

THESIS

THE UNITED NATIONS TODAY AND THE EFFECTS  
OF THE UNITED NATIONS REFORM TO THE  
SECURITY COUNCIL'S FUTURE IN CARRYING ITS  
TASKS AND FUNCTIONS

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## ABSTRAK

(Olivia Regina Manggas, 02140116, 74 halaman, Hukum Internasional, Fakultas Hukum, Universitas Andalas, Padang, 2006)

Judul skripsi ini diambil karena Perserikatan Bangsa-Bangsa (PBB) sebagai sebuah organisasi internasional yang paling universal, tidak hanya telah berperan dalam membangun dunia yang lebih baik, namun juga telah gagal memenuhi mimpi sebagian orang terhadap keadilan dan persamaan. Kegagalan tersebut mendorong munculnya ide untuk merombak PBB. Skripsi ini akan membicarakan tentang kontribusi yang telah diberikan PBB kepada dunia, latarbelakang munculnya ide untuk merombak PBB, tindakan-tindakan yang harus dilakukan dalam merestruktur Dewan Keamanan sebagai salah satu bagian dari reformasi PBB, dan bagaimana reformasi PBB mempengaruhi Dewan Keamanan dalam melaksanakan tugas dan fungsinya. Untuk mendapat jawaban atas permasalahan tersebut, dibutuhkan pengumpulan data dengan melaksanakan studi kepustakaan untuk menemukan sebanyak mungkin buku, jurnal, artikel, koran dan majalah, data internet dan sumber-sumber terkait lainnya. Studi kepustakaan yang telah dilaksanakan menunjukkan bahwa PBB telah memberikan kontribusi yang besar dalam usaha mempertahankan perdamaian dan keamanan internasional dan dalam merumuskan dan membuat instrumen-instrumen hukum internasional. PBB dianggap gagal karena kurangnya kontrol terhadap negara-negara anggota, yang terlihat dalam kegagalannya mencegah terjadinya serangan terhadap Irak tahun 2003, karena PBB terkadang bertindak melebihi kekuasaannya, dan karena Sekretaris-Jenderal dipilih atas rekomendasi dari Dewan Keamanan. Oleh karena itu, Dewan Keamanan sebagai inti dari PBB harus dirombak, mulai dengan memperluas keanggotaannya, meningkatkan metode kerjanya dan menghilangkan hak veto. Perombakan tersebut diharapkan dapat membuat PBB menjadi lebih representatif, dapat diandalkan, adil, demokratis, transparan, efektif, jujur dan tegas.



# CHAPTER I

## INTRODUCTION

### A. Background

On October 24, 2005, the United Nations (UN), the only universal International Organization in the world, celebrated its 60<sup>th</sup> anniversary. For 60 years, the United Nations has grown to become an organization trusted by almost every country in the world as a connecting bridge for international interactions, as in maintaining international peace and security, developing friendly relations among nations, achieving international cooperation, and many other cooperation. The organization which was first established by the Ally States to quickly terminate the World War II, has slowly but surely collected most countries in the world into its membership, including Germany, Italy and Japan which were the enemies of the Ally States during the World War II.

Nevertheless, as time goes by, along with changes in the world's political map, the United Nations seems not to be 'up to date' and is unable to follow the world's alterations and growth. The United Nations looks to only represent the political condition after the World War II where the United Nations gives authorities and privileges to the World War II winning States by putting them in the Security Council as the permanent members.

