the notion of the lack of sovereign equality principle in its operation, whereby the UNGA cannot make any recommendation to the UNSC until requested to do so, while the latter is executing its duties concerning the dispute or situation brought before the UNSC.³⁷ Thus, the problem surrounding the UNGA is largely down to the power and authority of the UNGA, especially concerning the UNSC. Which, logically and analytically assessing, the larger share of authority should be given by – or at least shared with – the UNSC, instead of having a council that is becoming increasingly regarded as unrepresentative.

Another problem in this context also correlates to the legitimacy of the UNSC in relation to its practices. An international organization's legitimacy may be measured from legal, procedural, and performance standpoints; in the first standpoint, the UNSC has been criticized for overstepping its mandates under the UN Charter, to the point that the UNSC had taken decisions on matters that should have been handled by the UNGA. In the second standpoint, a limbo exists in that the UNGA may not call the UNSC into account when the council is deemed to have overstepped its competences, with no judicial or quasi-judicial bodies to determine the legitimacy of the UNSC's decisions or measures. In the third standpoint, it has been argued that an international organization's procedural legitimacy should be deemed as fulfilled

³⁴ Article 9, UN Charter. See also Hassler, *Op. Cit.*, p. 163

³⁵ K.R. Gupta (ed.), *Reform of the United Nations Vol. 1*, New Delhi: Atlantic Publishers & Distributors, 2006, p. 35

³⁶ Newell M. Stutz, "The Apartheid Issue at the General Assembly: Stalemate or Gathering Storm?", *African Affairs*, Vol. 86, No. 342, 1987, p. 25

³⁷ Article 12, UN Charter 1945

when it fulfils its mandates, acts consistently in accordance with its rules, and the ability to restrain great powers.³⁸

In the first issue, the UNSC's record is mixed, with the body accused of selectively responding to certain humanitarian crises post-Cold War, and in the last issue, states from the global South have determined that the UNSC's exercise of its powers shall be questioned due to it not being representative of other states in the United Nations, of which all of its member states belong to the UNGA.³⁹

3. Secretary-General of the United Nations

The Secretary-General of the United Nations possesses an inherently independent nature, as set forth under Article 100 of the Charter (Paragraph 3 outlines this nature as 'exclusively international character' of the Secretary-General). Despite this, the position of Secretary-General has been criticized under two arguments – the alleged 'statist-passive' (in the words of the author) nature of the Secretary-General, and the other – the independence of the position of Secretary-General itself. While the Charter gives the Secretary-General a rather statist, passive role⁴⁰, the Secretary-General in practice can be described as the representative of the United Nations *in persona*. He is also described as the guardian of the Charter, in addition to being the administrative head of the United Nations, thus giving him substantial influence in the context of international politics. This can also lead to the position of Secretary-General being regarded as an authoritative voice in the global community.

Even so, as seen in Article 97 of the Charter, the seemingly authoritative, progressive voice of the United Nations embodied in the Secretary-General, becomes compromised as he is appointed by the UNGA upon the recommendation of the UNSC. As Thomas Newman outlined, the Secretary-General is working in an organization where the main concern and interest is that of individual states⁴¹, perhaps especially as regards the members of the UNSC.

On the question of 'statist-passive' nature of the Secretary-General, before Antonio Guterres was appointed to the office in 2016, there were already proposals to answer the question regarding 'a strong, independent and courageous Secretary-General...' The result, the '1 for 7 Billion' movement became the catalyst for the appointment of such a flexible and active Secretary-General, which came out as a partial success; the only issue left was the power of the UNSC on the matter of appointment of potential candidates – the P5 with their veto in particular.⁴² From a historical approach – which will also lead to the question regarding his relationship with the UNSC – the question was regarding the Congo crisis in 1960. The country, which had just earned her independence from Belgium, was soon embroiled into a conflict, which prompted the United Nations to send peacekeeper contingents into the country in an attempt to stabilize the condition.

The peacekeeping operation was not without its opponent – the Soviet Union complained about the issue, but then-Secretary-General, Dag Hammarskjöld of Sweden, responded that the

³⁸ Martin Binder & Monika Heupel, *Op.Cit.*, pp. 241-242.

³⁹ Peter F. Danchin & Horst Fischer, *Op.Cit.*, p. 267.

⁴⁰ See Article 98, UN Charter. Article 99 of the Charter also highlights the 'statist-passive' nature of the position concerning UNSC, merely bringing into

attention any matter which, in his view, may threaten the maintenance of international peace and security.

