

Interrogating the Role of the United Nations Security Council and the Use of Veto Power in the Israeli-Palestinian Crisis

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ABSTRACT

This work interrogates the role of the United Nations Security Council in the Use of Veto Power in the Israeli-Palestinian crisis. It is a qualitative study that used thematic approach. It is important to note that the main and cardinal mandate of the Security Council of the United Nations is the maintenance of international peace and security. The Security Council carries out this aforementioned primary function on behalf of the United Nations member States who repose this trust and responsibility on this organ. Despite the UN creation, it failed in preventing the pogrom in the Israeli-Gaza war, Israeli-Lebanese war, the Afghanistan war and the Sudanese war. UN's failure did not happen in a vacuum but was due to the power tussle syndrome and polarized nature of its mitochondrion, the Security Council. The standoff usually witnessed in this organ frequently stagnates and impedes the efficiency of the UN which snow balls in to global anarchy resulting in to carnage in the region as currently witnessed in the Israeli-Gaza war; the cause of this has usually been attributed to the Veto game. The study argues that UN charter should be amended by removing the Veto power and two third majority voting of the permanent and non-permanent members of the Security Council.

Keywords: *Security Council, Interrogating, Veto Power, Middle East Region, Contemporary World and United Nations*

INTRODUCTION

The Middle East region has always been a hot bed of crises in the last two decades in the global world stage. The international Organization saddled with global peace is the United Nations Organization which was established on 24th October 1945, in San Francisco, California, United State of America. The establishment of the United Nations became inevitable for the prevention of future World wars after the League of

Nations failed and did not deliver the purpose for which it was established. The World War II could have been averted but the League of Nations became ineffective, docile and unproductive in keeping global peace. In Essence, global peace keeping and the protection of the fundamental human rights of the nation States in the global world stage as well as their citizens is an obligation enforceable by the United Nation by the virtue of the charter which established it and gives it a global coverage. Article 24 of the UN charter which came in to force on October 24 1945 provides that:

In order to ensure prompt and effective action by the United Nations its members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agreed that in carrying out its duties under this responsibility the Security Council acts on their behalf.

The above provision prima facie implies that the business of peacekeeping which is the primary objective of the United Nations as domiciled in the UN Charter is a function that will be bolstered and implemented by the Security Council, the Power House of the United Nations Organization. There is no gain saying that the Security Council is the Mechanism through which the main objective of global security and peace keeping is achieved internationally among member States. In other words, without Security Council the function of peace keeping is unattainable and can never be orchestrated. The General Assembly that consists of all the representatives of member States across the globe can only pass non-binding resolutions.

Despite the golden opportunity and critical task vested in the Security Council which has permanent and non-permanent members, the world still finds peace keeping a metaphorical description of the realities in the Middle East region in the last two decades. Beyond what was described, permanent members of the Security Council engage in Veto game hence swift resolutions that could avert the breach of war crimes and the implementation of humanitarian activities in any warring situation becomes impossible among member states.

Paul (2020) argues that the United Nations global peace keeping has yielded tremendous positive achievements but however argues that in recent times, this positive feat achieved in managing armed conflict by the UN is not without some weakness. It is marred by two major factors, the first is the domestic politics of the conflicting states, the second, is the contradictions within the international political environment which imposes some pressures on the design of the UN peace keeping operations and by

extension it also poses constraints on the impact of UN intervention policies and strategies.

From the forgoing, it has been observed that the two major factors affecting the Successful implementation of UN's peace keeping strategies are the domestic and international factors. As for the domestic factor as earlier argued, this accentuates the readiness of the conflicting States to stay action until the conflict is resolved. Some internal political factors such as the cabinet of the conflicting states, the ruling party philosophy, personality value of office holders as well as the mass of the people in the conflicting countries. Public opinion shapes government decisions, particularly those individuals who voice such opinion who may be members of pressure groups. If the countenance of these set of state and non -state actors and what they belief and stand for is in favor of continuous conflict, definitely conflict will continue no matter the painstaking resolution taken at the floor of the Security Council.

