

Legal Review of Security Council Resolutions to Formulate and Develop International Law with an Emphasis on World Peace and Security in International Law

Amin Mohammadzadeh

Tabriz Payame Noor University center, Iran

(Corresponding Author: amintab643@gmail.com)

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ABSTRACT

The present study was conducted with the purpose of a legal review of the determination of the Security Committee on the development and progression of international law with an emphasis on international peace and security in international law. Given that the founders of the United Nations considered the Security Committee as the most important organ, it was necessary for the organization to provide the most authority to the Council, so they gave two kinds of performance to the Council: first, the peaceful determination of disagrees, which enabled the Council to investigate and recommend a conflict. A circumstance that threatens international concord and protection, and secondly, the Council's threats to peace and aggression (Chapter VII.) In other words, the main tasks of the Council are the implementation of the sixth and seventh chapters of the Charter. Many international organizations of internal affairs manage their structure in the form of a resolution endorsed by the members. Among these executive decisions, we can decide on the formation of special organs within the organization, the acceptance of new members, the transformation of affiliated entities, budget decisions, etc. The Council could also make binding decisions since all UN member states have agreed, in conformity with Article 25 of the Charter, to make judgments of the Security Committee in accordance with the Charter. Of course, the general impression is that the Council's binding decisions are taken only in cases of "threats to peace, violations of peace or threats to peace and acts of rape". But deciding whether such conditions have been fulfilled is under the mastery of the Security Committee under Article 39 of the Charter. And as soon as the Committee concludes that there is a threat to peace or other conditions, it may advise the parties concerned or what steps should be taken to sustain peace (Article 39 of the Charter). Make appropriate decisions. The results showed that the resolutions are of particular importance in terms of plurality and power, but due to their lack of precision, their position among international sources of law has been the source of doubt and wide-ranging questions.

Introduction

Today, international life is unthinkable without international security. No government can be found that is not a member of one or more arrangements in the direction of international security, and this shows the importance of establishing a relationship and cooperation in order to reach a consensus of opinion between governments.

International organizations have long been effective in establishing and maintaining peace and protection, and they use different methods to peacefully resolve disputes, including political methods such as negotiation, mediation, and compromise or legal methods such as arbitration and judicial proceedings (Ghafouri, 2013: 24).

The UN General Assembly may discuss any issue linked to maintaining international concern and security, but if action is needed, it must advert the stuff to the Security Committee.

In addition to these two main institutions of the United Nations, a task and political work has been determined for the Secretary-General in the United Nations Charter. The Secretary General of the organization has the right to draw the attention of the Security Council to any matter that seems to be a threat to the maintenance of international peace and security.

He may also take action and lead the truth-finding operation, creating Jamila's efforts through mediation and conciliation. Regional agencies and arrangements can also take actions related to peace and security issues with international peace and security issues (Ameri, 2019).

In general, the resolutions of the United Nations are approved in line with the processes of peace and global development in such a way that they can build a safe and legal world with scientific infrastructure

based on order and peace, and all the member states of the United Nations are obliged to accept and apply them. The resolutions of the organization are to achieve social and cultural development in the light of world peace. In the history of the United Nations, the legality of Security Council resolutions has been challenged in many cases.

These challenges have been made mainly by governments that have been influenced by the decisions of the Security Council. Due to the fact that the governments are the representatives of the implementation of the Security Council resolutions, they involve their views and evaluations in the implementation of the Security Council decisions (Taefi, 2012).

Every time there has been a major change in the international community, the role of diplomacy in world politics has been reviewed. This issue is exemplified at the beginning of the 20th century and in the shadow of the major developments that took place at that time, and it has also been manifested in the first decade of the 21st century and the third millennium (Taefi, 2012: 26).

One of the main reasons for the emergence of international organizations after World War II was to establish peace and security. In this regard, the actions of international organizations to resolve disputes are of vital importance; Because most of these organizations, as transnational institutions, have the ability and legitimacy to play an influential and accepted role in the world community. Peace can be considered as the main nature of these organizations (Peace, 1387).

For this reason, the main goal is to examine the functioning of international organizations in ensuring world peace. This research tries to address the issue of how international organizations can be effective

in ensuring world peace after the end of the Cold War.

The hypothesis raised in this research is that despite the rights and duties that international organizations have established for governments in the framework of their laws, it has a decisive role in ensuring world peace. One of the main issues and goals of international organizations in the current century has been to achieve world peace and collective security, which has been crystallized in the statutes of international organizations and the United Nations (Shir Gholami, 2016: 89). International organizations are divided into two categories: governmental and non-governmental international organizations, each of these organizations has had many activities in the field of peace, but today we can clearly see an increase in the role of non-governmental organizations in ensuring global peace. These types of organizations mainly have humanitarian motives and are able to create stability and maintain world peace. Some of these organizations include: international religious organizations such as the Catholic Church and the Vatican, Islamic organizations, other religions within the framework of religious federations, the International Association of Lawyers, the World Federation of Pro-United Nations Associations, the Inter-Council Union and the International Organization of Trade Unions. Since the establishment of international organizations, they have dealt with all kinds of problems that have violated global security and have provided different solutions in this field (Shaygan, 2012).

