

CHAPTER 5:

CONCLUSION AND RECOMMENDATION

5.1 CONCLUSION

Although the right to self-determination is recognised as an inherent right under international law, the lack of additional specific provisions that explore the scope of the right has proven to be the source of struggle and conflict in invoking the right to never cease or diminish. The lack of definition and method for how the right can be invoked was a lacuna in the law that could be used to either deny or abuse the right itself. With the rise of the war against terrorism in the early 2000s, which led to an international effort to combat terrorism, the struggle for self-determination heightened. Adding to the fact that the law on terrorism was used without any consensus on what constitutes an act of terrorism under international law. Utilising the lacuna of law in the absence of a definition of the right to self-determination and terrorism, various groups of national liberation movements (NLMs) have been labelled terrorist groups by states in an effort either to curb their struggles or diminish the legality of their rights.

The primary objective of this thesis is to analyse the lacuna in the interpretation of the right to self-determination that would deny the exercise of this right by the rightful people in relation to terrorism. The second objective is to justify the legal position of the right to self-determination under international law in order to determine the legality of any struggle undertaken to exercise their right to self-determination. Thirdly, to examine the legal patterns of construing the right to self-determination in

selected case studies, conflicting issues arising from the exercise of the right to self-determination were scrutinised to create a basis for understanding the legal patterns that were sought to be examined in the selected case studies. The case studies include both successful and unsuccessful struggles for self-determination. Fourth, the study aspires to suggest legal criteria for the interpretation of the right to self-determination to demarcate it from acts of terrorism under international law. This thesis is organised into five (5) chapters that attempt to accomplish the aforementioned objectives.

5.1.1. Right to Self-Determination Under International Law

The historical development of the right to self-determination under international law was discussed in Chapter 2, which provides an answer to the first research question regarding the legal position of the right to self-determination under international law. It examined the legal provisions in the United Nations (UN) instruments pertaining to self-determination to understand the legitimacy of self-determination as a right under international law. The position of the right to self-determination under international law can be fully understood by looking into the members' intentions and the discussion surrounding its incorporation into UN instruments. Originally only a political notion, the principle of self-determination has evolved to become a right under modern international law.

Initially created as an instrument by the UN in its decolonization campaign, with its inclusion in Article 1(2) and Article 55 of the UN Charter in 1945, self-determination attained the stature of an international legal principle. With the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples

(Colonial Declaration 1960), also known as UNGA Resolution 1514, in 1960, the principle of self-determination was accepted as a human right by the international community. The adoption of the 1970 Declaration on Principles of International Law Concerning Friendly Relations (Friendly Relations Declaration 1970) extends the scope of self-determination beyond the concept of decolonization whilst the adoption of the Declaration on the Rights of Indigenous Peoples in 2007 affirmed the inclusion of indigenous people in the right to self-determination.

Despite not being mentioned in the Universal Declaration of Human Rights (UDHR), the inclusion of self-determination in Common Article 1(1) of the two International Covenants on Human Rights—the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR)—in 1976 strengthened its status as a legal right under international law. The addition can be interpreted as an attempt by the international community to legally bind and recognise people's right to self-determination as a fundamental freedom.

5.1.2. Meaning of People to Whom the Right Inheres

The identification of "peoples" to whom the right is inherent was expounded upon in Chapter 2 as it relates to one of the core concerns with self-determination as a right under international law. With the absence of a definition of the term in any of the UN instruments, the identification of "peoples" was a point of contention whenever a group claimed the right to self-determination over whether they were eligible for the right.

In identifying the meaning of the term "peoples" under international law, the relation of the term "people" with "nations" and "states" was examined. This is due to the fact that the terms "people" with "nation" and "states" have been used in many forms and sometimes interchangeably. The confusion stemmed from the UN Charter's Preamble, which used "people" in the phrase "We the people of the United Nations," which was argued to have a similar meaning to "nations" and "states." However, based on the observations of the usage of the terms in the following declarations related to self-determination, the Colonial Declaration of 1960 and the Friendly Relations Declaration of 1970, the terms "peoples" and "states" were mentioned separately, which indicates that both of them have distinct concepts and meanings.

