The Security Council’s
sine qua non: The Veto Power

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Prologue

The United Nations Security Council [UNSC] has the primary responsibility under the organization’s Charter for the “maintenance of international peace and security” and can therefore arguably be called the most important organ of the United Nations (Paul, 1995). The veto power of its five permanent members [P5] has dominated the workings of the Security Council because of its frequent use of threat or threat of use. To wit, this has left the Council open to criticism since its establishment in 1945. Demands for reform of the Council are common. The Council has been criticized for a range of issues: its “elite and exclusive nature”; its small size; its tenuous connection to the General Assembly; its lack of transparency; its arcane working methods, and its undemocratic makeup. In this paper, the veto power of the P5 will be dissected and examined in relation to its use and misuse, and questions will be posed as to its need and viability in the twenty-first century. The core questions to be answered are:

1. How can the UNSC and the veto power be reformed so that it can effectively respond to the new challenges it faces around the world?

2. Can changing the Security Council's structure or procedures improve its credibility?
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I. Introduction

While all states seek power in the international domain, the Charter affords the institutional tool of the veto power only to the five permanent members of the United Nations Security Council [U.S., Russia, France, the UK, and China ... the P5]. The P5’s veto power has been criticized by fellow Member States, politicians, and academics alike for the privilege it has provided to suppress any resolution regardless of the international support it may enjoy. This essay will focus on the “use of the veto power” by the P5 by evaluating and comparing the key literature. Specifically, it will examine:

a) the veto power of the veto in the context of the intentions during the drafting of the Charter
b) how the P5 have used the veto
c) whose interests has the veto benefited
d) how it should better reflect the world as it is today
e) the UNSC’s effectiveness in enforcing Articles 1 and 2 of the UN Charter through the use of the veto
f) the trends over the last twenty years in dealing with genocides, mass atrocities and humanitarian crises that have erupted throughout the world [e.g. Rwanda, Srebrenica, Syria]
g) it will also explore three current proposals/initiatives and efforts to reform the UNSCP5’s veto power, 1) the French initiative, 2) the Accountability, Coherence, and Transparency Group (ACT) initiative, and 3) the Elders’ proposal
h) finally, this paper will also examine the possibility of a UNSC without the P5 veto power or even without any permanent members.

Ultimately, the question that will be answered is the following, “can changing the Security Council’s structure or procedures improve its credibility?” (Weiss, 2005: 30).
II. The Veto: Background and History

Since the end of the Cold War, the international community has been reshaped in that there are now many more sovereign states than at the time of the drafting of the Charter; 193 of them are members of the UN and have subscribed to its Charter. The Charter of the UN requires that a) no state shall threaten another, b) the respect of equal sovereignty for every state shall be adhered to, c) aspirations for a better world [more peaceful], and d) the expectations that all states will act in good faith and behaviour (OECD ILibrary: 3).

The United Nations is the organization charged with ensuring peace and security. Since its inception in 1945, it has taken many other roles which have evolved over time, some of which have also been subject to criticisms and challenges. The organ within the UN that has the duty to safeguard international peace and security is the Security Council (Roberts and Kingsbury, 1993). Subsequently, the UNSC has invented the concept of peacekeeping in the discharge of this duty but only as a last resort will it allow a peacekeeping operation to use force and only for the purposes of self-defense. While the UNGA lacks the power to deploy a peacekeeping force to a conflict zone, the Security Council gives the peacekeeping force its mandate to do what it needs to keep and promote peace. The UNSC has a wide range of powers including:

a) the role to authorize the use of force,

b) the right to secretly recommend the Secretary-General to the UNGA,

c) the ability to debate all global issues involving a threat to peace,

d) the right of the P5 to invoke the power of the veto on proposed resolutions, and

e) the authority to admit new members to the UN.

Furthermore, the UNGA has the power to elect the ten non-permanent members each for a two-year term, five at a time on a yearly rotation. It is a secret ballot, and each candidate state must be approved by two thirds of the UNGA’s votes. The distribution of the 10 rotating/non-permanent members is based on a regional division: five for Africa; five for Asia, one for Eastern Europe, two for Latin America and the Caribbean, and two for Western Europe and other countries (Dag Hammarskjöld Library, 2018).