⁴¹ Thomas G. Weiss & Sam Daws, *The Oxford Handbook on the United Nations*, Oxford: Oxford University Press, 2018, p. 44

⁴² *Ibid.*

peacekeeping measures taken were already correct. He also stated that should the operation receive any external obstacles, he would have to follow his view following his own opinion and conviction, and that was one based on the basic principles of the United Nations. The question was related to the 'principal-agent' theory of the office, as Williams & Fröhlich set it, where the Secretary-General would have to execute his duties while taking note of any directions given to him by the UNSC.⁴³

The quest to redefine the office of Secretary-General thus would revolve on how to place 'the right man in the right place'. That is to say, the Secretary-General according to the world community, is the person who can serve as a representative voice of the global community, a figure which should be seen as an independent, yet representative, voice of the world community. The main challenge, though, is in particular about how to appoint the Secretary-General, which still needs the role of the UNSC.

4. Economic and Social Council (ECOSOC)

ECOSOC as an organ within the United Nations is tasked with the performance of tasks regarding the advancement of the international community, especially in terms of economic and social points-of-view. Since 2008, ECOSOC consists of 54 states, where historically it was only composed of 18 states as its members, which means that the majority of human and financial resources of the United Nations lies in ECOSOC.⁴⁴ Despite this,

ECOSOC suffers from the lack of any meaningful authority, as well as the problem concerning overlapping issues that the council covered, where there are other bodies, agencies, and others still under the United Nations, working on the very same issue. Besides, ECOSOC is still subordinate to the UNGA, especially in terms of the election of its members.⁴⁵

Concerns regarding the reform of ECOSOC rotate also on the unwillingness – or perhaps, fear of threat – in seeing the ECOSOC being transformed into an even more bureaucratized, a politicized agency should it be given additional powers. ECOSOC itself is represented by states from various geographical areas since limitations exist on the number of states from a particular region may join the body; however, developing states argue that they need to have their opinions considered when the body is strengthened; this view has been challenged by developed states, thus stalling efforts on reforming ECOSOC.⁴⁶

In 1985, a report conducted by the Joint Inspection Unit known as the Bertrand Report concluded that over the past four decades, attempts at reforming ECOSOC were a "useless effort...ritually repeated at each General Assembly."⁴⁷

5. Trusteeship Council

The Trusteeship Council was originally established as a body to oversee the administration of territories placed under the trust of (an)other state(s). However, this did not include certain colonial territories, which would be administered and regulated under-

⁴³ Abiodun Williams & Manuel Fröhlich, *The UN Secretary-General and the Security Council: A Dynamic Relationship*, Oxford: Oxford University Press, 2018, pp. 1-2

⁴⁴ Chadwick F. Alger, *The United Nations System: A Reference Handbook*, Santa Barbara: ABC-CLIO, 2006, p. 75

⁴⁵ Article 61 (1) & (3), UN Charter 1945

⁴⁶ Diana Panke, *Unequal Actors in Equalising Institutions: Negotiations in the United Nations General Assembly*,

Hampshire: Palgrave Macmillan, 2013, p. 14; Paul Taylor & A. J. R. Groom (eds), *Global Issues in the United Nations Framework*, New York: Palgrave Macmillan, 1989, pp. 19, 27.

⁴⁷ Marcus F. Franda, *The United Nations in the Twenty-first Century: Management and Reform Processes in a Troubled Organization*, Maryland: Rowman & Littlefield, 2006, p. 180

declarations on non-self-governing territories.⁴⁸ As such, upon entering the 21st century, with numbers of territories placed under colonial or trust became shrinking or better yet, non-existent, there have been calls that the way to reform the Trusteeship Council is to delete it altogether, citing that its mandate had been fulfilled.

In the 247th meeting of the Special Committee on the Charter of the United Nations and on the Strengthening the Role of the Organisation (hereinafter "the Special Committee") on 14 March 2005, there has been an explicit call for this to happen. The view was that the Trusteeship Council should be abolished in light of its fulfilled mandate, and therefore a proposal should be forwarded to the UNGA to be considered by the Special Committee concerning the reform of the United Nations.

Another view was that the Trusteeship Council be given new functions in the context of any future amendments to the Charter, and other argued that it would be premature for the Trusteeship Council to be dissolved altogether or to have its nature of function changed, as it would equate to the overall reformation of both the Charter and the United Nations itself.⁴⁹

6. International Court of Justice (ICJ)

The ICJ serves as the principal judicial organ of the United Nations. As such, according to the Charter, all members of the United Nations are *ipso facto* members of the ICJ, and any members of the ICJ involved in a dispute with the ICJ adjudicating, then the judgment delivered is final and binding to the parties involved, per the Charter and the

Statute of the International Court of Justice (hereinafter "the Statute").⁵⁰

The Court is also, therefore, encouraged to deliver its judgments or giving its opinions based on justice and equality before the law, with impartiality also playing a role; any judges of the ICJ that crossed the impartiality line (e.g. when his or her state become involved in a dispute in the ICJ, and then deliver an opinion tending to favor his or her state) would result in the authority of the court being seriously undermined and questioned.⁵¹

Another point of contention is regarding the question of the involvement of third parties in a case, especially ongoing ones. The Statute allows for such to happen as enshrined in Article 62 of the Statute. Despite this, the precondition for this to happen is that the third party have adequate legal standing and they have 'interest of a legal nature' that could be affected by ICJ's decision; this was later confirmed and consolidated with the reform of the Rules of Court in 2005.