Another discussion on the identification of the term "peoples" was whether it extended beyond the colonial context. A close examination of the aforementioned declarations, as well as the Declaration on the Occasion of the United Nations' Fiftieth Anniversary (Fiftieth Anniversary Declaration 1995), where the term "all peoples" is heavily used, reveals that "peoples" is a broad and general expression with application in both the colonial and non-colonial contexts. The remainder of the first sentence of Article 1 of the Fiftieth Anniversary Declaration of 1995, which recognises the "particular situation of peoples under colonial or other forms of alien domination or foreign occupation," further reaffirmed the distinctions between "colonial domination" and "alien domination," thus extending the term "peoples" beyond the colonial context.

The discussion of the distinction between the terms "peoples" and "minorities" was also included in Chapter 2, where it was concluded that the right to self-determination was not extended to the minorities to prevent the misuse of the right to question the borders established between states and create disruption of national unity

and territorial integrity. Political control, the most crucial component of the right to self-determination guaranteed by Article 1 of the Covenant, is not included in the rights of minorities under Article 27 of the ICCPR. Aureliu Critescu, a special rapporteur for the Sub-commission on the Prevention of Discrimination and Protection of Minorities, highlighted the important factor in determining who has the right to self-determination in his study of the matter: the "peoples," which denotes a social entity possessing a clear identity and having a relationship with a territory.

5.1.3. Contrasting State Sovereignty and Right to Territorial Integrity with the Right to Self-Determination

To address the second research question on the legal patterns of self-determination, a study of the issues caused by the conflicting nature of the rights to self-determination, state sovereignty, and the right to territorial integrity was explored in Chapter 3. Due to its nature, the exercise of the right to self-determination might be considered a direct challenge to the affected state's sovereignty and right to territorial integrity. The states adopted a variety of measures to safeguard their territorial integrity and maintain their sovereignty.

Regarding state sovereignty, three issues were discussed. The first discussed was the use of the Settlers' Program, a systemic manipulation of population control, as a counterinsurgency method. The programme was used by states to exert their authority and control over the territory to ensure that any secession was unsuccessful due to the absence of support from the territory's population. This method was condemned by the General Assembly as being against the principles laid down under international law.

The second issue on state sovereignty was the Great Power's influence on the new state recognition. As part of the requirements of statehood, the capacity to enter into relations with other states was one of the criteria that determined the statehood and sovereignty of a new state. While the Superpower nations' lack of opposition may not directly affect the struggle, their lack of recognition and support hinder the new state's efforts to establish its sovereignty and statehood, which will spell death to the struggle for self-determination. The third issue discussed was a unilateral declaration of independence by the people. Although seen as a direct challenge to state sovereignty, a unilateral declaration of independence has been recognised by the International Court of Justice (ICJ) in the Kosovo Opinion as one of the legitimate actions that can be taken by the people in exercising their right to self-determination. However, the court emphasised that the criterion of severe abuse and violation of human rights was the most important factor in determining eligibility for a unilateral declaration.

The fourth issue raised by the reliance on the principle of "*Uti Possidetis*" in drawing new borders was also discussed. The principle that a new border can be established by either following existing colonial territories or by population control over the territory was determined to be a barrier to people exercising their right to self-determination.

5.1.4. The Framing of National Liberation Movement as Terrorist

In an effort to address the terrorism component of the second research question on legal patterns, Chapter 3's later section included a lengthy discussion of the subject of designating the national liberation movement as a terrorist organization. Under

international law, there is no viable universal definition of the act. The previous attempt to define the act under international law was rejected due to the overlapping definitions of "terrorist" and "national liberation movement" or "armed revolutionaries." The state members were of differing opinions on the use of violence as a recourse in exercising the right to self-determination. While some opposed recognising any recourse through the use of violence, some state members claimed that in certain situations, using force and violence should not be seen as an act of terrorism. As the act of terrorism has no universal definition under international law due to the limited jurisdiction of the International Criminal Court, most of the attempts to prosecute the act were by way of domestic law. Following the September 11 attack, various national liberation movements have been delegitimized by their designation as terrorist organisations.

The legitimacy of the national liberation movement's use of force in light of international law was also examined in the chapter. The applicability of the prohibition in Article 2(4) of the UN Charter on the national liberation movement was discussed extensively. It is proposed that, based on the case of *Chagos*, Article 2(4) is not applicable to non-state actors. Reaffirmed by Resolutions 3070 (XXVIII) and 3246 (XXIX) of the UN General Assembly, it is proposed that the use of force is one of the means available for people living under colonial rule in their struggle for self-determination. The discussion continued on whether this affirmation extends to struggles beyond the colonial context. It was concluded that, as there was no express prohibition, the use of force is one of the legitimate actions that can be used in exercising self-determination.