Abiri (2013), in a research titled "The role of international non-governmental organizations in protecting human rights in the procedure of the European Court of Human Rights" showed that the field of international law has different players who all have different effects on its formation and promotion. are Talai and Razmkhah

(2012) to examine the role of international organizations in realizing the right to food, the quarterly journal of international organizations, the right to food, fundamental right of every person, the right to freedom from hunger and sustainable access to food with quality and quantity that They paid to meet his nutritional and cultural needs. Although the main responsibility for the implementation of human rights, both domestically and internationally, has been placed on the governments, but the increasing scope of activities of international organizations at the international level, especially in the field of human rights, raises this question. It raises what is the role of international organizations in fulfilling the right to human food and how international organizations play this role. This research shows that international organizations have an effective and unique role in realizing the right to food at the international level. It is also stated that these institutions deal with issues related to achieving the right to food from different aspects. Finally, it is concluded that the purpose of these activities is to achieve the right to human food, especially for the needy people who have suffered the most damage from the poor food security situation at the global level.

1. Theoretical foundations of his research

1-1-The concept of resolution

A resolution is a proposal that is approved by an assembly. The nature of the resolution can generally be anything suggested by the draft plan. The resolution includes an introduction that usually states the basis of the decisions and actions taken, and a set of operative paragraphs containing guidelines or actions. The decisions of various organs of the United Nations, such as the General Assembly and the Security Council, are presented in the form of resolutions.

The resolutions of international organizations are known as a source of international law that is outside the scope of Article 38 of the Statute of the International Court of Justice, and they are important in the development and formulation of international law (Ziaee Bigdeli, 2016).

United Nations Security Council It is one of the pillars of the United Nations, which is responsible for safeguarding international security and peace. According to the United Nations Charter, the powers of the Security Council include sending peacekeeping forces, approving international sanctions and granting permission to use military force against hostile countries. The decisions of this Council are announced in the form of resolutions of the Security Council. The Security Council has five permanent members and ten elected members. The five permanent members of this Council have the right to veto the Council's decisions and voting. The presidency of the Security Council is rotating (in the order of the English alphabet) and its duration is one month (Ehteshami, 1378: 75-76).

The concept of peace in the political culture, peace means a state of calm in normal relations with other countries and the absence of war and the absence of threats.

Peaceful coexistence in the relations between countries with different systems means respecting the principles of sovereignty, equality of rights, immunity, territorial integrity of any small or large country, non-interference in the internal affairs of other countries and deciding international issues, (1391). From the point of view of international relations, the meaning of peace is to avoid disputes and severe dealings with other countries. In other words, peace is relative military stability and lack of discord and disorder in the international security system.

From the point of view of international law, peace is achieved with a binding document

binding countries and observing a series of arrangements in international relations (Babaei, 2009).

International peace and security is a term that is used today in the literature of international relations, and it means peace and stability in the world system, in such a way that none of the powers and political units step beyond their limits and enter the territory. not to violate each other but to respect it and all governments should try to maintain international peace and security and not threaten it in any way (Barzegar, 2007).

National Security National security indicates the existence of "security" within the framework of "nation" or more precisely and today within the nation-state, and therefore it is a concept associated with the birth of the country and the state.

National Security means the relative or absolute freedom of a country from possible attacks or political or economic sabotage with the power to counterattack against the country that attacked it with decisive effect. Hamid Behzadi writes: Security in political and international relations often means the feeling of freedom of the country in pursuit of national goals and lack of fear and serious danger from the outside to the basic and vital interests of the country (Larijani, 1371: 98).

2-1- The concept of international security

After the conclusion of the Peace of Westphalia in 1648 and the formation of the nation-state system, the concept of national security was raised in international relations, and with the passage of time and the deepening of international relations, the concept of international security also entered the field of life. In the past, international security was often defined in the field of military security, but today it is defined in political, military, economic and social dimensions. Independence and national

sovereignty of governments were considered the most important pillar of international security. From this point of view, the governments were considered the main source of threat and responsible for establishing security and ensuring international security was also dependent on providing national security. But with the beginning of the era of globalization, international security gradually lost its Westphalian concept. Other sources of many threats were not governments but other agents and persons (Ziaee Bigdeli, 2012).

3-1 The concept of international law

International law is a set of laws that are generally accepted in the relationship between governments and nations. It is a framework for conducting stable and organized international relations. International law differs from state legal systems in that it is primarily applicable to states and not to private citizens. National laws may become international laws when treaties transfer national jurisdiction to international courts such as the European Court of Human Rights or the International Court of Justice (Soleimani, 2012).