The second factor, which is a contradiction within the international political environment is the most complex factor in that; the fate of the conflicting parties in the international community or member states within the United Nations is directly determined by the Security Council they discuss, resolve and monitor the implementation of any peace process in the international community. If the permanent members of the Security Council agree or disagree on any mediation and arbitration process it will directly affect the conflicting parties. In relating this to the Middle East dilemma, it is noticeable that this political space is presently witnessing regional quagmire as a result of different scale of violence and war that has bedeviled the region for the past two decades.

Powers and functions of the Security Council

There is no gain saying that the Security Council is the most important principal organ of the United Nations, it is the power house or what could be regarded as the organ where power resides in the renowned international organization called the United Nations organization. Other organs are mere advisory in nature that can only recommend for the Security Council and the onus of decision making now lies with the Security Council to carry out (Muhammad, 2023). The above assertion presupposes that the Security Council is the main organ saddled with the responsibility of maintaining peace and security in the global world stage, the middle east is not an

exception, the ugly incidence of carnage and mass killing of civilians which can also be characterized as collective punishment and collateral damage witnessed in Palestine speaks volume of complicit some permanent members of the Security Council are for not calling out the perpetrator, not stopping the act and not carrying out the sole duty of the Security Council as expected in accordance to the UN charter. This paper will investigate how fair, just and equitable the task before security is being discharged and delivered in the Middle East.

It is instructive to note that the United Nations charter establishes three defined sets of powers for the Security Council. According to the Handbook on the Powers of the Security Council (2019) these powers are essentially: first, the power of adjustment or what can be termed settlement powers as contained in the chapter five of the UN Charter. Second, the enforcement power as contained in chapter seven of the Charter. Third, the last but not the least is the regional arrangement power, this is contained in chapter eight of the charter.

It has been nearly 75 years ago that the United Nation was established, the UN security council remains the global body charged with maintaining international peace and security. it was established with a radical act; for the first time nations across the globe gave up an element of their sovereignty to be bound by the decisions of the Security Council, they also conferred on the it global authority for the use of force. (The UN Security Council Hand book: A user's guide to practice and procedure, 2019)

It is pertinent to note that ever since the adoption of the UN Charter in June 1945, the activities and the work of the UN Security Council has been very complex overtime such that it has grown tremendously in both the scope and process. Unseen and unquantifiable are the unending hours of consultations, negotiation, drafting and exchange of messages (The UN Security Council Hand book: A user's guide to practice and procedure, 2019).

Unquestionably, the United Nation Security Council being the most important organ that has the primary responsibility under the UN's charter for the maintenance of global peace and security and can therefore adjudicate on any matter of international prominence among the comity of nations. it has the obligation to wade in to all international issues concerning security, geographical integrity, Economic matters, arms and ammunitions, nuclear weapon evaluation and can mediate on all disputes and impose sanctions and lunch military campaigns when needs arise. It is a general belief

that all these activities and functions of the UNSC will be done equitably, fairly and justly without fear or favor (Florence, 2018).

It must be noted that the power and operations of UN Security Council are codified in the UN's governing document called the Charter of the UN which came into force on October 24, 1945 with well-structured six principal organs which are namely: The General Assembly, the Security Council, the International Court of Justice and the UN Secretariat. The powers of the Security Council can best be described and accentuated by the UN Charter, according to the provisions of the UN Charter; the following constitute the powers of the Security Council of the United Nations Organization.

Article 24 of the UN Charter

The Charter provides that:

In order to ensure prompt and effective action by the United Nations, its members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying its duties under this responsibility the Security Council acts on their behalf. In discharging these duties Security Council shall act in accordance with the purposes and principles of the United Nations.

Article 30

The Security Council shall adopt its own rules of procedures including the method of selecting its president.

Article 34

The Security Council may investigate any dispute or any situation which might lead to international friction or give rise to dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and unity.

It is important to note that the power to maintain international peace of the security Council was conferred on it by the generality of the United Nations members or member states but it is unfortunate to note that operationally this power as imposed and guaranteed is majorly exercised by the permanent members of the Security Council to suit their national interest and in the pursuit of their political advantage in the global sphere whenever Article 24 of the UN charter is invoked. This has a great impact on the achievements of the United Nations, thus, most United Nations campaign in Africa,

Asia and the Middle East failed because of the selfish and idiosyncratic nature of the elements in the Security Council's permanent membership.