In all, not many issues surrounding the ICJ concerning the reform of the United Nations. Nonetheless, a major question still lingers as to what relation does ICJ had with domestic courts. While it is true that ICJ's decision is binding upon parties involved, at times, under the pretext of domestic jurisdiction, the decision can be disregarded, especially by major powers such as the United States. This particularly stood true in the *Avena* case (Mexico v. the United States) of 2004 concerning the American domestic case of *Medellin v. Texas*, which, in 2005, then-U.S. President George W. Bush declared that the

⁴⁸ Rumki Basu, *The United Nations: Structure & Functions of an International Organisation*, New Delhi: Sterling, 2004, p. 25

⁴⁹ United Nations, *Report of the Special Committee on the Charter of the United Nations and on Strengthening the Role of the Organization*, New York: United Nations, 2005, p. 15

⁵⁰ Article 94 (1), UN Charter; Articles 59 & 60, Statute of the International Court of Justice 1945

⁵¹ Daniele Archibugi, *The Global Commonwealth Citizens: Toward Cosmopolitan Democracy*, Oxfordshire/Princeton: Princeton University Press, 2008, p. 167

decision of ICJ did not bind the United States, citing the non-self-executing nature of the documents referred by ICJ in the *Avena* case. In *Medellin v. Texas*, the United States Supreme Court issued a verdict in March 2008 also declared that ICJ's decision on *Avena* to the case at hand was invalid.⁵² This was, theoretically analyzing, a problem of the state's willingness to cooperate with ICJ (comity), which came to conflict with the right of the domestic court to exercise its jurisdiction where applicable (sovereignty). Inter-court relations have therefore needed to be analyzed in the light of ICJ reform.

C. CONCLUSION

The reform of the United Nations is a rather complex issue, but not necessarily unattainable. While it requires the need of every single agency and/or body of the United Nations in itself to reform, both institutionally or in the context of the United Nations as a whole organization, it is, therefore, worth analyzing each agency's

inherent function and history to appreciate the need for reform in the United Nations. The viable yet controversial solution will be to reform the Charter, however, it should be noted that reforming the Charter can only happen if institutional reforms, including on defining inter-agency relations, can be implemented. What shall follow is the reformation of the United Nations as a whole. However, the key to reform is to appreciate the purpose of the United Nations, then to appreciate the respective institutional reform needs, and then reform the United Nations and perhaps, the Charter. As a closing note, it should be noted that the existence of the 'Uniting for Peace' resolution in relation to the relation between the UNGA and the UNSC is not a solution in itself to remedy situations where the P5 as permanent members of the UNSC is unable to resolve situations within its mandate. Instead, the participation of the UNGA shall be strengthened to include monitoring and supervising duties towards the UNGA, including in matters relating to the maintenance of international peace and security.

REFERENCES

Books

- Alger, Chadwick F., *The United Nations System: A Reference Handbook*, ABC-CLIO, Santa Barbara, 2006.
- Archibugi, Daniele, *The Global Commonwealth Citizens: Toward Cosmopolitan Democracy*, Princeton University Press, Princeton, 2008.
- Basu, Rumki, *The United Nations: Structure & Functions of an International Organisation*, Sterling, New Delhi, 2004.
- Beigbeder, Yves, *The Internal Management of United Nations Organizations: The Long Quest for Reform*, Macmillan Press, Hampshire, 1997
- Boyd, John A. (et.al), *An Introduction to Sustainable Development*, Glen Educational Foundation, Sterling, 2008.
- Danchin, Peter G. & Horst Fischer, *United Nations Reform and the New Collective Security*, Cambridge University Press, New York, 2010.
- Department of Economic and Social Affairs, *ECOSOC Ad Hoc Advisory Groups on African Countries Emerging from Conflict: The Silent Avant-Garde*, United Nations Publishing, New York, 2006.
- Fassbender, Bardo, *UN Security Council Reform and the Right of Veto: A Constitutional Perspective*, The Kluwer Law International, Hague, 1998.
- Franda, Marcus F, *The United Nations in the Twenty-first Century: Management and*

⁵² John R. Crook, "Contemporary Practice of the United States Relating to International Law", *American Journal of International Law*, Vol. 102, No. 3, 2008, p. 635