2. An analysis of world peace

1-2- A look at the approach of pacifism

Peace studies is a field of study and research at the international level, the history of its processing in international relations and its analytical aspect in the framework of international power and politics precedes normative legal studies.

Basically, the method of legal or law-oriented analysis has been a part of analytical methods and approaches in international relations. Therefore, the evaluation and analysis in the operational fields of peace requires the comprehension of approaches associated to the signification and determination of the content of this global value.

Therefore, pacifism is a prerequisite for any exploration of finding good peace and diagnosing it from bad peace (Wright, 2004: 262).

Due to the wide scope that has been found in the light of recent human security and human rights, peace has gone beyond it and the creation and maintenance of normal inter-human and inter-governmental relations has also included safety in the field of social or economic welfare (Fuller. , 2014: 291). The requirement of pacifism and peace studies is the analysis and understanding of war and cognitive war studies (Mosallanejad, 186: 272).

2-2-Peace as a human right

A normative view of peace is peace as a "human right".

This approach has a special history in the United Nations (Behzadi, 1352). Understanding peace as an individual or collective human right also has its own limitations. The international human rights system looks at human beings (individually and collectively) as beings with rights, and this view limits the framework and scope of peaceful activities in this direction (Tedhopf, 2016: 476).

3-2- The basic challenges facing world peace

Recent developments and events in the field of international relations (as well as national and intra-national) clearly show that in the current century, "peace and justice" is more at risk, threatened and violated than anything else. These developments range from unilateral military measures, massacres and sieges of cities and the hegemony of some regimes and governments in the far corners of the world to poverty and hunger and the lack of fair distribution of human life facilities among nations, as well as illiteracy and lack of access. To the knowledge necessary for correct exposure

With natural and unexpected events and what happens in social life, and ultimately the lack of justice rule over international relations, all societies, both developed and developing, national and international, face a crisis so that the most time and budget are also dedicated to the same issues and ways of dealing with them at the world level. Meanwhile, the lack of correct understanding of the foundations and factors leading to peace crises, the exact consequences of these factors on the quality and quality of life

Humanity, as well as the duties and functions of governments and the international community in this regard, not only made it impossible to respond to these issues in the field of human society, but instead of recognizing the "causes" they focused on the "disabilities", the damages caused. The existing and prevailing situation is not realized and finally the importance and bases of "prevention" of such crises are also hidden behind the appearances and formations of the international community of governments (Sazmand, 184: 50).

4-2- Normative challenges related to building and ensuring peace

Part of the damage to peace and justice in the world is also related to the legal and normative system governing the international system. The most important thing in this regard is the obstruction of some powers from the formation of the universal and human right to peace and justice and its formulation in the form of international conventions. These countries consider the establishment of this right incompatible with their interests in the field of producing and developing weapons of mass destruction, selling weapons to African and American countries, inciting groups to separatism and rebellion, creating terrorist groups, and looting their natural resources. (Agaei., 2015).

5-2- Human rights to peace and justice are not flourishing

The right to peace and justice is the most basic right of humans and mankind, and terrorism, war, sanctions, discrimination, apartheid, threats and humiliation will violate this basic right.

The right to peace basically finds its meaning in such an environment of relations between people. The right to peace considers the establishment and maintenance of a violence-free situation for members of the society as a requirement for the flourishing of their talents and the evolution of the society, which is the only way to pursue the ideals and reasonable expectations of mankind. It has placed the scope of peace-seeking and pacifism in the relations "between" humans and "for" humans; It introduces peace as the basis of sustainable human social life and places "governments and international organizations" as "addressees" of obligations related to observing this right and striving for its realization. Based on this, humans are considered the main owners of this right, and governments are committed to taking positive and negative measures against this right, which are required for the realization and fulfillment of this right (Evans, 2011).

6-2-Under development of the global legal system

Some legal norms, which are called "global norms", are basically not universal in nature, but they are only the result of a cultural system or political pole, which tries to go through the process of globalization through international institutions (Ehteshami, 1378). : 75-76).

Globalization, which is accompanied by sanctions, imposition and pressure, aggravates the obstacles to peace and justice in the world. This is why the lack of global military development of legal norms that are based on cultural, civilizational and religious

commonalities is among the harms of concord and equity in the contemporary era (Nawab, 2015: 63).

3-The part of the United Nations and the Security Council in conflict resolution

The category of "international security" is a concept that refers to the communal enthusiasm of powerful countries in promoting and protecting their security and interests.

The recognition of those common interests of countries requires the creation of a social framework at the level of the international community in order to end unilateral national security measures. From the beginning, "international security" became the working framework and the first task of the United Nations (Barzegar, 2007: 654-655). Article 1 of the Charter mentions international coordination in understanding international problems in economic, communal, cultural or humanitarian fields and fostering and emboldening respect for human rights.