The chapter continued the discussion on the application of the unlawful combatant rule that has been used on terrorists. As opposed to lawful combatant that

was granted “combatant immunity”, terrorist does not enjoy the same privilege. As the prosecution of terrorists was under the jurisdiction of domestic law, to design a national liberation movement as a terrorist organisation was to reduce the struggle to a non-international character, thus opening a possibility of the struggle itself being illegalised. This is also in contrast to Additional Protocol I of the Geneva Conventions and the UNGA Resolution 3103 (XXVIII) in 1973 which include wars for national liberation as an international armed conflict.

The discussion on the designation of the national liberation movement as a terrorist organisation ends with a study on what determines a national liberation movement that represents the people. The situation in Palestine was brought into the discussion when the international community refused to acknowledge Hamas as the legal representative of the Palestinian Authority despite it having won a democratic legal election. Using its designated status as a terrorist organization, Palestine was subjected to legal sanctions, including restrictions on humanitarian aid. Thus, the question was raised as to whether the representatives of the people needed to be recognised by the international community or if the recognition was in direct contrast to the essence of self-determination, which was to freely choose their representatives.

5.1.5. Juxtaposition of Right to Self-Determination and Terrorism

The second research question is further addressed in Chapter 4 by using a number of case studies on both successful and unsuccessful self-determination movements to illustrate how the designation of the national liberation movement and the international community's acceptance of the designation affected the outcome of the

struggle. The cases were compared and contrasted in order to create a reality of the practice of exercising one's right to self-determination and terrorist acts.

For the successful struggle case studies, the struggle for self-determination of the people of East Timor and Kosovo was studied. East Timor was originally occupied by Portugal. In the decolonization period, before it was able to gain independence, it was subsequently occupied by Indonesia. The occupation of East Timor by Indonesia was condemned by the UN member states. It was able to gain independence by way of a referendum due to the pressure of the international community over Indonesia. In the case of Kosovo, originally an autonomous province in Serbia, the province declared independence after the dissolution of the former Socialist Federal Republic of Yugoslavia (SFRY). The excessive retaliation of the Serbian government over the declaration brought the conflict to the international community's attention. The conflict was resolved by the interference of NATO and the unwillingness of Russia to intervene. Four of the world's great powers recognised Kosovo's unilateral declaration of independence at the end of the conflict.

For the unsuccessful and ongoing struggle for self-determination, the cases of Chechnya and Palestine were scrutinized. In the case of Chechnya, before the formation of the Soviet Union, the territory was occupied by imperial Russia. With the collapse of imperial Russia, it attempted to secede but was later reconquered by the Soviet Union. Again, taking advantage of the collapse of the Soviet Union, Chechnya attempted to proclaim independence. It faced a full-scale invasion by Russia on the basis of terrorist attacks that ended in its defeat. Chechnya's struggle for independence from Russia ended in failure, as it was later reiterated as part of Russia.

As for the case of Palestine, after the collapse of the Ottoman Empire, the territory was put under the mandate of the League of Nations as it had been promised independence by the British government for their help in the Arab Revolt. However, the territory was later promised to the Jews in exchange for their financial help in the Allied campaign. With support from the United States, an influx of European Jews immigrated to Palestinian territory. The occupation was condemned by the Palestinian people as illegal, while the Jews, who have now declared a new state of Israel, hold firm to their claim on the land. The State of Israel, with the support of the United States, continued to prosecute the Palestinian people on the allegation of terrorist acts. Any national liberation movement of the Palestinian people was labelled a terrorist organization. In 2012, despite fierce opposition from Israel, Palestine was able to raise its status in the UN from a non-member observation entity to a non-member observer state. However, with the fact that there are Palestinian territories that were acknowledged by the international community but are still occupied by Israel, the struggle for self-determination of the people of Palestine has yet to come to an end.

5.1.6. Legal Criteria of Right to Self-Determination

Based on the observations collected in the aforementioned case studies, Chapter 4 ended by listing four fundamental legal criteria that can be used to determine if a struggle for self-determination would be successful. The first legal criterion was the historical identification of the people. The people must establish a legal historical claim over the disputed territory to distinguish themselves from minorities. Failing to establish a legal historical claim over the territory will delegitimize the claim over the territory.