A. How does the Security Council function?

Inasmuch as the UNSC is able to function continuously, a representative of each of its members must be present at all times. The Presidency of the Council rotates on a monthly basis [by English alphabetical listing]. When a complaint concerning a threat to peace is brought to the Council's attention, its first action is usually to recommend that the parties involved try to reach an agreement by peaceful means [Article 33- Obligations of parties to a dispute]. The Council may appoint special representatives or request the Secretary-General to do so [Articles 35, 11 and 99- Referral of disputes and situations to the Security Council]. Additionally, it may set ground rules for a peaceful settlement, or provide cease-fire directives to bring to an end a conflict or to prevent wider hostilities [Article 40- Provisional measures to prevent the aggravation of a situation]. The UNSC may send UN Peacekeeping forces to help decrease tensions in troubled areas [Article 42- Other measures to maintain or restore international peace and security]. It strives to keep opposing forces apart in order to create calming conditions for the purpose of a peaceful resolution to an existing conflict. In addition, the UNSC may decide on other enforcement measures such as economic sanctions, embargoes or smart sanctions targeted at individual leaders [Article 41- Measures not involving the use of
armed force. Ultimately, it may order collective military action [**Article 43 - Member States' obligation to offer assistance in the maintenance of international peace and security**]. A Member State against which preventive or enforcement action has been taken by the UNSC may be suspended from its rights and privileges [including membership] by the UNGA [**Article 5 - Membership**]. What is more, when a Member State has persistently violated the principles of the Charter, it may be expelled from the UN by the Assembly on the Council’s recommendation [**Article 6 - Membership**]. Lastly, a Member State may participate without a vote in the SC discussions when it considers that its interests are at stake [**Article 31 - Procedure**].

**B. The Power of the Veto: Historical Context and Analysis**

It can be argued that the UN veto has in some ways saved the UN because it was created to take binding action and have teeth; the League of Nations failed because it didn't have the power to implement its initiatives. In contrast to the UN, one of the biggest obstacles that the League faced was that there were no permanent members with special privileges and the veto did not exist so that all decisions had to be made by the unanimity of its members (CQ Press, 1946). The inability to reach consensus demonstrated the ineffectiveness of the League in crises situations. Consequently, the weak structure of the League caused by the unanimity rule led to inaction when atrocities occurred in Abyssinia or China (Fernández, 56-60).

Fast-forwarding to the Security Council of the UN, the P5 have used the power of the veto extensively for their national purposes. As with the League of Nations, the UN has found it impossible to act against the actions of the P5 because of the veto privilege, but unlike the League it has been able to take action in the peace and security sphere in relation to other issues. Voting in the UNSC requires an open ballot and decisions require 9 affirmative votes [**Article 27 (3) of the Charter**]. UNSC practice has allowed resolutions to pass with at least nine concurring votes and abstentions by one or more P5 members. If a permanent member of the UNSC casts a negative vote, this constitutes a veto and the resolution fails. However, under Article 27 (3) of the UN Charter “decisions on all but procedural matters...shall be made by an affirmative vote from nine members including the concurring votes of the permanent members” but decisions on procedural matters require a simple majority thus at least allowing the UNSC to discuss questions even against the will of a P5 member (Security Council Report, 2015: 2). Although the concept of “concurring votes” originally created confusion in relation to a P5 abstention (Sievers and Daws, 2014: 339), the point in question was clarified in 1946 when a permanent member of the UNSC, namely the Soviet Union, abstained from a resolution on the Spanish question, and this was nevertheless deemed as a “concurring vote” (S/RES/4). Further explanation came from the Soviet Union’s representative as he announced that the Soviet abstention should not be considered a veto (Sievers and Daws, 2014: 339). Accordingly, it became common practice that a “concurring vote” signified a vote in favor of a resolution or an abstention and this practice has remained in existence to this day. "Hence, the veto is constituted by a negative vote by one or more of the permanent members on a draft resolution on non-procedural matters that has the support of nine or more other Council members" (Security Council Report, 2015: 2).

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1 UN Charter Articles (see Works Cited page).
2 The resolution “unanimously condemned the Franco régime in the Security Council and called for further studies to determine whether the Spanish question led to international friction endangering international peace and security.”
Moreover, Article 27 (3) claims that "...in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting" (Charter of the United Nations 7-11). This was understood to mean that a permanent member, which is party to a conflict, should avoid using its right to veto (Chapter VIII, 1945:11).³ Realistically, the P5 have ignored this provision and can therefore be said to have abused their veto power.