Besides, the world situation nowadays is very different from the world situation at the time the United Nations was established. At that time, the main concern of the founder States was the ideological contradiction between the

capitalist bloc (which at last found the United Nations) with the communist bloc. In reality, such diversion does not exist anymore (marked by Germany, Italy and Japan memberships in the United Nations) and there are more crucial new problems emerged, for examples terrorism issue, trans-national crimes, global warming, globalization impacts, including starvation, poverty and epidemic of contagious disease.<sup>1</sup>

Moreover, the veto rights owned by the United States, Great Britain, France, China and Russia as the permanent members of the Security Council is considered staining the aim to achieve United Nations' purposes as stated in Article 1 the United Nations Charter, especially the main purpose to maintain international peace and security. These nations, by using their veto rights are thought to have exceeded the authorities given to them. Sometimes their behavior is not parallel to their responsibilities, shown in their politically made decisions or resolutions. Worse, the United Nations as the Security Council's roof is unable to do something to control the Security Council, as the result, nothing or no one can stop Security Council willing and decisions, although those decisions do not fit the norms practiced in international relationship. One real example of the United Nations failure in supervising the Security Council was when the United States and its Ally States attacked Iraq. The United Nations could not stop them while the reason for the attack (allegation of owning mass destruction weapons by Iraq) cannot be proved.

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<sup>1</sup> *Media Indonesia*, Khairil Huda, "KTT Dunia : PBB Gagal Merombak Diri", 23 September 2005, p. 15

Failures made by the United Nations, especially in maintaining international peace and security have caused to fade the world's citizens trust in the United Nations. The United Nations has lost its dignity and even has been obedient to big countries with their special rights.

Those factors have stimulated many States in the world to request for United Nations reform. The enlargement of the Security Council membership, both the permanent and non-permanent members, concretely could start the United Nations reform. It is important because many violations and staining of the United Nations purposes and principles occurred mostly in the Security Council.

The United Nations reform issues have been talked many times by the United Nations, the latest was in the United Nations World Summit, 10-14 September 2005 in the United States. Unfortunately, this Summit was not successful to formulate the United Nations reform. This reform is not only supported by the developing countries and the countries whose interests are not represented in the United Nations but it is also supported by the citizen of the permanent members of Security Council. This fact was shown on an international survey held by Globescan and Program on International Policy Attitude, Maryland University, where the United Nations reform by enlarging the Security Council membership is supported by US citizen (70%), Great Britain (74%), France (67%), China (54%), and Russia (44%).<sup>2</sup>

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<sup>2</sup> *Media Indonesia*, "Perluasan Dewan Keamanan PBB - Bagai Punguk Merindukan Bulan", 23 September 2005, p. 13



## CHAPTER IV

### CLOSING REMARKS

#### A. Summary

1. The United Nations has contributed a lot to the world, ranging from maintaining international peace and security, such as the United Nations peace operations during the Iran-Iraq war and in Congo. The United Nations has also formulated and established many international law instruments related to women, found in the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institution and Practices Similar to Slavery, the 1957 Convention on the Nationality of Married Women and many other Conventions and the observation of International Women's Day on March 8. There are also international law instruments related to the respect for human rights, such as the 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid, the Code of Conduct for Law Enforcement Official 1979, and the establishment of the Commission on Human Rights in 1977. They show us how the United Nations plays a very big role in creating a better world for all.
2. The United Nations has also failed to fulfill some people's dreams of justice and equality. The disappointment on the United Nations urged because some people think that the United Nations is unable

to control some of its member states especially the big five, as seen in its incapability to prevent the attack to Iraq by the United States and its allies. The United States and its allies continued the attack even without the approval of the United Nations. Another reason why many countries want the United Nations to be reformed is because the Security Council sometimes exceeds its power and functions. This can be seen in the Security Council extra attention to the Lockerbie bombing case which was supposed to be handed only by the Scottish Government. Last, many people feel that it is another weakness that the Secretary-General is appointed under the recommendation from the Security Council which sometimes not transparent and democratic.

3. The reform of the United Nations would mean the reform of the Security Council as the core of the United Nations. This includes the enlargement the Security Council memberships, as proposed by the Secretary-General, the G4 nations, the African Union and the United for Consensus, the rearrangement of the Security Council working methods and the abolishing the veto which was felt as the main source of the Security Council limitless power.
4. The reform of the United Nations is expected to create a more representative, accountable, legitimate, democratic, transparent, effective, fair and even-handed Security Council in carrying its tasks and functions.

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