

# **UN Security Council Reform and the Right of Veto - A Constitutional Perspective**

**von Bardo Fassbender**

This book is a timely contribution to the present discussion of a constitutional reform of the United Nations, a discussion rekindled by the end of the Cold War and the significant involvement of the UN in international peacemaking and peacekeeping since the Kuwait crisis. Like the new debate, the work focuses on the Security Council, its composition and possible enlargement, its decision-making process and competences, and its relationship with the General Assembly and the International Court of Justice. Particular regard is given to the right of veto of the permanent members of the Security Council, which is seen as the central, and most problematic, feature of the present constitution of the UN.

The work describes and analyzes the reform discussion as it has taken place at the UN since 1991. The different proposals made by governments, NGOs and individual scholars are evaluated by applying a number of standards and concepts ensuing from a perception of the UN Charter as constitution of the international community. Thus, the study advances a comprehensive constitutional theory of the UN and redefines the place of the Charter in contemporary international law.

## **Preface.**

### **Introduction.**

- I. The Structure of our Argument.
- II. Council Reform and its Context.

### **Part 1. Foundations: The Right of Veto as Part of the Constitution of the International Community.**

1. 'Constitution', and its Association with the Modern State.
2. The Transfer of the Constitutional Idea to the Sphere of International Law: Different Approaches.
3. The International Community and its Constitution.
4. The UN Charter as a Constitution.
5. Conceptual Distinctions.
6. Consequences.

### **Part 2. Reform: The Future of the Right of Veto and the Structure of the Security Council.**

7. The Current Legal Status of Article 27 of the UN Charter.
8. Premises of Reform.
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10. A Constitutional Right of Veto.

### **Conclusion: Constitution-Building without a Hegemon.**

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*In the preface, Fassbender quotes Inis Claude, saying 'The scholar's proper role is less to answer questions than to question answers.' By presenting a coherent model of a truly constitutional reading of the Charter, Fassbender exceeds this goal by far. But at the same time, he has also exposed the profound difficulties that such a reading of the Charter entails.*

Andreas L. Paulus in the European Journal of International Law (1999)

*Its wide range of subjects treated and its progressive qualification of the role of the United Nations Charter make it a valuable contribution to the legal discussion of the present shape of the international community.*  
Christian Tams in the German Yearbook of International Law (1998)