From the organization’s inception in 1945 at the San Francisco Conference, small and medium sized states have expressed their doubts about the right to veto. In fact, since 1946 to 2018 the veto has been used 275 times resulting in the non-passage [in whole or in part] of 229 draft resolutions (UN Security Council Working Methods, 2018). The UNSC’s ability to act has been immobilized in cases where the P5 members have used the veto for their national interests or to sustain their foreign policy principles. For example, on the Crimean question, Russia violated Article 27 (3) by vetoing a draft resolution (S/2014/189), which would have nullified the referendum. After multiple efforts to de-escalate tension over the Ukrainian issue, the “UNSC failed to adopt a draft resolution that would have urged Member States not to recognize the results of the referendum planned for 16 March in that country’s autonomous Crimea region, or any alteration of its status” (SC/11319). Had the draft been adopted, the Council would have restated its engagement to the Ukraine’s “sovereignty, independence, unity and territorial integrity” (Meetings Coverage: UNSC, 2014). The Ambassador of the Russian Federation, Vitaly Churkin, voted against the resolution claiming that Russia could not support interference with the principle of equal rights and self-determination. Ukraine’s Ambassador, Yuri Sergeyev, claimed however that Russia was the violator because its troops had violated the Ukraine’s territorial integrity. Additionally, he proposed that an investigation of the Russian vetoes on Crimea and Syria should take place, thereby bringing to the table the question of use of the veto power. His statement implied that the Russian Federation was exploiting its veto power to justify violations of the Charter.

Following suit in relation to the Middle East situation including the Palestine question (S/2011/24, 18 February 2011), the U.S. cast a veto in the UNSC which prevented the creation of a sanctioning mechanism overseen by the UN against Israel to be implemented until Israel complied with the UNSC resolutions (Radoshitzky, 2015). The U.S Ambassador, Susan Rice, vetoed a resolution, which would have proclaimed Israeli settlements on Palestinian land illegal (Leopold, 2011). This meant that the underlying issues of Israeli settlements in the West Bank, the stalled peace negotiations, and the treatment of Palestinian people went unaddressed.

Critics have expressed their fear that the idea of "sovereign equality" is violated by the veto concept, and that it poses significant obstacles to the practical fulfillment of the purpose of maintaining international peace and security (Security Council Report, 2015: 2). Even though the ideas of major powers reaching a consensus on the enforcement of sanction mechanisms was welcomed by most states, broadening the veto to issues regarding peaceful settlements of disputes was firmly opposed (Luck, 2006: 13-14). What is more, Tom Connally, a US Senator at the time of the establishment of the UN, made the following statement to states which had concerns about the veto, "You may go home from San Francisco…and report that you have defeated the veto…but you can also say, 'We tore up the Charter!'" He then proceeded to tear up his copy of the draft Charter" (Bosco, 2009: 36). This conveyed the message that in order for the permanent members to participate in the UN, they had to be granted the power of the veto over all matters.

³ Article 52(3) addresses the pacific settlement of local disputes through regional arrangements.
According to an analysis of veto patterns made by Peter Wallensteen and Patrik Johansson, the veto has been cast 264 times through the years, 1946-2015, and has increased to 275 times as described above. The veto was used often for P5 national interests or in furtherance of their foreign policy goals. This has in turn prevented the adoption of 229 draft resolutions since 1946; the Soviet Union cast the first veto on a resolution regarding the withdrawal of foreign troops from Lebanon and Syria on 16 February 1946 (S/PV.23). The two authors have grouped the vetoes as follow: Soviet Union/Russia, 123; the U.S., 83; the UK, 30; France, 18; and China, 10. In clarification of these votes, 171 vetoes were cast by a single P5 member, and 33 by two or more P5 members (Hammarskjöld, “Veto List”). To illustrate the changing patterns of the use of the veto, Figure 1 [below] depicts the "Vetoes Cast by the Permanent Members from 1946-2012", i.e. during the first twenty years the Soviet Union had cast the most, followed by the U.S. from the 1970s to the 1990s. Most of the Soviet Union’s vetoes were on the issue of membership. During the Cold War years, the USSR was concerned with losing influence in the UNGA. On the other hand, the U.S. used the veto more than any other member in order to stop resolutions that were considered "too harsh" against Israel; it allowed the adoption of more neutral resolutions on the Palestinian-Israeli conflict. As far as the remaining three P5 members go, a) the UK has used the veto 32 times; the first such instance taking place on 30 October 1956 (S/3710) during the Suez crisis, b) France applied its first veto on 26 June 1946 (S/PV.49) on the Spanish Question, and has cast a total of 18 vetoes, and c) China has used the veto 11 times, i.e. the first one, cast by the Republic of China (ROC) on 13 December 1955 (S/3502) to block Mongolia’s admission to the UN, and the remaining 10 cast by the People’s Republic of China after it succeeded ROC as a permanent member on 25 October 1971" (Einsiedel et.al., 2015: 35). The patterns of the P5 on their casting of the veto has begun to change since the end of the Cold War in that the amount of times the veto have been used by P5 members has seen a significant decrease. For example, France and the UK have not used their veto since the fall of the Berlin wall, and both Russia and the US have limited their use dramatically. China has also refrained from its usage. Unfortunately, when used it still has been to benefit either the national interests of the P5 or to protect their personal interests, e.g. US (14 vetoes) for Israel/Palestine resolutions and Russia/China in relation to Syria and Myanmar resolutions. One commentator noted that the P5 have informally come to the logical conclusion that a "code of conduct" should be created for the P5 on the veto to ensure the positive usage of this great power (McClean, 2014).
Figure 1: Vetoes Cast by the Permanent Members from 1946-2012 (Global Policy Forum).
III. Critical Discussion: Case Studies