The sets of rules in the United Nations Charter is largely based on the Covenant of the League of Nations as an experienced model. In this way, in order to understand the background of the United Nations, it is necessary to reappraisal a brief summary of the provisions of the United Nations Community Charter for conflict resolution (Amiri, 2010).

1-3- Mechanism of the United Nations

The UN system is support on the conditions in accordance with the constitution of the countries and with the theoretical preference between the functions of the cardinal parts of the organization. The Security Council was considered as the executive arm of the United Nations and the General gathering as the parliamentary department.

Both parties can participate in resolving disputes peacefully through traditional

mechanisms of negotiation and mediation. To sustain international peace and protection, only the Security Council can make binding decisions (Amir Ahmadi, 2012). Effective efforts to describe in detail the methods and mechanisms available in the United Nations on finding solutions to conflicts were made by the then Secretary General of the United Nations quickly after the break of the Soviet Union and the end of the Cold War.

In the so-called Plan for Peace summit, while the Secretary General emphasized that detail for the dominion and fundamental morality of countries is the cornerstone of the organization, he pointed out that rapid changes affect countries both at the internal level and at the district level between affects the international community as a whole and emphasizes the role of the United Nations in securing peace more and more.

The report of the Secretary General of the United Nations in the above meeting sought to classify the actions that the subsidiary organizations of the United Nations had undertaken or could undertake. Preventive diplomacy, an action aimed at preventing disputes arising between countries, preventing the worsening of conflicts and starting conflicts and ending conflicts, was considered among the most important of these measures.

Mediation for peace is an action to create a negotiation between the warring parties, which is carefully described in chapter VI of the Charter under the title of using peaceful methods.

Establishing peace is an action to recognize and support the constructions that protect international peace. The implementation of peace is the maintenance of peace and it does not depend on the consent of the parties, but must rely on the implementation of laws of Chapter VII of the United Nations Charter (Nawab, 2006).

2-3- General overtakes to collide resolution

In the field of conflict resolution, three general approaches to conflicts have been defined: 1) Approach based on power.

2) approach based on rights and 3) approach based on benefits.

In the first overtake, the parties involved try to specify the stronger side during the power contest. In the rights-based overtake, the parties try to determine who has the rights agreeing to some standards. In the interest-based approach, the parties try to content each other by finding a solution that satisfies their different needs, desires, fears or concerns in a way that both parties are satisfied and avoid conflicts. (Ahmadi, 2014).

In the conflict resolution process, the focus may change from interests to rights and from rights to power and vice versa. The drafters of the UN Charter have combined all three approaches in the structure of the UN. It can be argued that different parts of the UN almost always focus on one of the different approaches to conflict resolution. Mediation and mediation are provided by the General Assembly and its representatives in order to resolve the dispute based on the benefit of all plans. The International Court of equity plays a very important role in resolving disputes based on rights, and the Security Council covers a infinite range of issues

The methods are based on the power at his disposal (Yazdan Panah, 190:19).

Despite Article 2, most of the works of the United Nations in recent years have been focused on examining internal issues. Most peacekeeping missions have been related to the country's internal issues. Also, most efforts to establish peace have been related to such issues. Since most of these matters fall under Chapter VI of the Charter, they have been done with the approval of the

parties, that is, with the approval of the government of the respective country.

Chapter VII is legally binding in any case. Often very serious problems inside the country create a menace to international security and peace in the form of displacement of refugees and other border effects (Hashmi, 2007: 3-5).

4-The performance of the UN Protection Council in the field of world peace

When the United Nations was formed, the Protection Council was initially responsible for sustaining international peace and protection and had unlimited powers to provide social security. According to Article 24, members of the United Nations Protection Council are given dominant liability for maintaining international protection and peace, and agreeing to Article 25, the decisions of the Security Council are accepted and implemented. The measures accepted by the Security Council in the implementation of Chapter VI of the Charter, in relation to the peaceful settlement of disputes, have an advisory aspect, the issues related to the admonition or fracture of peace or hostile action, under Chapter VII, the Council has the power to make decisions. Increasing. As soon as the Security Council has resolved a definite conflict or a situation threatening peace or a hostile action, the way is opened to take further measures (Thaqafi Ameri, 2016). Now the main idea of the Charter was that the United Nations social security system would create a sense of security and mutual trust and deal with weapons reduction and arms control under the auspices of the United Nations. In fact, it is fair that if such a feeling of security could not be created, the demands and proposals of support by the General Assembly will continue without results, although with great, great and repeated goals (Tawhidi Fard, 2011).

