

**Forum:** Legal Committee (GA6)

**Issue:** Reevaluating the right to veto in the Security Council

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## INTRODUCTION

When the United Nations (UN) was founded, 78 years ago, the political leaders made a promise to the world; to maintain peace and security. This exact promise would be ensured via the operation of the principal organ of the UN, the Security Council (SC). What differs the SC and the rest of the UN organs is the veto power, which is also the distinction between the permanent and non-permanent members of the Council. The permanent members, or so-called P5, were and still are the five nations, namely the United States of America, the United Kingdom of Great Britain and Northern Ireland, France, the Union of Soviet Socialist Republics (Russia), and the People's Republic of China (PRC), that managed to have a lifelong tenure and hold the right to veto in SC, due to the power they gained after the end of second World War (WWII).

During the establishment of the UN Charter in 1945, it was decided on Article 27(3) that "substantive decisions must have "the concurring votes of the permanent members".<sup>1</sup> For instance, the right to veto is constituted to this day by a negative vote by one or more of the permanent members on a draft resolution or on non-procedural matters. By using the veto power, the item that is being voted upon automatically fails.

The aim of the right to veto is to "defend the P5's national interests, to uphold a tenet of their foreign policy or, in some cases, to promote a single issue of particular importance to a state".<sup>2</sup> "While other organs of the United Nations can only make recommendations to governments, the UNSC is the only organ capable of issuing resolutions that are legally binding on all Member States".<sup>3</sup> Hence, the veto power is essential to balance the power held by the majority and prevent decisions that may deteriorate international peace and security. Especially, considering that SC is capable of imposing sanctions, authorizing military operations and launching peacekeeping forces, the right to veto is vital when discussing such pressing matters.

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<sup>1</sup>"The Veto." *Security Council Report*, [www.securitycouncilreport.org/un-security-council-working-methods/the-veto.php](http://www.securitycouncilreport.org/un-security-council-working-methods/the-veto.php). Accessed 18 July 2024.

<sup>2</sup> "The Veto." *Security Council Report*, [www.securitycouncilreport.org/un-security-council-working-methods/the-veto.php](http://www.securitycouncilreport.org/un-security-council-working-methods/the-veto.php). Accessed 18 July 2024.

<sup>3</sup> Kahlmeyer, Alejandro. "United Nations Security Council Reform: The Question of the Veto Power." *ResearchGate*, 9 Dec. 2021, [www.researchgate.net/publication/356977026\\_United\\_Nations\\_Security\\_Council\\_Reform\\_The\\_Question\\_of\\_the\\_Veto\\_Power](https://www.researchgate.net/publication/356977026_United_Nations_Security_Council_Reform_The_Question_of_the_Veto_Power). Accessed 18 July 2024.

Despite the veto's initial objective being transparency, the veto power has resulted in numerous negative consequences. For instance, there have been cases where the use of veto power delayed and deteriorated the situation instead of solving it and preventing the catastrophe that would arise, as in Israel/Palestine, Syria, Darfur, Rwanda, Myanmar, Sri Lanka and Yemen, due to the fact that the P5 concentrate on their own interests instead of putting them aside to achieve global security.

Smaller and medium-sized states have expressed their dissatisfaction with the veto situation; thus, the global community has acted accordingly. There have been multiple international movements, including the "United for Peace " and the "Accountability, Coherence and Transparency Group" (ACT), as well as national and multinational, i.e. the S5 and the French Initiative. However, the aforementioned attempts have failed to restrict veto abuse. Therefore, it is high time that the right to veto in the Security Council was reevaluated and the necessary guidelines were set, in order to overcome conflict realities, as in this year's conference Theme.

## DEFINITION OF KEY-TERMS

### *UN Charter*

"The founding document of the United Nations, which was signed on 26 June 1945, in San Francisco, at the conclusion of the United Nations Conference on International Organization, and came into force on 24 October 1945, and codifies the major principles of international relations that UN Member States are bound to, from sovereign equality of States to the prohibition of the use of force in international relations".<sup>4</sup> Provided that the UN Charter consists of 111 articles, articles 23-54 regard the operation of the SC, whilst article 27 authorizes the veto power to the P5.