A. Veto Power: Post-Cold War

Following the end of the Cold War, the UNSC appeared to be on a more cooperative track with its members. Many resolutions were adopted pointing to a more cooperative approach in the Council (Wallensteen and Johansson, 2015: 37). However, this should not be mistakenly understood to mean the veto has disappeared. For the most part the United States has retreated from using its veto power with the exception of resolutions critical of Israel, e.g. over the last 20 years, the U.S. has used 15 out of 24 of its vetoes to protect Israel. The Russian Federation has not stopped using it either as demonstrated by vetoes of resolutions dealing with Georgia- 2009, Ukraine- 2014 and Syria- 2011-2012/ 2014-2018, (Einsiedel et al., 2015: 918).

The concept of the veto has been criticized as leaving the SC "paralyzed" and "passive" in situations where it was most needed (Global R2P, Estonia, 2015: 2). Major international conflicts including the 2003 Iraq War, the 2008 conflict in Georgia, the 2009 deaths of Sri Lankan Tamils, and presently the ongoing Syrian conflict have seen the Council stay silent (Okhovar, 2011: 11). Furthermore, on the Israeli-Palestinian issue the UNSC has been unable to issue resolutions aimed at stopping the violence and settlement activities (Okhovar, 2011: 11).

Likewise, the concept of the "pocket" or "hidden" veto should not be neglected or overlooked, for in many cases permanent members have been able to keep a resolution from coming to a vote or have tailored the language to fit their interests without casting a veto but rather by threatening its use (Nahory, 2004). "Pointedly, this type of veto is not reflected in statistics, and thus is very hard to document; records only exist if a draft resolution is circulated as a Council document, and in most cases, this only happens if there is a reasonable expectation of adoption. It refers to cases in which draft resolutions are not formally tabled because of the threat of veto by one or more permanent members" (Nahory, 2004). To make this point, press statements and meetings regarding the 2009 killing of Sri Lankan Tamils in the conflict between the nation’s army and the Liberation Tigers of Tamil Eelam provide one such example; the issue was kept from being discussed in a thorough manner and the UNSC did not take necessary action.

The non-permanent members have expressed their dissatisfaction with the pocket veto claiming that it undermines the effectiveness of the Council. On the other hand, the P5 claim that this type of veto is used only as a "last resort." Nevertheless, there has been evidence that the pocket veto is used continually, thereby enabling the P5 to control the work of the Council (Nahory, 2004: 2). This veto type operates in informal sessions and private settings where no records are kept, contrary to the formal public sessions of the UNSC. It is under this classified atmosphere that the threat of the veto takes place. For example, matters that concern Russia and China, such as the situations in Chechnya and Tibet respectively, have been subjected to this hidden pressure. Russia, by virtue of its widespread interest in the Balkan region, vetoed a resolution on Bosnia and Herzegovina which would have declared the Srebrenica massacre as a "genocide" (S/PV.7481). It claimed that a vote in favor of this resolution would lead to further regional tension. Likewise, China used its veto power in 1999 as a political instrument to punish Macedonia which recognized Taiwan as an independent nation (S/PV.3982). Another case would be France’s threat to block a resolution on the authorization of war against Iraq-2003. The surmised nuclear stockpiles of Iraq, as suspected by the U.S., would be a future threat to the world and consequently had to be addressed
through UNSC military action before the supposed nuclear weapons could be used. However, in this instance France announced its action as a preemptive measure in order to prevent the use of military force in an area where no violence had been reported and expected Council members to follow suit (Nahory 2004: 1). By openly commenting on its intent to veto the U.S. proposal to declare war on Iraq, then French Foreign Minister Dominique de Villepin was able to positively influence other members of the Council to reconsider the authorization of military action in hopes of preventing increased and unwanted deaths [civilian and military] for all parties concerned. In a reversal of its usual use, the announcement of France’s hidden veto resulted in the U.K. being the only member of the Council to vote in favor of the U.S. resolution.