1-4- Compilation of item 39 of the United Nations Charter and the preconditions for the implementation

According to the initial negotiations regarding Article 39 and the contents of the "preliminary works", the intention of the drafters of the Charter was to identify the exclusive and extensive jurisdiction with the possibility of extensive interpretation in the thread of applying consent and punishments to the Security Council (Taro Lester, 2013).

Preservation of international peace and Security contained in Clause 1 of Article 1 of the Charter expresses the concept that the most important goal of the United Nations is foreseen in the chapter dedicated to sustaining and establishing peace, which is the seventh chapter of the Charter. The mentioned article further stipulates that special measures taken in this field must be pointed at sustaining and establishing international peace and Security (Tahami, 2018).

The broadest and vaguest concept used in Article 39 of the Charter, which is naturally very essential for maintaining peace and international security, is the concept of "threat against peace". The relationship between the concept of "threat against peace" and the concept of "endangering" international peace and security, which is mentioned in Articles 34 and 38 of the Charter (Chapter 6), is not clear. According to Articles 34 and 38 of the Charter, it must be specified that the continuation of a "conflict" or "situation" can imperil the maintenance of international peace and security, while Article 39 makes "threats against peace" one of the bases for implementing the provisions of Chapter Seven. Knows by giving broad powers to the Security Council, the Charter can establish the quiddity of endangerment or threats to peace by evaluating disputes and situations and take transitional measures according to

Adopt the seventh chapter of Charter (Taghizadeh, 2013).

In general, the concept of threat to peace is very important in the United Nations system, so the Security Council should actively act to prevent international conflicts. The consensus of the perpetual members of the Security Council provides the opportunity to impose sanctions before armed conflicts begin (Resolution 825 dated 1993).

2-4-Exclusive abilities of the Security Council

The general prohibition of resorting to force in the United Nations Charter and its exceptions

Article 39 of the Charter gives the Security Council the authority to establish "any threat to peace, abjuration of peace and act of offensive" and to make any "counselling" or "conclusions" in the field of calculation that must be taken to sustain and establish international peace and protection. Paragraph 1 in Article 43 of the United Nations Charter "commits all members of the United Nations to participate in the keeping of international peace and protection, armed forces, equipment and the facilities, including the right of passage essential to sustain international peace and protection, upon request. Security Council and according to the agreement or special agreements to be provided to that council" (Alikhani, 2004).

3-4- Collective security system

According to the United Nations Charter, one of the exceptions to the proscription of the use of force is the action of the Security Council within the framework of the seventh chapter of the Charter. According to the seventh chapter of the Charter, the aggregate security system is foreseen; Collective Security also means the formalization of the lawful use of force in the international community. In articles 39 to 50, the Charter

provides provisions related to the collective security system. Article 39 stipulates: "The Security Council will ascertain the existence of any threat to peace, breach of peace or act of aggression and will make recommendations or decide what measures should be taken to maintain and establish international peace and security according to Articles 41 and 42. be" (Jamali, 1385: 141). In the last part of Article 39, the mission of the Security Council is specified: maintaining and establishing international peace and Security. The concept of "maintaining international peace and security" includes the meaning of a preventive measure. Here, the goal is to prevent a breach of peace. In such a situation, the actions of the Security Council in order to prevent peace violations will have deterrent and preventive characteristics and goals. On the contrary, the idea of "establishing international peace and security" means that the violation of peace has already taken place and the Security Council will inevitably take the necessary compulsory measures to establish international law and order (Jamali, 2016). The United Nations Charter has given the Security Council broad powers to maintain and establish international peace and security. Article 41 allows the Security Council to adopt non-coercive measures (total or partial severance of relations and severance of political relations). Article 42 also allows the Security Council to use coercive measures (the use of air, sea and land forces) (Jaafari Langroudi, 2018).

4-4-Confirmation of the triple cases listed in Article 39 of the Charter

According to Article 39 of the Charter, "The Security Council will ascertain the existence of any threat to peace, breach of peace, or act of aggression and will make recommendations or decide what measures should be taken to maintain or restore

international peace and security according to Articles 41 and 42. take place In connection with this issue, which is considered one of the exclusive powers of the Security Council, and two issues are raised:

1- There is no consensus on whether the identification of the three cases listed in Article 39 is a right or an obligation. According to one opinion, identifying threats to international peace and security is one of the Protection Council's responsibilities, and the Council cannot avoid it.

Proponents of this theory refer to the decision on the explicit of aggression and point out that the Security Council must not only recognize the occurrence of aggression but, in making such a decision, it is required to follow a series of criteria that are included in the said resolution (Mirzaei Yengjeh, 2016): 21). On the other hand, some people believe that since the resolution defining aggression was issued by the General Assembly and has a endorse aspect, the Protection Council is not required to follow it. In any case, despite the difference of opinion regarding the right or duty of the triple verification mentioned in Article 39 of this Council, in the absence of a competent international judicial authority, it not only considers itself a competent pillar regarding the detection of threats and violations of international peace and Security and He considers the occurrence of rape as a right for himself; This means that in the event of aggression, if the Security Council does not take action to identify it, it will also consider the recommendations of the General Assembly as a criterion for action.