### *Security Council*

"The UN's most powerful body responsible for maintaining international peace and security, since it is the only organ that can issue sanctions and even authorize military force. It has 15 members, five of which are permanent members, known as the P5 and also hold the veto to any resolution with which they disagree, and ten other UN members, each elected for a rotating two-year term and without veto power".<sup>5</sup>

### *Permanent 5 (P5)<sup>8</sup>*

"Five countries, namely the United States of America, China, France, Russia, and the United Kingdom, which helm the Security Council as permanent members, widely known as the P5. The P5 hold significant power in the international system, as they are able to veto items in

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<sup>4</sup> "The UN Charter." *United Nations*, [www.un.org/en/about-us/un-charter#:~:text=As%20such%2C%20the%20UN%20Charter%20is%20an%20instrument,of%20the%20use%20of%20force%20in%20international%20relations](http://www.un.org/en/about-us/un-charter#:~:text=As%20such%2C%20the%20UN%20Charter%20is%20an%20instrument,of%20the%20use%20of%20force%20in%20international%20relations). Accessed 18 July 2024.

<sup>5</sup> "What is the UN Security Council?" *Council on Foreign Relations*, [education.cfr.org/learn/reading/what-un-security-council](https://education.cfr.org/learn/reading/what-un-security-council). Accessed 18 July 2024.

UNSC and hold nuclear power. However, P5 no longer reflects the world's balance of power, due to recent geopolitical shifts".<sup>6</sup>

### **Veto**

"The power in the form of a negative vote P5 use to block resolutions or non-procedural matters that threaten their national interests, sovereignty or those of their allies".<sup>7</sup>

### **Abstention**

"A formal refusal to vote on an item".<sup>8</sup> "If a permanent member does not fully agree with a proposed resolution but does not wish to cast a veto, it may choose to abstain, thus allowing the resolution to be adopted if it obtains the required number of nine favorable votes".<sup>9</sup> "According to article 27(3) of the UN Charter: in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting".<sup>10</sup> Therefore, a P5 is bound to abstain if it is directly involved in the dispute that is being discussed.

### **Sovereignty**

"A core principle of international law governing international relations, which affirms States' independence and authority to govern their domestic jurisdiction, subject to their international law obligations".<sup>11</sup> Threats towards territorial integrity, political independence, and any other interference in the domestic affairs of a State constitute violation of the State's sovereignty.

### **Transparency**

"The key concept of adequacy, accuracy, availability, and accessibility of knowledge and information about the policies and activities of parties in international governance".<sup>12</sup> Transparency is indeed one of the guiding principles of the majority of the intergovernmental organizations, including the UN, and, thus, the SC, as well as one of the motives that led to the establishment of the right to veto.

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<sup>6</sup> "What is the UN Security Council?" *Council on Foreign Relations*, education.cfr.org/learn/reading/what-un-security-council. Accessed 18 July 2024.

<sup>7</sup> "What is the UN Security Council?" *Council on Foreign Relations*, education.cfr.org/learn/reading/what-un-security-council. Accessed 18 July 2024.

<sup>8</sup> "Abstention." *Britannica Dictionary*, [www.britannica.com/dictionary/abstention](http://www.britannica.com/dictionary/abstention). Accessed 18 July 2024.

<sup>9</sup> "What is the Implicit Meaning of Abstaining from Voting at the UN?" *Politics Stack Exchange*, 12 July 2022, politics.stackexchange.com/questions/76066/what-is-the-implicit-meaning-of-abstaining-from-voting-at-the-un. Accessed 18 July 2024.

<sup>10</sup> "Repertoire of the Practice of the Security Council 1989-1992." *United Nations*, main.un.org/securitycouncil/sites/default/files/en/sc/repertoire/89-92/89-92\_04.pdf. Accessed 18 July 2024.

<sup>11</sup> "National Sovereignty." *United Nations Migration Network*, migrationnetwork.un.org/taxonomy/term/742#:~:q=15%29%20National%20sovereignty%20is%20a%20core%20principle%20of,international%20law%20and%20the%20treaties%20they%20have%20ratified. Accessed 18 July 2024.

<sup>12</sup> Hicks, Kathleen, and Kaitlyn Johnson. "COVID-19, China, and the U.S. Indo-Pacific Strategy." *Marine Policy*, vol. 131, 2021, 104592, [www.sciencedirect.com/science/article/pii/S0308597X21002505](http://www.sciencedirect.com/science/article/pii/S0308597X21002505). Accessed 18 July 2024.

