

Synopsis of PhD Dissertation

The UN Security Council's Response to Mass Atrocities by a Member State: A Crossroads of Law and Reality

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1. Background of the dissertation

This dissertation explores the legal framework governing the powers and responsibilities of the United Nations Security Council (UNSC), with a particular focus on its role in responding to mass atrocities committed by Member States. The following section will illustrate the reasons for conducting the research, the aims of the study, the methods of data collection, the applied methodology, and the overall structure of the dissertation.

1.1. Identification of Research Tasks

In the present era, the discourse on human rights has attained unprecedented prominence. The influence of human rights extends across various dimensions, encompassing both domestic and international realms, including but not limited to the fields of economy, politics, sociology, philosophy, as well as domains such as sport, social media, artificial intelligence, and technology. International law, *inter alia*, is not exempt from this pervasive influence. Despite the relatively short life of international law, spanning a mere couple of centuries, the present era witnesses an unprecedented degree of humanization within this domain. Modern international law is fundamentally predicated on humanity. Today, addressing the humanitarian aspect within any areas of international law is an indispensable component of any comprehensive discussion of that field. While integrating humanity into the framework of international law may not be perceived as more challenging than addressing other facets of collective social life, it is by no means an easier attempt. This challenge arises because legal systems inherently possess a formalistic structure. The effort to infuse these humanistic values into the legal framework faces resistance from the rigid and structured nature of legal formalism. The culmination of such a conflict arises in international law when sovereignties, as the pillars of international legal tenets, are asked to conform to and observe the imperatives of humanity. While governments worldwide face pressure from populations to comply with human rights standards, the actual implementation of such compliance is often met with resistance, as states strategically invoke the formalities embedded in international law. The realm of law is not characterized as a theater stage for the display of power dynamics, but it is a platform for the confrontation and articulation of legal arguments and mutual persuasion. What makes the situation more complex is that every subject of international law attempts to offer an egoistic interpretation of international rules. This sets the stage for a discernible clash within the triangle of humanitarian imperatives, legal formalism, and the individual policies of sovereignties.

At the time of drafting this thesis, an active conflict persists between Palestine and Israel in the Gaza region. Brazil, currently presiding over the UNSC, has initiated a public debate focused on addressing the crisis in Gaza. Forty Member States and international institutions have registered to present their perspectives on the agenda. The keywords in all delegation speeches were literally international law and humanitarian law. But the question remains: which interpretation should be adopted?

In light of the inescapable and discursive nature of human rights discourse, coupled with the progressive evolution towards the integration of humanity into the corpus of international law, both subjects of international law and the public actively monitor and scrutinize

governments' behaviors regarding compliance with the standards of humanity. The international community not only does not view the treatment of peoples by their respective governments as a matter of sovereign discretion but also maintains a zero-tolerance policy towards serious instances. Accordingly, accusing each other of perpetrating human rights violations is a ubiquitous phenomenon in contemporary times. The international community, in response to the challenge of mass atrocities, has implemented diverse strategies, including the formulation of international conventions and the establishment of international organizations. Among the array of mechanisms envisaged by the international community, the UN holds a notably distinguished position, particularly due to its inclusion of the SC as one of its organs. It is not hidden from anyone that the SC enjoys broad competence and unprecedented powers in the history of international law. This fact has given rise to a perspective that views the SC as the singular potent and competent entity equipped enough to address instances of mass atrocities committed by a Member State of the UN against its own population. The SC, through its practice, has embraced a generous interpretation of the UN Charter and consistently operated in alignment with this perspective. In this regard, it may be argued that the issue of human rights falls in the ambit of the SC under Article 24. If this scenario were to materialize, the SC, as stipulated by the UN Charter, would be endowed with the power to deploy measures it deems appropriate for the maintenance or restoration of international peace and security, and under Article 25, Member States have agreed to accept and comply with these measures. However, the implementation of such action plans by the SC has encountered resistance from Member States. In general, both Member States and the state accused of human rights violations have issue with the liberal interpretation of the UN Charter. They vehemently raise objections to the SC's competence when it intervenes in cases of grave human rights violations. Foremost among their arguments is the belief that the matter of human rights fundamentally pertains to issues inherently falling into the domestic jurisdiction of any Member State, as articulated in the first part of Article 2(7). Consequently, they reject the view that it falls in the remit of the SC under Article 24 and the second part of Article 2(7). Additionally, it has been contended that the specific powers assumed by the SC for the purpose of maintaining international peace and security, exceed the legal limits prescribed, constituting actions that are *ultra vires*. As such, these powers cannot be lawfully exercised by the SC in any circumstances, including cases involving mass atrocities committed by a Member State. At this point, the main problem arises as a serious disagreement between two contradictory interpretations of the UN Charter regarding human rights. One perspective asserts that the SC is legally endowed with extensive competence and powers, while an opposing viewpoint contends that the UN Charter does not grant *carte blanche* to the SC but instead establishes limitations that this body cannot exceed. Therefore, the crux of the matter lies in elucidating the scope of competence and powers wielded by the SC in addressing instances of mass atrocities committed by a Member State. The absence of agreement on the extent of the SC's competence and the powers it may employ provides a basis for additional research. This research aims to concentrate on the interpretation of the UN Charter concerning the mentioned problem in academic literature.