In cases where the General Assembly has considered a situation threatening peace and has asked the Security Council to take the necessary measures to restore peace, the Council has examined the issue separately and identified the existence of a threat to peace or a breach of peace. Kurds take

appropriate measures. In such circumstances, it should not be expected that the decisions of the Protection Council are based on objective and impartial considerations.

The performance of the Security Council in the past years confirms this opinion, which means that in some cases, despite the evidence and objective evidence, the Council has refused to identify threats or violations of peace and an act of aggression based on political considerations.

Examining the procedure of the Security Council indicates that this Council has attempted to identify a breach of peace or an act of aggression when all or most of its members are ready to take measures or take action based on Article 41 and 42 (Kerami, 2015): 7).

2- Another issue is the limits of the Security Council's jurisdiction in identifying the three cases listed in Article 39.

In this case, whether the Council can have a broad interpretation of the Charter or not?

In the absence of any precise definition for threats and violations of peace, the task is problematic. Some authors believe that the reason for the lack of precise definition of the above words in the Charter is that the majority of the charter writers felt that the Security Council should determine the examples of these situations on a case-by-case basis and objectively.

Therefore, the competence of the Security Council in such cases is not limited, and the only criterion for recognizing these situations is the will of the Council (Falsafi, 2016: 102).

In case of "threat against peace", "violation of peace" and "act of aggression", the Security Council decides to use coercive and punitive methods and therefore implements the provisions of the seventh chapter (Mousazadeh, 1393: 110).

5-4-Issuing binding resolutions in the field of maintaining peace and international security

The decision of the UN Security Council is called a resolution.

In order to accept a resolution, at least 9 members out of 15 members of the Security Council must vote for it and none of the permanent members must vote against it.

A considerable part of the UN resolutions is related to maintaining peace and international security. The binding power of this resolution comes from Article 25 of the Charter, whereby "the members of the United Nations agree to accept and implement the decisions of the Security Council in accordance with this Charter".

The opposite meaning of this article simply means that if the resolutions of the Security Council imply deviation from the Charter or ignoring it, it is not acceptable and is not considered valid.

According to this article, a government that becomes a member of the United Nations must accept the decisions of the Security Council whether it wants to or not (Sadat Maidani, 2014).

5-Peacekeeping operations

Peacekeeping forces are not foreseen in the text of the Charter, but it does not mean that the establishment of such forces is against the spirit of the Charter and that this organization does not have the authority to establish such forces. According to other interpretations, the deployment of these forces are temporary measures that are foreseen in Article 41 of the Charter. But it seems that the International Court of equity has given a correct interpretation in this regard. According to the advisory opinion in the case of some costs of the United Nations, the court concluded that this operation It has been done in order to implement the principles and goals of the United Nations Charter, including sustaining international

peace and security. Therefore, in order to implement the precepts and aims of the United Nations Charter, the United Nations has established forces that are not foreseen in the Charter (Mirzaei Yengjeh, 2013: 192). In precept, the Security Council is the competent authority to prescribe UN peacekeeping operations. The procedure of the United Nations and several plans presented by the special Committee for peacekeeping functions show and confirm that the Security Council has the mastery to form, direct, control and finally terminate peacekeeping operations (Parvin, 1387: 164).

1-5-Advising and making a decision on the implementation of the judgments of the International Court of equity

According to paragraph 2 of Article 36 of the Statute of the International Court of equity, if a government deposits a declaration with the Secretary-General of the United Nations according to paragraph 4 of Article 36 of the attachment, that state becomes a member of the mandatory jurisdiction acceptance system of the Court and the right to File a lawsuit about the government that changed this system. Conversely, other governments have the right to file a lawsuit against the said government. Such a bilateral commitment is important and reliable in the execution stage of the rulings (Zahedtalaban, 2016).

2-5-Parallel and common abilities of the Security Council with the General gathering: maintaining international peace and protection

According to the Charter of the United Nations, in addition to the Protection Council, the General Assembly can exercise authority in some way regarding the issues of maintaining international peace and protection, such as parallel powers to maintain international peace and protection.

The main non-exclusive competence of the General gathering, which actually interferes with the competence of the Security Council, is the responsibility of maintaining international peace and security. The powers and duties of the assembly in this field can be summarized as follows (Satarifar, 2014).

1- According to Article 10 of the Charter, "the General gathering can propound any issue or issue that is within the limits of this Charter or related to the abilities and duties of each of the pillars stipulated in this Charter, and except for the case mentioned in Article 12, it is possible to make commendations to the members of the United Nations or to the Security Council or to both about each of these issues and matters".