Additionally, as Nahory points out, "hidden vetoes are not only used to block action, but also to weaken the definitions of crises under international law." The Rwandan genocide of 1994 is one such situation, where the use of the word "genocide" would have required intervention by parties according to the 1948 Genocide Convention. Consequently, it was downgraded to a definition that did not require such severe action by the UNSC. National interests and perspectives of the P5 instigated these actions. France's interests in Rwanda led it to support the then Rwandan government, while the United States, bruised after the failed Somalia intervention, was reluctant to authorize another intervention. As a result, UN response was muted until most of the killing had ceased, and the genocide was a concrete truth for all to see (Nahory 2004: 2). In hindsight, and in a "too little, too late" speech known as the "Clinton Apology", the former President of the United States, Bill Clinton, voiced his regret for not acting sooner in the blood-stricken country of Rwanda (Wirkola, 2010: 34).

Finally, the most recent case study regarding the use of the "pocket veto" has been observed in the Syrian situation. Russia and China have opposed action by the Council despite the violent suppression of Syrian forces on pro-democratic protests. The Russian Federation argued that this crisis did not threaten international peace and security, and thus opposed various proposed resolutions. To date, China and Russia have opposed most efforts made to draft a resolution on the matter. In 2011, Russia stated that a Syrian Presidential statement condemning the "widespread violations of human rights against Syrian civilians, which called for an immediate end to the violence, and urged all sides 'to act in utmost restraint' would suffice" (Besheer, 2011). Since that time, Russia, either alone or with China, has used its veto 12 times in support of Syria to both negate the condemnation of the bombing in Aleppo, and to block the inceptions of ceasefires in the area (UN News, Syria, 2018). At this juncture it must also be made known that Russia has also supported resolutions related to the Syrian civil war, as well as other proposals for that country providing this P5 nation a visible level of accountability on its veto usage. Case in point, the passage of the 2013 UNSC joint resolution proposed by the U.S./Russia on the condemnation of the use of chemical weapons in Ghouta and Damascus (BBC News, Syria, 2018) 4. This was an action taken by the Council in unanimous agreement to stop any further use of such weapons and to destroy their programs for further research and development.

B. Arguments: In favor or against the veto?

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Criticism of the veto has increased in recent years. Much of what drives and preoccupies the Council today can be traced back to a number of developments and events that date back to the year 2000. They are responsible for making the present-day Council very different from 15 years ago. As such, new fears have arisen about the increase in the use of the veto, and in particular by Russia and China who have cast four double vetoes on Syria and double vetoes on Zimbabwe and Myanmar, along with lone Russian vetoes on the Ukraine, Georgia, and Srebrenica. Focus on the tensions among the P5 has overshadowed the fact that on a day-to-day basis, the division that matters most is between the P5 and the 10 elected council members. It is difficult to overstate the degree to which the P5 dominate the Council’s agenda, and this has not improved over recent years. The phenomenon of the "who holds the pen" is a key culprit; the P5 claim to have the responsibility for the drafting of Council resolutions of almost all situations, thereby largely marginalizing the E10. It is important to note that for all the divisions in the UNSC, the P5 have expressed a very strong solidarity in fighting off any effort to weaken their grip on power within the Council.

Concerning the P5’s veto power, going back to the 1990s, 185 Member States found fault in the veto and claimed it was unfair (Weiss, 2005: 30). Ahmad Kamal [then ambassador of Pakistan to the UN] claimed that "in a democracy no one can be more equal than the others" and labeled the veto anachronistic and undemocratic. This point of view has been shared by many African countries (Lund, 2010). At present, there are few countries apart from the P5 which support the veto power. The P5 continue to defend the veto as seen in 2007 when the Russian Deputy Foreign Minister, Vladimir Titov, threatened to veto a resolution which would recognize Kosovo as an "independent state and thus undermine Serbia's sovereignty" (BBC news, 2007). He argued that "the threat of a veto would stimulate the sides to find a mutually acceptable mechanism" (BBC news, 2007).

Many members of the UN have come to question the UNSC’s structure where power and privileges are afforded to a select few nations of the world. Robert Hill, former Australian ambassador to the United Nations, summarized the position as follows, "the Security Council is a club and the P5 is a club within a club" (Okhovat, 2011:9).

Many argue that the veto power of the P5 is "anachronistic and unjust" (Ziabari, 2011), because if the UN was created to support and represent its Member States equally, then why are some states more equal than others? According to Ziabari, the veto is "a discriminatory and biased privilege given to five countries to dictate their own will to some 200 countries as they wish" and he has called it "the most unfair and inequitable law of the world which enables a powerful and authoritative minority to determine the fate of an indispensable and subjugated majority" (Ziabari, 2011). An example of the handcuffing of the UNSC can be seen when Ukrainian President Petro Poroshenko addressed the UN General Assembly regarding the Russian annexation of Crimea, saying in relation to the effect of the veto: "In every democratic country, if someone has stolen your property, an independent court will restore justice, in order to protect your rights, and punish the offender. However, we must recognize that in the 21st century our organization lacks an effective instrument to bring to justice an aggressor country that has stolen the territory of another sovereign state" (KyivPost, 2015).