1.1.1. Research Question

Notwithstanding the affirmation in the San Francisco negotiation and the advisory opinion of the International Court of Justice regarding the SC's prerogative to delineate its initial operational boundaries, it is imperative to recall that the UN Charter does not confer upon either the UN's organs or its Member States the authority to conclusively adjudicate the extent of the SC's jurisdictional domain. In light of the aforementioned discussion on the statement of the problem and the identified gap in the existing literature, the central research question posed by this dissertation is: What is the scope of competence of the United Nations Security Council when a Member State commits mass atrocities against its own people? The outcomes of investigating this research question provide insight into the jurisdictional relationship between the SC and situations or disputes arising from mass atrocities committed by a Member State, and the powers may be ascribed to the SC in addressing such cases. The central question of this dissertation requires seeking a legal resolution for subsequent sub-questions, which are as follows:

To provide a thorough response to the primary question, it is imperative to initially comprehend the notion of peace as the foundational constituent of the SC's competence in the UN Charter. Consequently, this dissertation attempts to unfold the meaning of peace within the UN Charter by employing the legal analysis method, with a particular focus on the UN Charter. Hence, a part of this dissertation is dedicated to addressing the question: What implications does the concept of peace in the UN Charter carry?

Following the conceptualization of peace, the subsequent step involves examining the interplay between the SC's actions and the rules of international law. In this context, the dissertation systematically investigates the question: In the exercise of its discretionary authority to assess disruptions to peace and as well as determining the necessity for action, does the SC encounter any limitations in the execution of its actions under positive international law and particularly the UN Charter?

Following the seizure of a situation or dispute by the SC, this organ would take appropriate measures to maintain or restore international peace and security. At this point, a natural question arises: Is the SC granted *carte blanche*, allowing it to deploy any powers in its attempts to maintain or restore international peace and security? In instances where the SC makes a decision or implements a measure, there is a plausible scenario wherein Member States may perceive them as *ultra vires*, specifically by invoking Article 25, which is a point of conflict *per se*. Consequently, it is natural for disagreements to arise between the SC and the offending state regarding the SC's decisions or actions, which might either sacrifice the interests of the state concerned or hinder the efficiency and legitimacy of the SC.

Given the absence of a hierarchical structure and a mandatory judicial mechanism in the UN system, the need arises to address the question: In the event of a disagreement between the SC and a state accused of mass atrocities, pertaining to the interpretation of the UN Charter, whose interpretation should take precedence? Accordingly, A part of this dissertation attempts to crystallize the possible mechanisms anticipated to resolve disputes under the UN Charter.