In fact, according to Articles 10 and 11 of the Charter, the General gathering can be a source of influence on public opinion in the world through the recommendations or resolutions it issues, and on the other hand, when the activities of the Security Council are affected by the veto of one of the permanent members. Once it is reached, the general assembly can discuss the aforementioned case based on the mentioned articles and, if necessary, issue a resolution (Thaqafi Ameri, 2010: 51).

2- The General gathering deals with political and security issues through the first Council (Committee on political and security issues including disarmament).

3- The General Assembly, in the implementation of one of its duties of monitoring all the activities of the organization, reviews the activity reports of the Security Council and the Secretary General of the United Nations every year and makes the necessary recommendations.

4- According to paragraph 1 of Article 23 of the Charter, the General Assembly, by electing non-permanent members of the Security Council, plays a considerable role in the composition of the members of the

Council, whose primary liability is to maintain international peace and protection. In fact, the General gathering elects two-thirds of the members of the Security Council. In general, the General gathering has a secondary role in sustaining international peace and protection, and in practice the Security Council plays the primary role in this field (Sadat Maidan, 2014).

3-5- The limitation resulting from the legal framework of the abilities of the Security Council according to the Charter

The Security Council, as an organizational pillar, derives its authority from the establishment document of the relevant organization and must be subject to the provisions of the said document. The fact is that the United Nations Charter has simultaneously determined the abilities of the Security Council and its limits has been confirmed by the International Court of equity in the case of "Conditions for the admission of a state to membership in the United Nations" in the latter years of the United Nations. The said court announces in its educational opinion (D. V. Baut, 2013). Despite the approval of the international courts to the commitment of the United Nations organs to legal limits of their powers, various interpretations have been made regarding the articles related to the legal powers of these organs, especially the legal powers of these organs, especially the abilities of the Security Council.

4-5- Scope of abilities of the Security Council: special abilities and general powers

Paragraph 2 of Article 24 of the Charter stipulates: "The Security Council should act in agree with the aims and principles of the United Nations in the implementation of these duties." The special powers assigned to the Security Council to perform the

forementioned duties are stated in chapters 6, 7, 8 and 12.

This paragraph raises the question whether the aforementioned Council has powers and performs its duties only within the framework of the above-mentioned chapters, or whether it can benefit from other powers that are in agreement with the principles and goals of the Charter to carry out its duties... The issue of having "general authority" and "special authority" of the Security Council is stated in the first case presented in the aforementioned Council, i.e. Iran's complaint against the Soviet Union. The specific question at that time was whether the Council could still put Iran's complaint against the Soviet Union on its agenda after Iran had withdrawn its complaint. The then Secretary General of the United Nations states by issuing a memorandum in this regard: If the Security Council has not used the special options of the seventh chapter, it cannot remove the relevant issue from the agenda of the Council.

The majority of the members of the Council took a position with a broad view of the powers of the said Council (Ruhullah, 2010: 67). In general, the general procedure of the Security Council indicates that the powers of the Security Council have been interpreted in a broad and flexible manner (Rohani, 2011).

5-5-Limiting the abilities of the Security Council in terms of jurisdiction

Legislation: Article 25 of the Charter

Article 25 of a Charter has a provision: "The members of the United Nations agree to accept and instrument the decisions made by the Security Council in accordance with the present Charter" (Sadat Maidani, 2014). The words contained in Article 25 of the Charter, which form the basis of binding decisions of the Security Council, appear to be clear and unambiguous, but these words, which were carefully drafted by the drafters of the

Charter, have been based on different interpretations. From it, limitations for the action of the Security Council have been extracted.

With the development of the Security Council's legislative competence in the last decade and the aforementioned Council's intervention in various global arenas, Article 5 of the Charter has been subject to different interpretations by governments.

Before studying the scope of the binding decisions of the Security Council, it seems necessary to examine the pre-legislation competence of the aforementioned Council, which is in support of Article 25 of the Charter (Zahedtalaban, 2016).

6-Legislation of the Security Council

The beginning of the 21st century should be considered the beginning of the entry of the Security Council into the legislative stage.

The master of the Security Council states that Resolution 1373 is the "first step" and Resolution 1540 is considered the "most important step" in the direction of legislation for the members of the United Nations, and the Committee needs this type of legislation more than ever (Roshandel, 2007).

1-6- Security Council Legislator's Jurisdiction: Decisions and Recommendations

Although the range of abilities and discretion of the Security Council regarding threats to peace and the adoption of various measures related to the sustenance of international peace and protection are wide, however, these powers have faced limitations within the framework of the sixth and seventh chapters of the Charter.

According to the seventh chapter, the Security Council can make "binding decisions", while according to the sixth chapter, the said Council can only issue "recommendations".