- Reform Processes in a Troubled Organization*, Rowman & Littlefield, Maryland, 2006.
- Groom, A. J. R. & Paul Taylor, *United Nations at the Millenium: The Principle Organs*, Continuum, New York, 2000.
- Gupta, K.R. (ed.), *Reform of the United Nations Volume 1*, Atlantic Publishers & Distributors, New Delhi, 2006.
- Henderson, Conway W., *Understanding International Law*, Wiley-Blackwell, Singapore, 2010.
- Malanczuk, Peter, *Akehurst's Modern Introduction to International Law: Seventh Edition*, Routledge, New York, 1997.
- Nadin, Peter, *UN Security Council Reform*, Routledge, New York, 2016.
- Newman, Edward, *The UN Secretary-General from the Cold War to the New Era: A Global Peace and Security Mandate?*, MacMillan, London, 1998.
- Paul, Ellen Franken (et.al), *Morality and Politics*, Cambridge, New York, 2004.
- Rivlin, Benjamin, *The UN Secretary-Generalship at Fifty. The United Nations in the New World Order*, Palgrave Macmillan, London, 1995.
- Sarnoff, Irving (ed.), *International Instruments of the United Nations: A Compilation of Agreements, Charters, Conventions, Declarations, Principles, Proclamations, Protocols, Treaties Adopted by the General Assembly of the United Nations, 1945-1995*, United Nations General Assembly, United Nations, 1995.
- Sievers, Loraine & Sam Daws, *The Procedure of the UN Security Council*, Oxford University Press, Oxford, 2014.
- Trent, John E. & Laura Schnuirr, *A United Nations Renaissance: What the UN is, and what it could be*, Barbara Budrich, Opladen/Toronto, 2018
- United Nations, *Report of the Special Committee on the Charter of the United Nations and on Strengthening the Role of the Organization*, United Nations, New York, 2005.
- Weiss, Thomas G. & Sam Daw, *The Oxford Handbook on the United Nations*, Oxford University Press, Oxford, 2018.
- Williams, Abiodun & Manuel Fröhlich, *The UN Secretary-General and the Security Council: A Dynamic Relationship*, Oxford University Press, Oxford, 2018.
- Wouters, Jan & Tom Ruys, *Security Council Reform: A New Veto for a New Century?* IRRI-KIIB, Brussel, 2005.

Other Documents

- Binder, Martin & Monika Heupel, "The Legitimacy of the UN Security Council: Evidence from Recent General Assembly Debates", *International Studies Quarterly*, Vol. 59, No.2, 2015,
- Bo, Xiang (Xinhua), "U.S. Vetoes Security Council Draft Resolution on Jerusalem", http://www.xinhuanet.com/english/2017-12/19/c_136836795.htm, accessed 21 December 2018.
- Carswell, Andrew J., "Unlocking the UN Security Council: The Uniting for Peace Resolution", *Journal of Conflict & Security Law*, Vol. 18, No. 3, 2013.
- Crook, John R, "Contemporary Practice of the United States Relating to International Law", *American Journal of International Law*, Vol. 102, No. 3, 2008.
- Feldstein, Alan R., "The Double Veto in the Security Council: A New Approach", *Buffalo Law Review*, Vol. 18, No. 3, 1969.
- Liang, Yuen-Li, "The So-Called Double Veto", *American Journal of International Law*, Vol. 1 No. 1, 1949.
- Nahlawi, Yasmine, "Overcoming Russian and Chinese Vetoes on Syria through Uniting for Peace", *Journal of Conflict & Security Law*, Vol. 24, No. 1, 2019.
- Novaković, Marko, "Some Remarks Regarding the Procedure of the Appointment of the Secretary General of the United Nations", *Belgrade Law Review*, Vol. 64, No. 3, 2016
- Stutz, Newell M. "The Apartheid Issue at the General Assembly: Stalemate or Gathering Storm?", *African Affairs*, Vol. 86, No. 342, 1987.

United Nations, “Both ISIL and Syrian Government Responsible for Use of Chemical Weapons, UN Security Council Told”, <https://news.un.org/en/story/2017/11/570192-both-isil-and-syrian-government-responsible-use-chemical-weapons-un-security>, accessed 21 December 2018.

United Nations, “Double Veto Prevents Security Council from Adopting Draft Resolution Intended to Impose Sanctions for Use of Chemical Weapons in Syria”, <https://www.un.org/press/en/2017/sc12737.doc.htm>, accessed 21 December 2018.

Legal Documents

Charter of the United Nations, 1945

Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, 1993

Statute of the International Court of Justice
United Nations Security Council Resolution, S/RES/2118, 27 September 2013

United Nations Security Council Resolution, S/RES/2334, 23 December 2016

United Nations Security Council Draft Resolution, S/2017/1060, 18 December 2017.