1.2. Reasons of Doing Research Work

Most academic research pertaining to the UNSC is approached from the lens of political science. Among commentators, those who have conducted legal studies have primarily analyzed the competence and powers of the SC in relation to specific situations or particular aspects of the law of the SC. A similar assertion is applicable about human rights. It would be inaccurate to assert a complete absence of studies; however, there has been a discernible lack of direct focus on investigating the legal interplay between the competence of the SC and instances of mass atrocities perpetrated by a Member State. Taking into account the humanistic foundation of modern international law and the ongoing process of humanizing the international legal system, also considering the powers and competencies that sovereign states possess alongside the SC in the international law, a noticeable gap exists in academia for a theoretical legal discussion regarding the interaction between the scope of the SC's competence and situations involving mass atrocities by a Member State. The caveat in this context demands legal study as the sole means of persuading subjects of international law. This research is essential to address the intricate interplay among the SC's competence, the sovereign of Member States, and the commission of mass atrocities by the latter under the UN Charter at the theoretical level. This dissertation is focused on providing a legal theoretical framework to assess the extent of the SC's competence under the UN Charter when confronted with situations involving mass atrocities committed by a Member State against its own population. The absence of defined criteria in both international jurisprudence and academic discourse creates a challenge for legal and political researchers when they study the SC. This absence hinders the formation of a conclusive understanding regarding the legality of actions taken by the SC. Furthermore, while the primary focus of this research is on mass atrocities, it is worth noting that the arguments presented in this dissertation can be applied to situations beyond instances of mass atrocities. Researchers, legal litigators, and governments can leverage these arguments in a broader context. Beyond its immediate effects, the dissertation carries a long-term impact. As long as the international community continues its pursuit of universal peace and as long as aspects of international life are shaped by human rights considerations, the analytical insights offered by this thesis will remain valuable. Therefore, this dissertation receives backing from both academic and pragmatic perspectives.

1.3. Aims of the Research

Unfortunately, despite the advancements made by the international community to establish an environment conducive to the realization of fundamental rights and freedoms for every individual, there remains a persistent observation of gross violations perpetrated by governments against these rights. Considering the obligatory nature of the SC's decisions and the substantial powers vested in this organ for the maintenance and restoration of international peace and security, the aim of this research is to explore the extent of the SC's competence and capabilities under the UN Charter in addressing gross violations of human rights perpetrated by a Member State against its own people.

In pursuit of this aim, this dissertation commences by scrutinizing the concept of peace in the UN Charter. Given that, according to this instrument, the competence of the SC is confined to matters related to the threat of peace, breach of peace, and acts of aggression, it is imperative to comprehend the concept of peace to assess whether the grave violation of human rights by a government against its people falls within the competence of the SC or not. Secondly, it analyzes the relationship between the legal authority of the SC and other rules of international law. This analysis aims to determine the extent to which the SC's performance is governed by the rules and norms of public international law. Lastly, the research explores the UN Charter to examine the legality of the powers asserted by the SC and the permissible extent to which it can assume new powers in addressing situations or disputes arising from mass atrocities in relation to the sovereign of Member States.

1.4. Data Collection

Given the research question, this dissertation primarily focuses on international instruments, particularly the UN Charter, and the decisions of the ICJ. Furthermore, due to the nature of the chosen methodology, scholarly works form the main portion of materials in this dissertation.

1.5. Applied Methods

The methodology adopted in this thesis is the legal analysis method. This method is employed when a research question aims to comprehend the law as it is, and to address a regimented structure of law. The rationale behind employing this method is to seek an answer to a question concerning the status of a legal norm or a specific concept within the legal system generically. In this method, the focus is placed on the purely cognitive ascertainment of the meaning or function of legal norms/rules or specified concept within the legal system. Thus, this thesis seeks to explore the extent of the SC's competence in addressing mass atrocities committed by a Member State under the framework of the UN Charter.

1.6. Overall presentation of the dissertation

The current dissertation is composed of eight chapters. Chapter One serves as the introduction and presents the background of the research, the research design, methodology, and the structure of the study. Chapter two is dedicated to studying peace in the context of the UN Charter. It seeks to explore what the peace of the UN Charter implies and to explore the obligations stemming from peace for both the organs of the UN and its Member States. Chapter three is dedicated to investigating the limits, if any, that may constrain the competence of the SC when applying its competence to a state accused of human rights violation. The central focus in this regard is Article 1 of the UN Charter, aiming to analyze whether this instrument anticipated any limitations on the SC or assumed this organ to be without legal checks, rendering this body *legibus solutus*. Chapter four of the UN Charter speaks of conciliatory role of the SC and the competence of this body to intervene positively in the pacific settlement of disputes and situations. Chapter four aims to investigate the extent of the SC's competence in addressing disputes or situations arising from mass