The Repertoire of the practice of the Security Council (2014-2015) evidently established that it was the United Nations general membership that conferred on the Security Council the primary obligation of maintaining international peace and security. The above implies that every member state is obliged to individually implement the above provision of the United Nations Charter in addition to the Security Council's collective responsibility to maintain international peace and security. Worthy of mentioning is the point that the British delegate at UN convention held on the 30-th o July, 2014 further reiterate the fact that the implementation of article 24 of the UN charter is a collective responsibility of all members of the UN assembly, maintenance of global peace security is a task that must be seen as utmost priority of all states in the international community. (Repertoire of the practice of the Security Council 2014~2015).

Connecting the role of the Security Council to the crises in the Middle East, as the main UN organ vested with the primary role of maintaining of global peace and security; it is crystal clear that it has totally failed in the discharge of this duty for more than a decade. In order to affirm the above argument, it is very apt to further explore the Un convention of 2014 in which the representatives of the Republic of Chile noted that in spite of the UN Security Council's responsibility and early involvement in the middle east crises , it apparently appears that un involvement and campaign in the region is irrelevant and did not yield any positive impact because when UN came to the region the escalation of the war in, Sudan and Somalia keep escalating, unprevented and was not curtailed significantly. (Repertoire of the practice of the Security Council 2014~2015).

Muhammad (2023) argued that the decision of the Security Council has a binding force on all member states in the United Nations Organization, the reason advanced for this is not farfetched, it is simply because Article 24 of the UN Charter has succinctly spelt it out that all members have impliedly agreed that the role if international security and peace keeping must be responsibility that constitute the primary function of the Security Council. The above legal provision of the UN charter makes it imperative for all decision of the Council to be binding and to have strong force of implementation by all members of the United Nations.

From the foregoing, it could be inferred that mere legal provision does not guarantee the implementation of decisions, in the same scope, agreement by members of the organization does not also guarantee implementation, in most cases what really determines implementation is the will and interest of elements that occupy the permanent seat of the Security Council. If the Council agrees on a particular issue; if

the Middle East is critically examined it has been soaked with tension for more than two decades. Iraq was made a battle field for several years which eventually cost the death of the country's erstwhile dictator, Saddam Hussein, till date the country is still politically unstable, no instrument of mass destruction found in the state, as claimed by United States as reason for Iraqi bombardment. Yemen also a state in that same region, the humanitarian situation in that country is in dire state and yet more crises are brewing in that region.

Florence (2018) asserted that the United Nation Security Council's powers and functions can be espoused in the following areas:

First, the power to authorize the use of force when need arises or in a pressing situation. Second, the right and ability to recommend overtly, the appointment of the Secretary General to the United Nations General Assembly (UNGA). Third, the ability to debate and discuss in detail all global issues involving a threat to peace. Fourth, the reserved power and right of the five permanent members of the Security Council to invoke veto power on any proposed resolution and the fifth is the authority to admit new members to the UN.

Membership of the Security Council and its impact on the Middle East security

The Security Council comprises of two major categories and status of states, the permanent and the Non – permanent members. Seyon (2011) contends that the case for the expansion of the Security Council along with the categories of membership is the most contentious issue at the front burner in the United Nations General Assembly. Discussion on the expansion of the UN Security council is often linked to an overall representation of the United Nations membership. The expansion bid by member states is recommended for permanent and non- permanent members of the Council. The African syndicates posit expansion for both permanent and non-permanent membership, it proposed two permanent and five non- permanent members for Africa.

Hwang, Sanford and Lee (2015) assert that the United Nations Security council consists of five permanent members which include; The United State of America, The United Kingdom, France, Russia, and People's Republic of china. The UNSC also have ten members of its who have the appendage of temporary membership. Temporary members are nominated for election by regional caucus and after which they must get the approval of a two-third majority vote of the United Nations General assembly, It must be noted at this juncture that practice in UNSC is that an elected temporary member can only serve a two year term and cannot be re-elected fortwo consecutive terms. At least two hundred and twelve countries have served one term each between 1946 and 2006.