Amnesty International views the P5 veto power as a primary threat to human rights because the five permanent members have used their veto to "promote their political self interest or geopolitical interest above the interest of protecting civilians." Consequently in 2014, Amnesty
International suggested a revolutionary solution which basically asked the P5 to relinquish their veto on issues of genocide (BBC news, “Amnesty” 2015)

On the flip side, there are also positives with regard to the P5 and their veto power. They have been a force in the international community at times promoting peace and security as per the UN Charter. In the UNSC's defense, Alex Bellamy and Sara Davies argue that:

a) "without the veto, the UN would have suffered the same fate as the League of Nations" and thus the status of the P5 must be accepted
b) "the veto held the organization united during the Cold War", and
c) "the veto allows Security Council members to set aside those issues on which they cannot agree but to remain engaged on those others – the great majority of cases – where they can." (Bellamy etc….)

Hehir, provides the following counter arguments,

a) that it was not the veto that stopped the P5 from attacking each but rather because of post-WWII military weakness and economic uncertainty and
b) that when the P5 cannot reach an agreement on a particular issue, the issue must then be dealt with outside the confines of the Council. Such was the case with Kosovo in 1999, Iraq in 2003, and Georgia in 2009 (Hehir, 2014).

He concluded that these conflicts did not prevent the P5 from getting involved in unilateral aggression. Right or wrong it still must be said that for whatever reasons used, the power of the UNSC veto can be argued to have been a positive force in the past and perhaps can continue to be in the future.

C. Security Council Weaknesses and Reform suggestions

1. UNSC reform

The Security Council’s veto power and its aptness have become contentious points in various discussions in recent times constituting one of the Security Council’s key issues for reform. Clearly, collective security doesn’t work when one of the P5 members is involved in the violence. The whole idea of collective security is about cooperating together for collective security. Various governments, Member States, regional groups, leaders, and academics have expressed and developed different positions and recommendations on how to reform the UNSC (Global Policy Forum, 2013; Tanin, 2009).

Suffice it to say, the most important arguments against the P5 holding the veto privilege are based on the facts that they should no longer be privileged members in the Organization, and their veto power has prevented decisions to be made on matters of peace and security. As a result of the world undergoing political and economic transformations, there is also doubt about whether the P5 can continue to be the most suitable candidates for the veto power. The reality is that the UNSC has been "impotent in the face of too many serious international conflicts" (Security Council Report, S/PV.7389, 2015: 9). In addition, there is a legitimacy problem with vetoes of draft resolutions seeking to stop large-scale killings and mass violations of human rights. Some argue that UNSC
veto reform would improve the UN’s effectiveness and responsiveness to international security threats (Evans, 2008).

2. Initiatives

Three restraining initiatives have been proposed: 1) the French initiative -2013, "the permanent members voluntarily and collectively pledge not to use the veto in case of recognized mass atrocities" (France ONU, 2018), 2) the ACT initiative -2015, "The Code of Conduct calls upon all members of the UNSC – elected and permanent – to not vote against any credible draft resolution intended to prevent or halt mass atrocities" (GCR2P, 2015) and 3) the Elders’ proposal -2015, "the P5 must not use their veto without explaining their decision and proposing an alternative plan in accordance with international law that can achieve the same goals" (Carvalho, 2015). They are intended to curb the P5’s veto power in a positive way in order to protect Articles 1 and 2 of the UN Charter and provide greater security for its Member States.

Shedding further light on the French initiative (2013), while its purpose is to make the UN a more potent organization with its representation changes analogous to the shifting balances of the international community, it is the UNSC’s power of the veto that will be focused on. As mentioned above, French President Francoise Hollande asked of the P5 to voluntarily pledge to refrain from using their power of the veto on draft resolutions involving cases of mass atrocities. Since this is a voluntary pledge, it will not require a formal amendment to the UN Charter. Hence in situations of genocide, crimes against humanity, or large-scale war crimes, the UNSC or the Secretary-General would be able to intervene in a timely fashion, without obstruction, allowing the UN to move rapidly in such cases. This would provide the UNSC the much-needed neutral-political punch to quell impending volatile situations before they become atrocities (France ONU, 2018).