atrocities committed by a Member State. In the light of this topic, this chapter concludes by addressing questions related to providing an authentic interpretation of the UN Charter. Chapter five targets the question of whether human rights are essentially a sovereign matter or not. While the governments have an extreme reluctance to acknowledge that human rights are not a sovereign issue, but human rights activists persist that they are not governed by States discretion. Among the main events of this dispute is the conflict between Article 2(7) and 39 of the UN Charter. According to the former, the State has authority over its domestic affairs, while in the latter, the SC has the power of intervention whenever peace requires. This chapter is an attempt to investigate where the origin of human rights is according to the UN Charter. Chapter six includes an analysis of the quasi-legislative and quasi-judicial powers of the SC in the legal scale. The first part of this chapter will thoroughly examine both perspectives supporting and opposing the quasi-legislative powers of the SC. Furthermore, this section will delve into the legal analysis of the feasibility of applying quasi-legislative power to an offending state by the SC. The last section of this chapter is dedicated to a legal assessment of the feasibility of employing quasi-judicial powers by the SC. Specifically, the focus will be on evaluating the application of such a power to both natural (individuals) and legal (states) persons involved in mass atrocities. This examination seeks to clarify the extent to which quasi-judicial mechanisms may be invoked by the SC for perpetrators of mass atrocities. Chapter seven of this dissertation delves into the possibility of changing the regime responsible for mass atrocities through the actions of the SC. The center of focus in this chapter is Paragraph 7 of Article 2. This line commences with an examination of the scope of the principle of non-intervention and regime change under the said article. Next, it continues with analyzing the first segment of paragraph 7 of Article 2, which speaks of matters that essentially fall under domestic jurisdiction of Member States from the perspective of states, to explore what is the legal implication of it regarding regime change as a domestic affair. It proceeds to scrutinize the second segment of paragraph 7 of Article 2, which speaks of the exemption of the SC from the ban stipulated in the first segment when acting under Chapter VII, to explore the legal justifiability, under the UN Charter, of the power to instigate regime change in favor of the SC. Lastly, this chapter finds its end by discussing whether the matter of regime change falls in the domestic jurisdiction of Member States or falls in the ambit of the SC.

2. Scientific Results

Historical lessons have unequivocally indicated to the international community that the establishment of an environment fostering universal peace is the indispensable prerequisite for nation-states to effectively pursue their individual interests. Toward this end, the UN was established in 1945, and the SC was entrusted with the responsibility of maintaining and restoring international peace and security. Undoubtedly, the SC stands as the preeminent organ, not only within the UN but also in the broader context of international organizations. In articulating this perspective, the author does not seek to diminish the significance of other organs or organizations; rather, this acknowledgment stems from the unparalleled powers vested in the SC, setting it apart in the international arena. The SC represents the culmination of centuries of endeavors aimed at finding a collective resolution to realize the longstanding

aspiration of peace for all. Given the multifaceted historical background of the SC, it is feasible to analyze this institution from diverse perspectives, ranging from political dimensions to sociological considerations. Due to the importance of the SC, any scholarly investigation into it invariably generates novel insights that cannot be easily dismissed. These findings might occasionally diverge from conclusions drawn in other studies. Confrontations in the study of the SC often arise between legal studies employing legal analytical or dogmatic method and political studies. While the former focuses on understanding the essence of law at the time of its application as it is, the latter bases its observations on the power dynamics among states. The SC is *par excellence* for unambiguous observation of this conflict. On one side, a group of five major powers wields veto rights, while on the other side the rest of the international community with competing interests among themselves. The regrettable reality is that states, instead of making constructive contributions, often pursue egoistical goals on the international stage. They may even form coalitions to advance their individual interests. In this context, it is evident that states strive to influence the decisions of the SC in their favor, and the degree of success in this endeavor largely depends on the states' individual power capacities. The drafters of the UN Charter were aware of these circumstances. Accordingly, the drafters of the UN Charter anticipated the necessity of establishing a legal framework to govern the performance of the SC. Accordingly, the UN Charter delineates the competence of the SC. The UN Charter, in some parts, explicitly assigns certain powers aligned with designated competencies to the SC. In other parts, it provides the SC with discretionary authority to determine which specific powers are necessary to execute its relevant competencies for the maintenance or restoration of peace. In accordance with the UN Charter, the SC's jurisdiction is delimited to addressing threats to peace, breaches of peace, and acts of aggression. The UN Charter expressly defines these parameters, and any interpretation exceeding these confines conspicuously deviates from the UN Charter.