The second legal criterion was the existence of an element of extreme oppression due to the people's identity. The oppression must constitute a threat to fundamental liberties, specifically to life. Failure to satisfy the element of human rights abuses in extremis will delegitimize the claim for external self-determination.

Another legal criterion identified was the need for the national liberation movement to have a complete insignia and command centre. This was to establish themselves as legal combatants under Article 4 of the GPW, to be read with Article 2. Failure to distinguish themselves will classify them as illegal combatants who are not protected by the Geneva Conventions. The fourth identified legal criterion was based on Article 1 of the Montevideo Convention, which states that they must be able to enter into relations. However, the determining factor of this legal criterion was whether the struggle was supported by any of the Great Power nations and had no opposition from any of them. This is inevitable, as to have a legal identity as a state actor under international law, the newly formed state must become a member of the UN. Because a state must have the recognition of at least two-thirds of the existing UN members after receiving approval from the UN Security Council, having opposition from any of the Great Powers increases the likelihood of their application being vetoed.

5.2 INTERNATIONAL REGULATIONS AND MEASURES: A PROPOSAL

After an in-depth analysis of the provisions of law regarding the right to self-determination in comparison to the law regulating terrorism, it has been concluded that there is a legal pattern in exercising the right to self-determination that may distinguish it from being designated as an act of terrorism. However, there are circumstances

contrasting with this legal pattern that have proven to prejudice the exercising of the right to external self-determination. Moving forward, below are some recommendations suggested to allow a seamless exercise of the right to self-determination without jeopardising the peace and security of the international community in fear of terror attacks.

5.2.1 Establishing Extreme Oppression as a Criterion for Self-determination

It is proposed that the existence of oppression on the group from practising their culture and beliefs was one of the elements that legitimised the struggle for self-determination (Sterio, 2010). The oppression must be such that they have been subjected to severe human rights violations by the central government. As such, there is no viable option for the preservation of their identity except to seek independence from the central government.

One of the fundamental responsibilities of a state that is enshrined in all international legal instruments is to be the protector of its people's interests without any distinction. This was especially highlighted by the proclamation of the UDHR by the UNGA on the determination of state members. Should a state abuse people within its borders, it loses its legitimacy as a state in regard to that group. States should not be able to justify violations of human rights by claiming territorial integrity. This is because states possess a fundamental obligation to uphold the rights of all people, regardless of their background, within their borders. (Brewer E. M., 2012). The claim to self-determination should be justified when the state was unable to play its role as

protector but also played a role in the oppression and abuse of the people's right to practise their culture and traditions and preserve their identity.

The element of oppression is important as a justifying factor in legitimating the struggle for self-determination, as it will deter the secessionist movement from seeking separation without just cause. This is also in line with the original intention of the insertion of the right to self-determination as a decolonizing principle in the wake of the decolonizing period (Anderson, 2013). In a way, the element of oppression has become the point of reconciliation between the right of people to self-determination and the right of a state to territorial integrity. As a result, the possibility of disharmony is reduced, and cross-border stability is preserved.

However, there is one exception that needs to be addressed. As previously stated, the people who have the right to self-determination under international law. In the discussion, it was concluded that the broad interpretation of the term "peoples" did not include minorities. It needs to be highlighted that this exception did not include minorities who have a common history with the territory they reside in, as fundamentally, the right to self-determination is a right that is associated with territory. As has been pointed out, minorities that do not have a common history with the disputed territory have no right to claim self-determination. In a sense, any extreme oppression and human rights violations faced by minorities that have no common history will not legitimate them to claim any form of self-determination.

5.2.2 Recognising Act of Terror by Freedom Fighters is Governed under International Humanitarian Law

An act of terror, whether in the course of war or not, is an undeniable abomination of a crime. Its mode of operation, indiscriminate attacks on innocent civilians to cause fear and compel others against their wishes, is intolerable and unacceptable. However, as with the other crimes committed, the act deserves justice. Due to the nature of domestic criminal law regarding terrorism, there has been a consensus that allows states to legally apprehend any suspicious individual or delegitimize any organisation. However, this should not have the same effect in the circumstances of war or armed conflict. By having freedom fighters designated as terrorist organisations, the struggle is reduced to the mere act of insurgency, which allows the state to delegitimize the organisation entirely. It is one thing to punish or prevent a crime from being committed, but it is quite another to delegitimize a legitimate right.

