

THE EMERGING ROLE OF SECURITY COUNCIL AS AN INSTRUMENT OF INTERNATIONAL PEACE (1987). By Kasturchand M. Jhabak. Jayashree Printers, Secunderabad. Pp. 134.

SECURITY COUNCIL is a principal organ of the United Nations. Maintenance of international peace and security is its primary responsibility. Members of the UNO have agreed that the council can act on their behalf in carrying out its duties under this responsibility. Therefore, they have further agreed to accept and carry out the decisions of the Security Council. The council performs the functions relating to maintenance of international peace and security in two ways, *i.e.*, by, (i) peaceful means; and (ii) taking enforcement actions. While chapter VI of the charter provides the various modes by which the council settles the disputes peacefully, it is empowered to take enforcement action under chapter VII. The latter is referred to collective security. For the first time an organ of the international organisation, the Security Council, was created with real powers. Although the League of Nations had also made a provision for collective security, it was indeed stronger under the United Nations.

It is unfortunate that the peace enforcement machinery breaks down the moment a permanent member is involved in the dispute either directly or indirectly by being in sympathy with the cause of the aggressor. The permanent members may prevent the council from taking any action against the aggressor by exercising their special power 'veto' which if used has a potency to nullify the effect of all the affirmative votes cast by other members of the council. The veto has paralysed the whole functions of the council. Further, due to the basic disagreement between the Soviet Union and the United States on the size of the United Nations armed forces, their location and bases, no agreement has been concluded as provided under article 43, and therefore, how far the forces shall be available to the United Nations if the council ever decides to take measures under article 42, is a question which is difficult to answer. These two reasons are mainly responsible for failure of the council in performing its primary responsibility of maintaining international peace and security.

The author examines these issues in the book¹ which was his thesis submitted to the Faculty of Law, Osmania University in partial fulfilment of the requirement for the degree of Master of Laws in 1982. The book is divided into eight chapters besides the 'conclusion'. All aspects of the Security Council have been elaborately discussed. It will greatly help those interested in studying this organ of the United Nations.

1. Kasturchand M. Jhabak, *The Emerging Role of Security Council as an Instrument of International Peace* (1987).

However the book suffers from a number of weaknesses. Presentation of the analysis is weak, unsystematic, inadequate and moreover not up to date. For instance, in the first chapter, the author has dealt with the growth of international framework, but even a brief account of the important events leading to establishment of the United Nations has not been given. Further, the author has listed UN Peace Keeping and Observer operations,² which is not exhaustive. Neither it includes the name of UNIFIL nor the UNTAG which is a prospective operation in Namibia. Chapter V is entitled 'The Functions of the Security Council', but even the bare 'functions' have not been stated. Discussion is confined only to maintenance of international peace and security. While dealing with this function more space has been devoted to enforcement action of the council. No doubt the author has thoroughly analysed the different articles of the charter, but treatment of the subject is repetitive. Although the topic is so dynamic and vibrant that it gives writers enough opportunity to say something new on the basis of the practice of the Security Council, the author has failed to utilise the opportunity. Further, discussion of peaceful means which the council adopts in settling the disputes is inadequate. In what disputes articles 33(3), 34 and 36(1) have been utilised by the council have not been discussed at all. Treatment of Falkland Islands and Beirut issues under chapter VII is rather absurd. While dealing with the above crisis the author has quoted throughout extracts of newspapers. The net result of these inadequacies and shortcomings is that, the book does not add anything to our knowledge of the subject.

The "conclusion" begins with a long quotation of General Kurt Waldheim and ends with that of the Secretary 'Das Hammars Kjold'. The author has rightly concluded :

The failure of the Security Council lies in the attitude of the permanent members and not in any defect in the text of the U. N. Charter relevant to the functioning of the Security Council. . . The Members of the Security Council have to only realise the commitments and responsibilities accepted by them under the Charter.³

Foreword of the book has been written in short by Hon'ble Justice Mohammed Sardar Ali Khan, Judge, High Court of Andhra Pradesh. He has given a few general comments on the book. The book is not a priced publication. It has been published for free distribution. This is, of course, a plus point. However, the book has innumerable grammatical errors and printing mistakes. It is desirable that the lapses in production are taken care of in the next edition, so that it may be of great help to the readers.

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2. *Id.* at 56.

3. *Id.* at 122-23.

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