The empirical finding in the above study which is vote-buying hypothesis suggests that that vote buying is possible in the Security council because it was observed that there is a correlation between the behavior of the temporary Council members and the permanent Council members most especially the United States of America. The US foreign aid to member states who are temporary members is expected to have strong and positive impact on these states, by extension it is also seen as a determining factor in their voting behavior and pattern in the Security Council. Furthermore, the US grip on the Breton wood institutions was also seen as a ground for World Bank and IMF beneficiaries among them to tilt towards the interest of the US while voting or deliberating on any issue of concern in the Council, such as security issues in which temporary members could make their marks and far reaching contributions. (Hwang, Sanford and Lee, 2015)

It was also noted that assistance to member states in the General Assembly not only affect their behavior and contributions in the Assembly but also affect their voting behavior and patterns particularly on sensitive issues such as election of judges to the International Court of justice(ICJ) or temporary membership to the Security Council, the analysis here is that the Us and other permanent members of the UNSC do vote buying to a great extent in both the General assembly and at the UN's Security Council. (Hwang, Sanford and Lee, 2015)

Hurd (2008) argued that there has been a highly heated argument in favor and against the need to expand the United Nations Security Council membership and the justification for the latter has been on the increase and imperative owing to the impending changes in the world political structure, geo-political space and diplomatic dynamics. Beyond the aforementioned factors, the reform proposals are also crucial due to the mismatch between the existing membership and the increasingly diverse population of countries across the globe which has been observed as a delegitimizing factor for all decisions made in the Council. The reason for this concern is not farfetched; it is simply because formal membership is the key to any institutional legitimacy. The expansion of the UNSC membership to meet the proposal and aspirations of member state will go a long way to put rest the questions of legitimacy, inequality and marginalization in the United Nations Security Council.

In the year 2005, it was noted that the United States of America called for a Security Council that looks like the world of 2005. This can only materialize in a number of ways but it will be more logical if membership of the UN Security Council is updated to have a reflection of the realities and changes in nation states. A Council that poorly captures the population of states in the Council will be considered illegitimate and one that is losing credibility (Ian, 2008).

The Security Council has fifteen members but with inequitable power sharing and distribution formula, subjecting the interest of the majority to the control of a few. As clearly provided for, the consent of the non-permanent members is only needed for procedural matters. This simply implies that all other matter apart from procedural issues is left for the five permanent members who also reserve the right to veto. Amendment of membership term, activities and number only affect the non- permanent members.

Theoretical Frame Work

The paper was anchored on Two-Person Zero Sum Game Theory, it must be noted that this theory is a sub set of the Game theory. Nasrabadi (2013) asserts that Game Theory is originally a branch of Mathematics with a wide range of applications in economics management science, political science and engineering. It is a model designed to engender multiple participants' interaction that will in effect affect each other's outcome. The two-person Zero-Sum Game is a basic model in Game Theory in which there are two participating players, each with an associated set of strategies. While one player aims to maximize her payoff, the other player decides to take an action to minimize the payoff, the other player attempts to take an action to minimize this payoff. To sum it up, the gain of a player is the loss of the other player (Nasrabadi, 2013). What informed the choice of this theory for this study is the nature of the Middle East crises resulting from the number of choices available to the two parties involved in all the conflicts in the Middle East and UNSC. The Zero-sum Game Theory will vividly elucidate the strategies The Israelis and Palestinians in the conflict at hand.

Basic Assumptions of the Two Elements

Humphrey (2017) & Nasrabadi (2013) outlined the following as the basic assumptions of the Two Person zero sum game. The Two-person Zero Sum Game theory involves two participating parties or two players who are open to the game of politics in the warring situation which could be individuals, states or institutions. Each of the two parties is interested in maximizing its chance and wins the game at all cost at the expense of the other party that is destined to lose in the game. The players employ a lot of strategies that would minimize loss while maximizing the possible gains or payoffs. Strategies are available to each player. The payoff is the amount of benefit or loss that a player derives if a particular outcome happens. The payoff of each player depends on her choice and also depends on the choice of the other player.