This dissertation is composed of two layers. In the first layer, it attempts to analyze the competence and powers of the SC within the framework of the UN Charter, as well as to evaluate these competences and powers in the context of public international law. The underlying layer takes into account human rights considerations within the analysis presented. It reflects on how human rights influence the functioning of international norms and rules, regardless of how basic or fundamental they may be. Based on this foundation, the dissertation presents a concise and systematic legal perspective on the SC within the framework of modern public international law in relation to instances of mass atrocities committed by a Member State of the United Nations. As one of the unfortunate situations that the SC may confront is when a Member State commits mass atrocities against its own population. This thesis provides legal answers to four pivotal and challenging questions concerning the extent of the SC's competence and the powers it can exert over offending states.

Question one: The UN Charter frequently refers to the concept of peace. However, the specific implication of peace in the UN Charter remains a topic of discussion. Accordingly, the question arises, what does peace in the UN Charter imply? The founding of this thesis

suggests that the definition of peace is established by the UN Charter. According to this thesis, the peace of the UN Charter is incardinated in a specific form with a specific connotation. The form of peace is the relationship among Member States. The connotation of peace, which sets a standard for the quality of these interactions, rests upon the absence of armed conflict and the observance of fundamental human rights. The thesis underscores the UN Charter's nuanced understanding of peace and emphasizes the pivotal role it plays in shaping the quality of international relations through the prevention of conflicts and the promotion of fundamental human rights and freedoms. According to the UN Charter, the peoples are the original creators of the UN which exercise their will through their governments. The UN Charter establishes humanity as the exclusive common denominator across all nation-states and as the pivotal force capable of uniting and mobilizing all Member States under universally shared norms. Humanity is the axis, *modus operandi*, and ultimate end of the UN. In sum, according to the UN Charter, peace implies the maintenance of relationships among nation-states devoid of coercive measures, coupled with the imperative of ensuring human rights. Such a conceptualization of peace in the UN Charter was not an improvisation by the drafters but rather it was a manifestation of the prevailing consensus in the international community during that period. Therefore, the scope of the SC's competence is defined, and its discretion entails determining whether relationships among nations have been disrupted. In other words, the SC has the authority to make decisions concerning specific situations or disputes that disturb or potentially jeopardize peace, rather than formulating a distinct definition of peace and acting based on that construct. Consequently, the competence of the SC is limited to the concept of peace as defined in the UN Charter.

Question two: When the SC, utilizing its discretionary power to determine whether peace is disrupted, concludes that peace is violated and action is necessary, does it face any limitations in the course of its actions? Notwithstanding the pivotal role assigned to the SC, taking into account Articles 24, 25, and Chapter VII of the UN Charter, alongside the supremacy conferred by Article 103 to the SC's decisions, the founding of this thesis suggests that the SC is not granted *carte blanche*, and there are limitations and boundaries that constrain the scope of its actions. These constraints in positive international law are known as GIL. GIL constitutes the foundation of modern international law, providing the basis upon which the field maintains its cohesion and evolves. It is an *infra-legal* matter. GIL consists of two clusters: axiomatic principles and axiological principles. Axiomatic principles are the presumptions that enable the establishment and continued existence of international law as a legal system. Axiological principles are grounded in the fundamental assumption of humanity, serving as the foundational premise guiding the pursuit of the common good. The principles of GIL manifest through legal concepts of *jus cogens* and *erga omnes*. Peremptory norms protect the foundation of international law in the realm of international treaties, while *erga omnes* pursues the same aim but in other areas of international law. The SC, in line with the legal personality of the UN, is bound by *jus cogens* and *erga omnes*, and neither Article 1 nor Article 103 of the UN Charter exempts the SC from these norms in the international legal system. Therefore, the SC must consistently comply with *jus cogens* and *erga omnes* in performing its duties when seizing questions

related to mass atrocities committed by a Member State, and deviation from these principles is strictly prohibited under any circumstances.