## **Mass Atrocity Crimes**

“A general term that categorizes four more specific crimes: genocide, war crimes, crimes against humanity and ethnic cleansing. The first three crimes are legally defined in various international legal documents, such as the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, the 1949 Geneva Conventions and their 1977 Additional Protocols, and the 1998 Rome Statute of the International Criminal Court. Their status as international crimes are based on the belief that the acts associated with them affect the core dignity of human beings, both in times of peace and in times of war”.<sup>13</sup>

## **Sanction**

“An official order that is taken against a country in the form of financial restrictions, in order to make it obey international law”.<sup>14</sup> SC is the only UN organ that is able to impose sanctions on Member States as means of punishment.

## **Peacekeeping Operation**

“One among a range of activities undertaken by the United Nations to maintain international peace and security throughout the world by implementing coercive measures, including the use of military force. Launch of peacekeeping operations requires the explicit authorization of the Security Council to act in the face of a threat to the peace, breach of the peace or act of aggression.”<sup>15</sup>

# **BACKGROUND INFORMATION**

## **Background history**

After the end of the second World War, the UN was established as means to restore global peace and security. On 26 June 1945 the UN Charter was signed in San Francisco at the conclusion of the United Nations Conference on International Organization. In the UN Charter the operation of the UN main bodies was decided, including the operation of the SC. The SC would be constituted by 15 members, 10 non-permanent elected for a rotating two-year term, and 5 permanent, as known as the P5. The P5 were considered the strongest powers of the 20<sup>th</sup> century and due to their impactful influence, additional rights were granted to them, namely a lifelong tenure in SC, the legal possession of nuclear arsenal, and the veto power.

Indeed, the veto power is the right that the P5 have exploited the most. USSR was the first P5 to use its veto on a draft resolution that issued the withdrawal of foreign troops from Lebanon and Syria (S/PV.23). For the past 78 years, the veto has been recorded 293 times in total, 120 of which were cast by USSR/Russia, 82 by USA, 22 by UK, 16 by France and 13 by

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<sup>13</sup>“Defining the Four Mass Atrocity Crimes.” *Global Centre for the Responsibility to Protect*, 14 Mar. 2019, [www.globalr2p.org/publications/defining-the-four-mass-atrocity-crimes/](http://www.globalr2p.org/publications/defining-the-four-mass-atrocity-crimes/). Accessed 18 July 2024.

<sup>14</sup>“Sanction.” *Cambridge Dictionary*, [dictionary.cambridge.org/dictionary/english/sanction](http://dictionary.cambridge.org/dictionary/english/sanction). Accessed 18 July 2024.

<sup>15</sup>“Terminology.” *United Nations Peacekeeping*, [peacekeeping.un.org/en/terminology](http://peacekeeping.un.org/en/terminology). Accessed 18 July 2024.

PRC.<sup>16</sup> “The US used the first of its 82 vetoes to date on 17 March 1970, whilst the USSR had by that point already cast 107 vetoes. Since 1970, the US has used the veto far more than any other permanent member”<sup>17</sup>, most frequently to block decisions that were considered as detrimental to the interests of Israel. The first vetoes by the UK and France occurred on 30 October 1956 (S/3710) upon the Suez crisis and on 26 June 1946 upon the Spanish Question (S/PV.49) respectfully, while China’s on 14 December 1955 (S/3502).<sup>18</sup>

After the end of the Cold War in 1991, France and the UK refrained from exploiting their veto power, whilst the usage of the veto by Russia and China rose considerably from 2011, after the start of the Syrian conflict. The US, on the other hand, has raised a veto 14 times since 2020, with all but two on Israel/Palestine issues. In recent years, all P5 members have been challenged, especially in the past year, as they have all abused their veto power on draft resolutions addressing disputes in Ukraine and Palestine, despite the anti-veto policies of the UK and France

### Veto’s objective

The right to veto was established as a means to promote rule of law worldwide. To be more precise, veto is to “defend the P5’s national interests, to uphold a tenet of their foreign policy or, in some cases, to promote a single issue of particular importance to a state”.<sup>19</sup> According to article 25 of the UN Charter, SC is the only UN organ that uses hard law, meaning that all the decisions it takes are legally binding and obligatory to Member States. Hence, it is of paramount importance that such a vital body as SC that is called to make decisions associated with global security has authorized the right to veto, which can uphold rushed measures that can lead to disturbance of peace. A P5 that disagrees with the item that is being voted on can raise a veto to protect their sovereignty as well as that of their allies. Thus, the veto can be seen as a rather democratic measure, allowing states to reconsider a resolution that goes against their national policy, instead of being enforced to implement it.