Significance of the Theory to the Study

Humphrey (2017) argues that the relevance of the theory to the study is far reaching and includes the Zero-Sum Game is used in political science for the study and adequate comprehension of international problems and how the parties are involved them and gives a better understanding of how the parties behave. It is a theory that predicated on the hypothesis that the winner takes all, that is, it is not a win-win situation. This is the characteristic feature that captures the conflict situation between the Israelis and the Palestinians. The bottom line here is that the Israelis and the Palestinians have systematically adopted the game theory approach in their conflict thereby resulting in a seemingly uncertain situation. The theory is very relevant to this study because it investigates and explains the pattern and regularities in the way parties who are confronted in a conflict situation behave and actually bargain making context pursues. Finally, it explains the various strategies which have been employed and adopted by the Israeli – Palestinians in their arms struggle and conflict situation generally.

Voting and Veto Power in the United Nations Security Council

Voting in the UNSC has been as old as the Council itself, most issues are put in to vote whenever it gets to the decision making process after all the fifteen member states in the Security Council have made their contributions and thorough deliberations have been made for proper consideration of matters before the council. What is most annoying, frustrating is that when all these states who culminate in to what we call the super five with permanent seats and membership status that include the US, UK, France, Russia and China as well as those occupying the non-permanent seats called the non-permanent members have voting on any sensitive or pressing matters, just a single member of those with permanent seat will just raise hand to veto the decision even though if the remaining fourteen agree on a matter, that veto of such permanent member invalidates the decision of others, one will imagine how democratic this dramatic and petrifying the veto power retard and stand has clog in the way of emergency decisions, humanitarian needs, cease fire and life demanding polls at the council. The veto power of the five permanent members of the UN's Security Council has not only impacted but has also dominated the workings of the Security Council of the frequent use of veto or threat of its use in the council. Consequently, it has made the Council to be opened to different kinds of criticism since it was established in San Francisco, California, United States in 1945. The voice of the need for reform of the UNSC has become so loud and prominently resounding among member states (Florence, 2018).

Voting in the UNSC requires an open ballot system and the decision requires nine affirmative votes in accordance with the provision of the UN Article 27 sub section 3 of the UN charter. If a permanent member of the Security Council casts a negative vote, this establishes a veto and the resolution becomes invalid. Some critics have expressed fear that the doctrine of “sovereign equality” has been violated by the veto power and poses significant impediment on the feasible accomplishment of maintaining international peace and security. The concept of veto power has been criticized for its negative impact on the Security Council (Florence, 2018).

It is apparent that the allied powers capitalized on the victory they recorded at the war to initiate and form an organization of a global status for the maintenance of international peace and security. In order to better secure their interests and control, the Security Council is structured in a way and manner that gives the permanent members of the UNSC more power to take decision on all matters. This latent motive of the Security Council permanent members is carefully provided for in article 108 and 109 of the UN charter, which guarantees the permanent members the power to quash any effort to eliminate their veto by constitutional amendment. It is a noticeable tradition of the Security Council that the five permanent members are more financially responsible than the non-permanent members, that is, pay more funds voluntarily in the covers of the United Nations than the latter hence, to whom more expected more is given. They have more powers, privileges and responsibilities (Flemotongha *et al.*, 2021). The Veto power provisions undermine the principles of democracy and desecrate the doctrine of equality before the law, when the decision-making power is highly disproportionate and inequitably distributed; it will automatically contradict the sovereign equality principle of the UN Charter which is in tandem with democratic ethos. The voting pattern and structure of the Security Council invalidate the principle of majority rule, popular sovereignty, and political equality, therefore squashing the zeal of other members who have long registered for their resentment (Flemotongha *et al.*, 2021).

The above assertion underscores the fact that veto power promotes representative democracy which is aristocratic in nature and the real life application among the countries of the world, it is indeed a systematic way of promoting the hegemonic leadership dominance of some States in the international community thereby rendering some other countries in the security council states of lesser responsibility in keeping world peace and security. By extension, the use or exercise of the power of veto by the five permanent members of the Security Council is discriminatory in nature and prone to abuse of power by the so called P5, that is, the decision of whether the world will be at peace or not lies with the Permanent members of the Security Council.