There have been opinions that the violation of international humanitarian law of this nature by freedom fighters in the course of exercising their rights may revoke their status as legal combatants, as reflected in the case of Hamas in Palestine. It is viewed that this course of action is illogical, as it will open the opportunity for states to delegitimize any armed struggle for self-determination on the grounds of violation of any international humanitarian law. It has not yet been reported that a state's sovereign status has been revoked as a result of a violation of international humanitarian law. Although a transgression or violation of the international humanitarian law in any way is intolerable, following the principle of *jus in bello* and *jus ad bellum*, a violation of the international humanitarian law will not render the whole use of force illegal (Yau,

2018). It should only mean that the organisation, or the newly formed state, will be held responsible for the violation under international humanitarian law. The application of domestic criminal law in the court governed by the dominion state will rather hinder justice than uphold it.

As previously stated, an act of terror is one of the many violations covered by the Geneva Conventions and Additional Protocols. Although there has been no specific definition of what constitutes an act of terror, in the observation of the cases before, this should not be a hindering cause that prohibits international humanitarian law from applying in the circumstances where the violation is committed by freedom fighters. As seen in the case of Kosovo, where the Specialist Chambers and Specialist Prosecutor's Office were established in 2015 following the ratification of an international agreement¹ and the EU's independent criminal investigation into allegations raised in the Council of Europe Parliamentary Assembly Report in 2011². The Chambers and Office, based in Hage, comprise international judges, a specialist prosecutor, and a registrar and have jurisdiction over crimes against humanity, war crimes, and other crimes under Kosovo law and customary international law committed from 1998 until 2000 by either the Kosovo Liberation Army or the Federal Republic of Yugoslavia. This tribunal bears some similarities with the International Criminal Tribunal for the former Yugoslavia under the United Nations for the war crimes committed during the Balkans war in the 1990s.

The establishment of these tribunals proved that freedom fighters may be held accountable for any violation committed during the course of exercising their right to

¹ See Report of the Secretary-General to the Security Council, 2011. UN Doc. S/2011/514.

² See Council of Europe Parliamentary Assembly Report on "Inhuman Treatment of People and Illicit Trafficking in Human Organs in Kosovo" Doc. 12462, 2011.

external self-determination. As a result, an act of terror committed by freedom fighters should be governed by international humanitarian law, as it has been proven that there are mechanisms of law to govern any violation of international humanitarian law. By recognising that an act of terror during the duration of a war is a violation of international humanitarian law as opposed to domestic criminal law, the exercise of justice can be done without prejudice. As a result, freedom fighters will be held accountable for their crimes by the competent court, and states have no right to classify them as terrorists and subject them to domestic criminal law.

5.2.3 Limitation on the Veto Power of United Nations Security Council Permanent Members

The position of the United Nations Security Council is of the utmost importance in realising the purposes of the United Nations. As provided in Articles 41 and 42 of the UN Charter, the UNSC is equipped with the mechanism to impose or intervene in an international conflict that may pose a threat to international peace and security. It provides a mechanism for people who lack the mechanism to enter into treaties to bring forward cases of injustice against them. This includes the people who are violated and oppressed in their pursuit to exercise their right to self-determination.

However, in the course of this research, there is a recurrent pattern that shows that in many instances, despite having a clear provision of law, the struggle for self-determination was still affected by the political interests of state members of the UN. This is especially true when the interests of oppressed people directly conflict with the political interests of the UN Security Council's permanent members. As stated

previously, the permanent members of the UNSC have the privilege of vetoing any UNSC-drafted resolution. By utilising the veto power, various drafted resolutions have been recorded as being vetoed by the permanent members based on each of their political interests, as in the case of Palestine by the United States, North Korea by China, and recently in Syria and Ukraine by Russia.

Critics have questioned the rationality of the veto power as it has been used by the permanent members of the UNSC to veto any resolutions that criticise their own actions or those of their allies. The idea that a single state can block any Security Council majority measure does not square with the UN's stated goals in Article 1(2) of the Charter of pursuing international peace and security in accordance with the principle of justice and respect for the principle of equal rights.