### **Current developments**

#### Lack of representation

Although the veto’s aim was initially meant to be beneficial, it has turned out to cause various issues in the world of international politics and diplomacy. As previously mentioned, in the UNSC veto is only granted to the P5. However, after the Cold War, the geopolitical situation has altered, which has resulted in a vast change in the political scene. Particularly the P5 have started to gradually lose the power they once held, whilst other nations drastically developed and rapidly entered the political arena. A case in point is India, a country that after gaining independence, has played a key role in decision-making processes.

Therefore, the veto does no longer represent the equal distribution of power in politics, leaving many nations dissatisfied. More specifically, it is generally believed that the right to veto “violates the notion of “sovereign equality,” and that “a too rigid designation of permanent

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<sup>16</sup> "The Veto." *Security Council Report*, [www.securitycouncilreport.org/un-security-council-working-methods/the-veto.php](http://www.securitycouncilreport.org/un-security-council-working-methods/the-veto.php). Accessed 18 July 2024.

<sup>17</sup> "The Veto." *Security Council Report*, [www.securitycouncilreport.org/un-security-council-working-methods/the-veto.php](http://www.securitycouncilreport.org/un-security-council-working-methods/the-veto.php). Accessed 18 July 2024.

<sup>18</sup> "The Veto." *Security Council Report*, [www.securitycouncilreport.org/un-security-council-working-methods/the-veto.php](http://www.securitycouncilreport.org/un-security-council-working-methods/the-veto.php). Accessed 18 July 2024.

<sup>19</sup> "The Veto." *Security Council Report*, [www.securitycouncilreport.org/un-security-council-working-methods/the-veto.php](http://www.securitycouncilreport.org/un-security-council-working-methods/the-veto.php). Accessed 18 July 2024.



members in the Charter might hamper the ability of the United Nations to adapt transparently to the changing nature of power in the international system”.<sup>20</sup>

### Legality of Veto Use in Mass Atrocity Crime

Within international law and the context of the United Nations, there is debate over whether using veto power in cases involving mass atrocity crimes, is legal. However, there are serious moral and legal issues in using the veto in response to mass murderous atrocities. Opponents contend that using the veto in certain situations goes against the core tenets of the UN Charter, especially the pledge to uphold human rights, international peace and security. All UN member states adopted the Responsibility to Protect (R2P) theory in 2005, which argues that when a state fails to protect its people from mass atrocities, the international community has an obligation to step in and intervene. The use of veto power in these circumstances may hinder the international community from carrying out its duty, permitting crimes to go unpunished.

Legally speaking, the UN Charter recognizes the veto power, but its application in cases of mass crimes may conflict with other international legal obligations, such as the Genocide Convention, which requires governments to stop and punish genocide. To comply with these more extensive legal and moral duties, the International Law Commission and other legal experts have argued about whether the veto should be limited or regulated in cases involving mass atrocities.

### The phenomenon of veto abuse

The phenomenon of veto abuse refers to the constant exploitation of the right to veto by the P5. Although it may be their right to uphold any draft resolution they disagree with, the P5 tend to overuse, thus, abuse, their vetoes. The consistent vetoes hinder the global communities' efforts to contribute to any crisis that occurs. Rwanda, Darfur, Syria, Myanmar, and Yemen are just some examples of matters where frequent vetoes cost thousands of lives. There have been multiple attempts to restrict the power of the veto, but none of them have managed to persuade the P5 to refrain from using their vetoes.