One could also conclude from the above assertion that it is inimical to saddle the world enormous and gigantic peace and security affairs with these little countries; this will definitely be counter-productive and could snowball in to bigger problem for the world. It is important to note that national interest has taken priority over the achievement of organizational common goal, this is proven by the US campaign in Afghanistan, and the dethroned government was later enthroned after twenty years of carnage, massacre, as well as the unspeakable and flagrant abuse of fundamental human right in Afghanistan.

United Nations Security Council Veto Power and the Israeli-Gaza war

Without mincing words, the politics of power of veto in the United Nations Security Council further complicated the UN peace keeping mission in the Middle East region as this is totally unacceptable and it further exposes the level of complicity by some members of the United Nations Security Council. In a study carried out by Humphrey (2017) titled Israeli-Palestinian Conflict and the United Nations Peace Initiative, it was concluded that the UN peace initiative in resolving the Israeli-Palestinian conflict failed and became totally unproductive due to the politics of veto prevalent among the five permanent members, particularly the exercise of veto power by the United States of America and its allies towards a total cessation of hostility on the Palestinian people and their unconditional support for the State of Israel in the Middle East region. The study further suggests that United Nations peace keeping strategy be changed for a better one that will meet the present day needs of the international community and address squarely the issues of illegal settlement in the occupied West Bank, the status of Jerusalem, the issue of illegal blockade and all other forms of abuse of international law. The problematic in the effectiveness of the United Nations Security Council in resolving the Israeli-Palestinian conflict and the Middle East Generally remains the question of veto in relations to the reform of the Security Council and the democratization of the United Nations Security Council. This is against the philosophy of unanimity of the permanent members of the Security Council while discharging its primary duty under the charter. It was noted that the opponents of veto power in the UN's maiden San Francisco Conference held in 1945 predicted that the excessive use of this power of veto will be a disservice and detrimental to the effectiveness of the Security Council's discharge of its primary role of maintenance of global peace and security (Majid & Aliraza, 2011).

The Security Council finally passes a resolution on the 25th March, 2024 which demands an immediate ceasefire during Ramadan, this also includes the immediate and unconditional release of hostages and the urgent need to expand the flow of aid into

Gaza, there were fourteen votes in favor with the United states abstaining. The French Ambassador noted that the adoption of the resolution shows that the Security Council can still act when all of its members make the necessary effort to discharge the mandate. He further noted that the silence of the Security Council is deafening and that it is high time the Council finally finds a lasting solution to this crisis. The Secretary General of the UN also noted that the Security Council just approved a long-awaited resolution on Gaza, demanding an immediate ceasefire, and the immediate and unconditional release of all hostages. This he said must be implemented. Failure to do so would be unforgivable (news.un.org).

CONCLUSION

The failing role of the United Nations Security Council in addressing the Middle East crisis is evident due to various factors such as geopolitical tensions, veto powers of permanent members and diverging national interest. The council's inability to take decisive action has led to prolonged conflicts and instability in the region, particularly the Israeli-Palestinian war, more than ever there is dire need for reforms that will better address these barrages of contemporary challenges.

The diminishing effectiveness of the UN Security Council in resolving the Israeli- Palestinian conflict, particularly the crises in Gaza, underscores systematic challenges within the Council's Structure. Persistent deadlock, veto power politics among permanent members and geographical interests have hindered meaningful interventions. As a result of the above, the Council's influence in mitigating the tensions and fostering lasting peace in the region has declined. Hence, there is urgent need for reform to address these complex issues comprehensively.

Plethora of probable solutions could militate against the waning role of UN Security Council in the Middle East and in the global world stage. There is urgent need for the reform of the UN Security Council in terms of structure that will reflect current global geographical landscape; expansion of the permanent membership, adoption of democratic means of voting by dispelling veto power, enhancement of diplomatic engagement by influential nations beyond the permanent members from different regions. Multilateral Corporations and conflict prevention should be engendered through regional organizations. Above all there should be a concerted effort on the democratization of the UN Security Council such that all member states will have their input in resolving global crisis and engendering security in the international system.

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