The ACT initiative (2015) not only asked the P5 members of the UNSC to refrain from using their veto power in cases of genocides and mass atrocities, but also called upon its non-permanent members to follow suit. It formulated a "Code of Conduct" for the UNSC. This code is comprised of five edicts [briefly summarized], 1) a pledge to support timely action and decision making by the UNSC in times of crises [genocides, crimes against humanity, or war crimes], 2) a pledge to not vote against actions and decisions made by the UNSC involving genocides, crimes against humanity, or war crimes, 3) to agree to allow the Secretary-General to use his expertise, capacity, and sub-commissions [Office of the High Commissioner on Human Rights, Office on Genocide Prevention, and the Responsibility to Protect] on issues regarding impending threats of genocide, crimes against humanity, or war crimes to warn the Council of such imminent danger and the decisions and actions needed to be taken, 4) a pledge to listen and act upon the SG's evaluations on said circumstances with little or no delay, and 5) to invite all Member States of the UN to agree and commit to this "Code of Conduct." The ACT initiative of 2015 is not just about the veto, it is meant to bring about positive change to the UNSC where expedient motions and actions can be made in lieu of the aforementioned crises. For this reason, 25 members of the Accountability, Coherence, Transparency Group - Austria, Chile, Costa Rica, Denmark, Estonia, Finland, Gabon, Ghana, Hungary, Ireland, Jordan, Liechtenstein, Luxembourg, Maldives, New Zealand, Norway, Papua New Guinea, Peru, Portugal, Rwanda, Saudi Arabia, Slovenia, Sweden, Switzerland and
Uruguay along with Belize, Holland, and the Ukraine, have been joined by many other Member States of the UN [totaling 80 in all] in support of this code (Center for UN Reform, 2015).

Finally, the Elders’ proposal of 2015 had a four-fold pact and brought to the table new reforms aimed at keeping the UN functional and current in the evolving 21st century, permitting it to take definitive and preemptive action in times of crises. The proposal asks the P5 to only use their veto in instances where they truly believe that said actions or decision drafts made by the UNSC regarding imminent situations and situations at hand "would do more harm than good to world peace and to the people concerned." Plainly put, the P5 are being asked to not use their right of veto for personal or national interests, and to agree to try to work with one another in times where a veto has been cast in order to come to a timely compromise. In addition, the Elders’ proposal innovatively offered three other suggestions. First, that an intermediary permanent membership expansion would be introduced where other members of the UNSC could have permanent members rights [including the veto vote], but who were subject to re-election to their posts at the end of their terms; they could immediately be re-elected to their posts provided that they had the confidence of the other Member States. Second, that the UNSC would permit civil society and people's representatives from conflict zones to apprise them of the crises at hand to make better informed decisions, and to take more appropriate actions to bring about resolutions and peace. Third, that during the election of the UNSG, a fair and thorough search be made amongst the representatives which include all genders and regions of the international community, in order to arrive at the best candidates for the position. Although it was the suggested actions regarding the veto vote that prompted the Elders’ proposal of 2015 to be included in this paper, the other three suggestions were mentioned in order to enlighten the reader as to the need for change in the system for the perpetuation of its existence and usefulness in our changing world (Paul, 2015).

The initiatives described above on veto restraint have largely been triggered by the impasse over the situation in Syria reflecting the Council's inability to act on violations of human rights and international humanitarian law and demonstrating the need for reform. To this end, Zeid Ra’ad Al Hussein, then UN Human Rights Chief, made a statement in 2016 on how limiting the veto power of the P5 would allow Syria to be referred to the International Criminal Court in the Hague, which would in turn allow for investigations of war crimes to take place (Oliphant, 2016). The French initiative put the decision-making of the P5 at the center of its proposal by focusing on a voluntary pledge, whereby the P5 would not use the veto in cases of mass atrocities. French Foreign Minister, Laurent Fabius, stated in his op-ed to The New York Times that the P5 should only use the veto when "vital interests" are at risk. He argued that this would make the initiative realistic and applicable. However, what would happen if "the perceived political cost were not enough to deter a permanent member from casting a veto, even if its interests are not in play?" In answer to the question, the second proposal or the ACT initiative reaches out to the broader membership of the UN by stating that all Member States can become Council members and that these elected members would have equal entitlements in the UNSC; at one point or another it would be asked of them to act responsibly as Council members to not vote against draft resolutions which are trying to stop and avert “the commission of genocide, crimes against humanity or war crimes” (Security Council Report, 2015: 5). The Code of Conduct is therefore a responsibility that should be supported by all Member States. Consequently, the ACT proposal asks all Member States to function diligently and in a timely fashion to support the UNSC when it takes action against "preventing or ending the commission of genocide, crimes against humanity or war crimes...” Lastly, the Elders’ proposal emphasized that "permanent members would pledge 'not to use', or 'threaten to use', their veto in crises in which genocide or other mass atrocities are committed or threatened without explaining,
clearly and in public, what alternative course of action they propose, as a credible and efficient way to protect populations in question" (Security Council Report, 2015: 5). Basically, they advocated the need for all Council members, permanent and elected, to collectively agree upon plans of action that the UNSC would take in times of great crises [genocides, atrocities, human rights abandonment, etc.].