### Case studies

#### Israel/Palestine

The most glaringly obvious veto abuse in the entire SC history is the United States' consistent exploitation of its veto when discussing Israel-Palestine. Admittedly, Israel has a strong impact on American domestic and foreign policy. This has been showcased by the monetary aid Israel receives, “which cannot be compared to the aid US provides other nations or the aid that any nation provides another. Another reason for the iron grip between the US and Israel is the conflation of anti-Zionism with anti-Semitism. Because of this culture in the US, it is difficult for government officials and even casual voters to express disapproval of Israel without being accused of anti-Semitism”.<sup>21</sup>

From 1948 to this day, Israel has been accused of actively and violently discriminating against Palestinians. The UN has recently concluded that “Israel has violated international human rights laws with its illegal settlements since Israeli government and military personnel have

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<sup>20</sup> "Research Report 3: The Veto 2015." *Security Council Report*, [www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/research\\_report\\_3\\_the\\_veto\\_2015.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/research_report_3_the_veto_2015.pdf). Accessed 18 July 2024.

<sup>21</sup>"Use of the Strategic Veto in the UN Security Council." *World Politics Data Lab*, [worldpoliticsdatalab.org/blog/use-of-the-strategic-veto-in-the-un-security-council/](http://worldpoliticsdatalab.org/blog/use-of-the-strategic-veto-in-the-un-security-council/). Accessed 18 July 2024.

arbitrarily arrested and detained Palestinians, evicted them from their homes, and even forced them to tear down their own property".<sup>22</sup> Even so, the US has blocked all draft resolutions criticizing Israel, so much so that issues regarding Israel-Palestine are the most vetoed issue in the history of the Council. US's constant veto use that shields its ally, hinders not only Israel's accountability for human rights abuses but also the provision of humanitarian aid and any potential ceasefires.

### Russia/Ukraine

According to Article 27 (3): "in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting".<sup>23</sup> This means that if a permanent member is involved in a dispute that is the subject of a draft resolution under Chapter VI or Article 52, it should abstain from voting and, consequently, not be able to exercise its veto power. The permanent members have only sporadically complied with this Charter requirement in reality. Article 27 (3) appears to have been violated by Russia's veto on March 15, 2014, of a draft resolution that would have declared the planned referendum in Crimea (S/2014/189) illegitimate. Ever after 2014, and especially after 2021, Russia has repeatedly used its veto upon anything related to Ukraine, from ceasefires to humanitarian aid.

The UNSC's inability to adequately address the issue as a result of this pattern of veto usage has allowed hostilities and human rights violations to continue. Russia's activities are motivated by geopolitical goals, such as restraining Western expansion and preserving its sway over Ukraine. This misuse of the veto power not only calls into question the legitimacy of the SC but also indicates how inadequate the current international system is for dealing with big power aggression. As a result, there have been many proposals for SC reform to ensure more efficient conflict resolution procedures and to stop the abuse of veto power.

### Syria

The situation in Syria is a matter that has been vetoed 26 times in the Council, all by Russia and China. The Syrian conflict has caused a massive refugee wave, both internal and external, however, the Russian and Chinese vetoes uphold humanitarian efforts in the region. China argues that its left-wing principles do not allow involvement in external crises. Russia, on the other hand, actively supports the Bashar al-Assad regime, meaning "the employment of artillery, air power, bulldozers, sectarian massacres, and even ballistic missiles to force Syrian populations out of insurgent-held areas". Russia's vetoes were meant to cover up its misdeeds and role in the Syrian crisis and continue supporting the civil war and the Assad regime without paying mind to the refugee crisis the war has created. On the contrary, China's role in the crisis is more passive, since it is not supporting any side of the war but its ideology.

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<sup>22</sup> "Use of the Strategic Veto in the UN Security Council." *World Politics Data Lab*, [worldpoliticsdatalab.org/blog/use-of-the-strategic-veto-in-the-un-security-council/](http://worldpoliticsdatalab.org/blog/use-of-the-strategic-veto-in-the-un-security-council/). Accessed 18 July 2024.

<sup>23</sup> Security Council Report. "Research Report 3: The Veto." Security Council Report, 2015, [www.securitycouncilreport.org/atf/cf/%7b65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7d/research\\_report\\_3\\_the\\_veto\\_2015.pdf](http://www.securitycouncilreport.org/atf/cf/%7b65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7d/research_report_3_the_veto_2015.pdf).