Question three: The UN Charter defines both the competence and powers of the SC in particular domains, while in other instances, it defines the competence without providing an exhaustive list of powers. Instead, the UN Charter bestows the SC the discretion to choose the necessary powers required to fulfill its responsibility. Derived from its discretionary authority, the SC has the capacity to employ powers not explicitly stated in the UN Charter. This circumstance prompts the question that whether the SC is granted *carte blanche*, allowing it to deploy any powers in its attempts to maintain international peace and security? The founding of this research suggests that assuming the legality of any exercised power by the SC does not align with its designated jurisdiction, and this body cannot claim powers that do not fall in its competence. Through Articles 1, 24, 25, Chapter VI, and VII, the Member States did not delegate the exercise of a part of their sovereignties to the SC. The SC cannot assume powers that fall in the scope of domestic jurisdiction, specifically legislative power, judicial power, or overthrowing the incumbent regime. Sovereignty retains its inviolability in international law. International organizations, including the UN, do not inherit segments of sovereignty; instead, they are platforms wherein states exercise their sovereignty. The application of any new powers by the SC that impinge on the sovereign of Member States without their consent is *ultra vires* and devoid of any legal effects. Therefore, the adoption of legislative measures, rendering judicial decisions, or overthrowing an incumbent government without consent in cases involving mass atrocities committed by a Member State does not align with the competence of the SC.

Question four: In the event of a disagreement between the SC and an offending state concerning the interpretation of the UN Charter, which side's interpretation should prevail? The founding of this research suggests that although the SC has the competence in the initial phase to define the boundaries of its course of actions, neither this organ nor any Member State is granted the power to provide an authoritative interpretation of the UN Charter. When a serious disagreement arises between the SC and a Member State, the authoritative interpretation should be pursued through sincere dialogue in good faith. In the event that the dialogue reaches an impasse, the question should be referred to the ICJ for a definitive resolution.

Future of the Security Council: A segment of the current discourse on the SC revolves around the proposed modification of the UN, particularly the SC itself-a matter that has recurrently surfaced over time. Although the articulation of this proposition is not novel and has resonated for an extended duration, the pragmatic viability of its implementation remains a salient question. Drawing upon the annals of international law, historical transformations have consistently manifested in the aftermath of momentous incidents, frequently characterized by their regrettable nature. In adherence to this pattern, anticipating a change appears somewhat unrealistic unless such a significant incident transpires. During the era of classical international law, in response to egoistic behaviors exhibited by a state or group of states to the detriment of the international community, changing measures were undertaken to prevent the recurrence of such incidents in the future. To date, it seems states

have not witnessed an incident of sufficient magnitude that would compellingly prompt them to earnestly advocate for a substantive change of the SC. Following the establishment of modern international law, the role of peoples emerged as a novel dynamic capable of instigating changes in the international behaviors of states. Interestingly, it is the public opinion of the people that has the capability to substantially escalate the cost associated with the exercise of veto power by its wielders, and occasionally, render such application impossible. The war between Israel and Palestine sounded the alarm once again. The passivity of the SC in preventing the significant casualties endured by Palestinians, particularly children and women, places this body at the forefront of critique by the peoples. If the peoples reach the conclusion that the SC is incapable of protecting fundamental rights and freedoms, they can compel their respective governments to earnestly pursue a reform agenda. Based on past and present circumstances, the author believes that any prospective changes in the SC would likely occur predominantly under the influence and insistence of the peoples. Suggestions: A considerable amount of time has elapsed since the adoption of the UN Charter. Throughout this period, the international community has undergone substantial shifts and witnessed the emergence of novel challenges. To address impending threats, the SC sought to strengthen its capabilities by progressively expanding its powers. It is true that the deliberate use of ambiguous wording is a commonplace technic in the drafting of international treaties which allows flexibility to address novel developments, however, on occasion, it may bear counterproductive outcomes. This problem is particularly conspicuous in the case of the SC. Given the absence of a competent institution tasked with observing SC actions and the SC's discretionary power in determining appropriate measures for maintaining international peace, the ambiguity in the text of the UN Charter can provide ample grounds for veto-wielding members to interpret the UN Charter based on their individual interests or alliances. This situation arises due to the dual role of the SC as both the executor and judge in determining appropriate measures. Consequently, there exists a possibility for the SC to act not in accordance with the behests of the UN Charter, which is centered on the common good, but rather to substitute its own will as the authentic behests of the UN Charter. The toolbox of the SC that creates the potential for abuse of power comprises Articles 24, 25, 39, and 41. These Articles urgently require revision to either specify the powers granted to the SC explicitly or establish criteria for evaluating the legality of decisions made by the SC. Such revisions are deemed necessary to enhance transparency, accountability, and legality in the framework of the SC's actions. The author suggests the following modifications to the mentioned Articles to enhance their precision and functionality:

Article 24

1. (...).
2. In discharging these duties, the Security Council shall act in accordance with the Purposes and Principles of the United Nations, and general international law. The specific powers granted to the Security Council to give effect to its decisions are laid down in other Chapters.

3. The Security Council may adopt any measures deemed necessary to exercise its duties but may not exceed the specific powers mentioned in the previous paragraph.

4. The Security Council shall submit (...).

Article 25

The Members of the United Nations agree to accept and carry out the resolutions of the Security Council.

Article 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make decisions on the solution under Chapter VI or the current chapter to maintain or restore international peace and security.

Article 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures.

Regarding Veto power, it was established as part of the UN Charter to ensure that the major powers would have a word in the decision-making process. The combination of this issue and the discretionary power of the SC has led critics to argue that veto power can often result in gridlock and prevent action on critical issues or can be utilized by the P5 for personal gain. A variety of scenarios have been proposed in response to this deficit, ranging from the omission of the veto to a change in the membership structure. Any reform of the SC, however, must be feasible in accordance with the nature of a political council, as well as the realities of the international society. The international community may not achieve a better model than the current SC's form because any fundamental changes in the SC would require fundamental changes in other sections of the international legal order and the circumstances of international social life. Accordingly, the author suggests that veto power can still be retained but only in the interests of the common good. Veto power, despite negative approaches, has the potential to serve the international community. In the current form of the SC, the application of veto is entirely at the discretion of the states holder, and they often seek to prevent decisions that are incongruent with their policies or those of their allies. However, under the proposed model, the holder is only entitled to use veto power in the interests of common good. Such a modification would be in line with the SC's philosophy as the guardian of international peace and security rather than a protector of the individual interests of limited states. Additionally, it fits with the political nature of the SC, which rejects any notion of the SC acting like a judicial institution. Further, it has sufficient force to persuade P5 to consent to a future reformation. Finally, if the SC adopts an unjust decision in the name of peace, each veto holder has the ability to veto and protect the common good.

3. The list of the candidate's publications written within the topic of the dissertation

_ Alipour, Mohammad. "The competence of the Security Council over situations or disputes arising from human rights violations by a state under Chapter VI of the United Nations Charter." *Hungarian Journal of Legal Studies* 64, no. 2 (2024): 135-162.

_ Alipour, Mohammad. "A Normative and conceptual study of peace after the Second World War in light of the Nuremberg Tribunal and the United Nations." *International Area Studies Review* 26, no. 3 (2023): 269-286.

_ Alipour, Mohammad. "Evolution of Peace: from Social Value to Legal Axiom." *Journal on European History of Law* 13, no. 1 (2022): 114-123.

_ Alipour, Mohammad, and Aniko Szalai. "Questions of General International Law with Special Regard to the Security Council's Competence." *Hungarian YearBook of International Law & European Law* (2022): 292.

_ Alipour, Mohammad. Competence of Security Council and Possibility of Suspending Economic Sanctions in the Light of Right to Life During Corona Virus Pandemic In: Hajdu, Gábor (eds.) *Rendkívüli helyzetek és jog : Kalandozások a jog peremvidékén a COVID-19 apropóján* Szeged, Hungary : Iurisperitus Bt. (2021) 172 p. pp. 55-66., p 12.