3. More Permanent Members?

The other avenue of change that has emerged is concerned with the enlargement of the UNSC's membership; many UN Member States desire more non-permanent seats though they differ concerning how many. Some Member States want more permanent seats, but cannot agree on whom to include. Many Member States want to do away with or at least reign in the broad power of the veto against the wish of the P5. Additionally, whether or not new permanent members should have the right to exercise the veto is under debate (Fassender, 2004: 341-342). As a result of the P5 being industrialized Northern states with advanced democracies and economies, this group has enjoyed a disproportionate influence on the UNSC. This is an important reason why the global South is in favor of increasing its membership in the UNSC, i.e. to bring about a balance of power (Fassbender, 2004: 345).

One problem with increasing the size of the Security Council has been whether a powerful nation could support a permanent seat for a neighboring rival state. In other words, the goal for states without a permanent seat in the Council is to acquire one. Factors such as size, population, and aid budgets paid to most countries’ have quelled their aspirations for UNSC membership. In contrast, countries such as Brazil, India, Japan and Germany who meet the informal objective criteria for permanent membership have come up against another problem; that of ferocious opposition from a neighboring state. Accordingly, Argentina, Pakistan, China and Italy have taken the role of blocking their neighbors’ aspirations for permanent membership.

A final issue is whether putative new permanent members would have the benefit of the veto power. The African Group wants two permanent seats including the right to veto, but the net effect of this tactic is to make it even more difficult to establish new permanent members (Lund 2010: 19). Therefore, the expansion of the permanent member seats in the UNSC appears to have hit a roadblock which is unlikely to be passed any time soon.
IV. Conclusion

In conclusion, any analysis of the Security Council, one of the most important and vital organs of the UN, will illuminate its deficiencies. These flaws have ultimately led to the calls for reform. This paper has given an overview of the different discourses on the P5’s veto power and its historical context. Its purpose was to examine the current structure and capacity of the Council by reviewing the current state of knowledge, primarily through the use of its veto power, and to explore current initiatives and efforts towards the reform of this body. The main theme throughout the paper has been the idea of "how can we transform the UNSC and its veto power so that it can effectively respond to the challenges it faces around the world?" Most small and medium sized countries do not like the existence of the P5 because they have used and continue to use their veto to influence the agenda and the decisions of the Council for their own interests, or those of their allies. Time and time again they have managed to block uncomfortable resolutions. While numerous initiatives led by Member States, diplomats, and groups of countries have been proposed to reform the council operate, the many hours of discussions have not had a positive outcome. Furthermore, since the P5 have the power of the veto over Charter change, an amendment does not seem probable (Nadin, 2016). The Institute for Global Policy [WFM-IGP] co-hosted a seminar on UN Security Council reform in cooperation with the Workable World Trust and the Friedrich-Ebert-Stiftung, and the aforementioned initiatives on veto restraint were discussed. Mr. Bill Pace, Executive Director of WFM-IGP, in his opening remarks stated, "We realize the pessimism that often surrounds ‘Security Council reform’ but behind these three words reside the fate of the UN and the prevention of World War III" (WFM-IGP, 2016). The French initiative, the ACT initiative, and the Elders' proposal were strongly supported by international NGOs, all of which advocate aspects of reform of the veto power. More specifically, Professor Joseph Schwartzberg, director of the Workable World Trust, stressed the fact that "to change the Security Council, we must build effective civil society and governmental coalitions and demand a Workable World" (WFM-IGP, 2016). The executive director of Friedrich Ebert Stiftung added that "it is not because it is difficult that we are afraid to act; it is because we are afraid to act that it is difficult." From these thoughts, we can conclude that the UN needs more democracy as much as it needs more democrats (Rurup, 2016). If we are to accept the conceptual equation of UNSC power, i.e. P5 = Power = R2V (Right to Veto), then it must be wielded with responsibility. Ultimately, it must be stressed that the UNSC seat and its veto power are not a privilege or a manifestation of some longing for power but a responsibility that should be improved and not discarded. It is a vital and structural tool that the UNSC possesses in the name of peace. All in all, the French philosopher, Voltaire, once said, "with great power, comes great responsibility" (Voltaire, 1832) … Can the P5 members use their power responsibly?
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