SECURITY COUNCIL VETOES ON SYRIA CONFLICT			
DRAFT RESOLUTION	DATE	CONTENT	APPROXIMATE DEATH TOLL FROM CONFLICT AT TIME
S/2011/612	4 October 2011	Condemned use of force by Syria authorities;	3,000
S/2012/77	4 February 2012	Supported a Syrian-led political transition	7,500
S/2012/538	19 July 2012	Stipulated that Syrian authorities cease troop movements in population centers	13,000
S/2014/348	22 May 2014	Referred Syria to the ICC	150,000 <sup>24</sup>

### Darfur

A striking example of veto misuse inside the Security Council, particularly by China and Russia, is the Darfur war, which broke out in 2003 in western Sudan. Attempts to take meaningful action were often hindered despite numerous claims of mass atrocities committed by the Sudanese government and its militias, including crimes against humanity, war crimes, and genocide. Specifically, China has made extensive use of its veto power to thwart resolutions that would have imposed sanctions on Sudan or sent the case to the International Criminal Court (ICC). China's significant oil investments in Sudan and its strategic partnership with the Sudanese government are mostly to blame for this obstacle.

Resolutions that would have placed harsher sanctions on the Sudanese government have been vetoed or threatened with vetoed by Russia. In this case, the misuse of veto power has seriously hampered international efforts to safeguard civilians and bring those responsible for crimes to justice, therefore, protracting misery and instability in the area.

<sup>24</sup> Security Council Report. *Research Report 3: The Veto*. Security Council Report, 2015. [www.securitycouncilreport.org/atf/cf/%7b65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7d/research\\_report\\_3\\_the\\_veto\\_2015.pdf](http://www.securitycouncilreport.org/atf/cf/%7b65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7d/research_report_3_the_veto_2015.pdf).



## United Nations Preventive Deployment Force (UNPREDEP)

The Republic of Macedonia, known as North Macedonia, today, hosted the United Nations Preventive Deployment Force (UNPREDEP) peacekeeping operation from 1995 to 1999. In order to maintain regional stability, the mission's goal was to keep an eye on and stop conflict from spreading to the former Yugoslavia's surrounding countries. Being the first UN mission to specifically prioritize conflict prevention over post-conflict peacekeeping, UNPREDEP was noteworthy.

In 1999, a Chinese veto resulted in the termination of the UNPREDEP mission, which had been highly regarded as a successful example of UN stabilization efforts. China justified the veto by claiming that the operation had completed its objectives and that the Republic of Macedonia no longer required a peacekeeping force. However, the actual reason behind the veto was the Republic of Macedonia's (RM) recognition of Taiwan diplomatically earlier in the year. China rejected Taiwan's sovereignty being recognized internationally at the time, viewing it as a renegade colony. China viewed Macedonia's recognition of Taiwan as a serious diplomatic setback, which prompted it to veto UNPREDEP's continuation.

Several states voiced fear that the mission's removal could further destabilize the region and damage the progress that had already been accomplished, given the extremely unpredictable situation that existed on the Balkans at the time. As expected, tensions rose in the years after UNPREDEP, and a small-scale violent conflict broke out amongst RM's ethnic groups in 2001. NATO forces were sent in to prevent a war from breaking out, but as a result of China's veto, the Macedonians were forced to go through yet another period of unrest, hardship, and uncertainty.