During the conception of the UN Charter in San Francisco, it was argued by the permanent member states then that the veto power, reflecting political reality, is a must to ensure international peace and security as the UN would break down if enforcement action were undertaken against a permanent member (Schindlmayr, 2001). In other words, the UN could not afford events where there is a hostile relationship with any of the Great Power nations. Thus, this privilege was created simply to protect the UN and its members from the hostility of the Great Power nations. This argument, however, may have some validity for the international community, which has just recovered from World War II and is rebuilding its nations. The notions of the permanent member states, who were then described as "superpower nations" as they had just won World War II, of being hostile towards the international community can hinder the operation of the UN as the protector of international peace and security (Chhabra, 2013). The change

in economic and political development has proved that the states that can be described as superpowers now are not entirely the same five states as before.

Admittedly, there is sound justification and concern for the need for the existence of veto power in the UNSC to minimise the risk to international peace and security. However, it is proposed that there have to be some sort of limitations on the veto power. Borrowing the words of Lord Acton in the Acton-Creighton Correspondence, "absolute power corrupts absolutely"³, and by allowing a sole state the power to veto a resolution made by the majority, it will create the possibility of allowing the continuance of injustice to the people, which directly opposes the purposes of the UN. The current practice of the UN Security Council permanent members exercising veto power has proven to be more harmful than beneficial to the international community.

As of that, it is proposed that instead of providing the veto power to one sole nation, as opposed to erasing it completely, it is more probable if the veto power is on a collective basis. As such, to veto a resolution, three or more vetoes must be used to oppose the majority votes. A three- or more veto is important as it creates a majority consensus among the permanent members and is more in line with the principle of the UN under Article 2, which provides the principle of sovereign equality. This, in a way, will help to minimise the possibility of misuse of power by the permanent members, lower the threat of creating a risk to international peace and security, and at the same time create to add to the proposal, the first step taken in limiting the veto power is to

³ "...Historic responsibility has to make up for the want of legal responsibility. Power tends to corrupt and absolute power corrupts absolutely. Great men are almost always bad men, even when they exercise influence and not authority: still more when you superadd the tendency or the certainty of corruption by authority." John Emmerich Edward Dalberg, Lord Acton. See Letter I, Acton-Creighton Correspondence, 1887.

create a special clause on genocide and crimes against humanity that is a universally recognised crime.

It must be understood that even at the risk of a hostile relationship with any of the permanent members, international peace and security will not be attained without an active and positive mechanism that can eliminate all the potential instability factors. It is illogical that the price of attaining international peace and security lies in the hands of one single nation. Instead of shifting political interests, justice should be based on stable, legally consistent law. The recent situation of the invasion of Ukraine by Russia and the inability of the UNSC to respond accordingly due to the Russian veto reflects the danger of veto power without limitation and control.

5.3 Conclusion

In conclusion, in pursuance of exercising the right to self-determination of peoples as provided under the UN Charter, it is inevitable for a conflict to happen as the right to external self-determination is directly at odds with the right of states to territorial integrity. What can be done is to minimise civilian casualties and ensure that justice is served during a conflict, as was intended by international humanitarian law. As the premise of a state actor and a non-state actor is not the same, with the former having a higher ability to utilise international law, it is important for the pursuit of justice that an impartial mechanism be provided for the non-state actor that may equalise the imbalance of opportunity.

An act of terror is undeniably an atrocious crime. However, the same as with other crimes, the alleged perpetrator must have an opportunity to defend themselves. As the law on terrorism allows states to apprehend or delegitimize any action or organisation as one of the mechanisms to counter it, applying domestic criminal law to freedom fighters will defeat the purpose of allowing them to exercise their rights in the first place. Freedom fighters, as provided under the Geneva Conventions, have combatant immunity. As a result, an act of terrorism during a war should not be confused with an act of terrorism under normal circumstances.

Moving forward, in order to realise the exercise of the right to self-determination in a legally recognised manner, it is imperative that the topic of UNSC reform be brought up. In this case, realistically speaking, it was to impose some form of limitation on the veto power of the permanent members. The idea of subjugating the superpower nations, the winners of the then-recent World War II, was anachronistic and does not reflect the legal and political situation of the international community now. In addition, to construct a legal provision based on the fear of hostility by any of the permanent members is the exact opposite of the purpose and principle of the United Nations. Tolerating this without taking action to correct it would be a true injustice and betrayal of the United Nations' core values of equal rights.