According to Article 39 of the Charter, the Security Council can take the necessary action within the framework of the seventh chapter of the Charter only to "maintain or establish international peace and protection" (Satari Far, 2014).

In other words, the General gathering somehow has a authority to make a necessary recommendations for the formulation and development of international law.

Although the Security Council cannot enact international financial regulations, but if financial exchanges threaten peace (the case of providing financial resources to terrorists through the banking system of governments), the said Council can take its legislative action, such as issuing a resolution (Sadat Maidani, 2014).

Another limitation of a Security Council's legislative authority is due to the provisions of the Charter in relation to advisory powers. In this regard, according to Article 26 of the Charter, the Council is "responsible for creating proposals on the provisions related to weapons to be presented to the members of the United Nations".

These plans are basically not binding due to their consequences on the national defense of governments and their right to legitimate defense.

From the concept of "weapons regulations", the meaning of "arms control" includes the reduction, limitation and destruction of weapons and military forces. Naturally, the Security Council cannot legislate on amount of military and weapons budgets of the governments and their military organizations, but some types of weapons, such as nuclear, chemical, and biological weapons, are not included in the above rule, and the Security Council can assign tasks to the governments because these weapons are threatening (Saed, 1389).

2-6-The principles governing the legislation of the Security Council

The principles of proportionality, necessity and urgency of the Council's powers

Articles 40, 42, 43 and 51 of the United Nations Charter indicate that the actions of the Security Council must be carried out according to the principle of proportionality.

The above-mentioned articles have this in common they all stipulate that the Council will adopt its actions and measures to the extent necessary to maintain and establish international peace and security. In other words, the legislative authority of the Security Council is limited to the "necessity" of maintaining and establishing international peace and security, and this authority is subordinate to the authority of the international community of governments in concluding international treaties and developing habitual international law.

In addition to the limitation of the abilities of a council due to the application of the principles of proportionality and necessity, it should be noted that this authority is often an "emergency authority". (Starifar, 2014).

Conclusion

Today, international life without international organizations is unimaginable at all. That is, no government can be found that is not a member of one or more organizations, and this is more than the importance of establishing a relationship and cooperation in order to reach a consensus of opinion between It shows states. After the Cold War, the form and nature of international relations underwent many changes. The most important events that have led to the complexity of modern relations include the dispersion of power centers in the world, the emergence of science and technology, the creation and strengthening of the role of governmental

and non-governmental international organizations, and other cases.

International organizations are divided into two categories: governmental and non-governmental international organizations, each of these organizations has had many activities in the field of peace, but today we can clearly see an increase in the role of non-governmental organizations in ensuring global peace. Many organizations have been created in charge to sustain and expand peace in the world, which has taken valuable and effective actions in this direction.

It has been a long time since the belief in the basic human rights and dignity of human beings has been declared in the most important global and regional organizations, and the promotion and respect of these privileges, regardless of any distinction in terms of race, gender, language or persuasion, is at the top of their agenda has taken. However, effective steps have been taken in the field of drafting human rights regulations such as the International Charter of Human Rights, European and American and African Human Rights Conventions, etc. Many of them are summarized in the "sovereignty of the states," a very difficult path has been taken.

This problem is due to the fact that international law in the current situation of the world, which is a set of rules and regulations that oversees cooperation between governments by creating a balance between national interests and international interests, and hence, from guaranteeing It does not have an effective implementation, it is very aggravated.

Anyway, diverse and numerous supervisory systems have helped a lot to open new horizons in this field by creating valuable support procedures.

Although the regulatory institutions, at the beginning of their protective function, considered the only field of work to be "repeal of the governments" that violated the

freedoms of individuals and groups, and considered the occurrence of violations and determining the violators as a matter of course, and above that, compensation for the violation and its amount. Were considered outside the scope of their duties, but gradually with the growth of new support techniques in both the major rituals of "reporting" and "complaining" in the global and regional arena, as well as a development of the emerging phenomenon called "human rights non-governmental organizations ", new prospects have appeared in the domain of protecting human rights and the previous fields of supervision have been perfected. Based on this, in evaluating the performance of any international regulatory system, new and innovative criteria should be taken into account, which oversees new areas of support. Based on this, governments can seek profit from international trade in the form of development strategies institutionalized in the framework of commercial arrangements as a means to realize two economic goals with aspects of national security, i.e. development and prosperity.

In such arrangements, at the same time, the necessary arrangements are foreseen to ensure that governments obey their national security considerations. In this way, efforts towards convergence and interaction with the global economy in the form of reciprocal and regional trade arrangements as well as the World Dealings Organization, are evaluated in the direction of national security goals.

CONFLICT OF INTEREST

The author (s) declares that there is no conflict of interest regarding the publication of this manuscript. In addition, the ethical issues, including plagiarism, informed consent, misconduct, data fabrication and/or falsification, double publication and/or

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