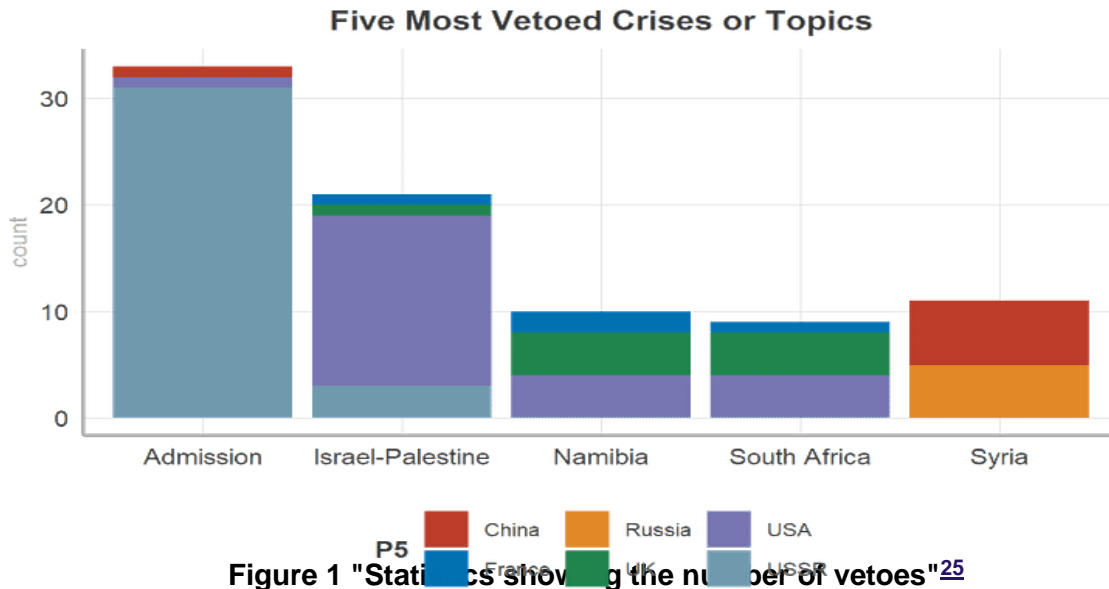


Figure 1 "Statistics showing the number of vetoes"<sup>25</sup>

<sup>25</sup> World Politics Data Lab. "Use of the Strategic Veto in the UN Security Council." World Politics Data Lab, [www.worldpoliticsdatalab.org/blog/use-of-the-strategic-veto-in-the-un-security-council/](http://www.worldpoliticsdatalab.org/blog/use-of-the-strategic-veto-in-the-un-security-council/).

## MAJOR COUNTRIES AND ORGANIZATIONS INVOLVED

### *Germany*

Germany contends that the UNSC's existing makeup, which is based on the post-World War II order, is out of date and does not fairly reflect the geopolitical landscape of the twenty-first century. Germany is dissatisfied with the underrepresentation of developing nations and geographical areas like Asia, Latin America, and Africa. For that exact reason, Germany has advocated for permanent seats for Japan, India, Brazil, as they are all members of a smaller alliance called Group of four (G4) that wishes to change the current status of SC and create a more inclusive and well-rounded Council.

Proposals to restrict the use of the veto in cases of mass atrocity crimes, have received support from Germany. This position is consistent with the Responsibility to Protect (R2P) movement, which holds that the international community must step in, when a state fails to defend its citizens against atrocities of this nature.

### *Canada*

The International Commission on Intervention and State Sovereignty (ICISS), established by the Canadian government in September 2000, struggled to find ways to strengthen the Council's ability to safeguard populations in situations involving widespread casualties or ethnic cleansing. The Commission argued that the permanent members of the Council should agree not to use their veto power to obstruct the passage of resolutions authorizing military intervention for human protection purposes for which there is otherwise majority support. This proposal was included in the report from December 2001, which gave rise to the concept of Responsibility to Protect (R2P). Despite the fact that the report became popular in the world of politics, the outcome did not differ. Since R2P is only a concept that is not mandatory, the P5 did not minimize their veto uses.

### *South Korea*

South Korea has been a proactive proponent of reforming the United Nations Security Council (UNSC), specifically pushing for modifications to the veto power and the general composition of the Council. South Korea, which has served as a non-permanent member of the UNSC several times, has continuously backed the expansion of both permanent and non-permanent memberships in order to better reflect contemporary global dynamics. This position seeks to strengthen the Council's legitimacy and efficacy in tackling issues of global security by augmenting the representation of developing and regional powers within the body. Participating in international forums such as the Intergovernmental Negotiations on Security Council reform, South Korea has added to the discourse on issues of accountability, openness, and the role of the veto in Council decisions.

Furthermore, South Korea supports enhanced UNSC working methods and has allied itself with groups like the Accountability, Coherence, and Transparency (ACT) group. It has supported plans to voluntarily limit the use of veto power in situations involving mass atrocities, highlighting the necessity for the UNSC to act more swiftly in situations involving humanitarian emergencies. South Korea has sought wider support for its reform agenda through regional diplomacy and coalition-building efforts in Asia and beyond, emphasizing the need to adapt the UNSC to modern global challenges and make sure that veto power does not impede Council action when immediate humanitarian intervention is needed.

## ***European Union (EU)***

The European Union has supported many suggestions aimed at reforming the Security Council's veto authority, particularly in cases involving mass atrocities and humanitarian disasters. One significant proposal that has been approved by the EU is the Code of Conduct for Security Council Action Against Genocide, Crimes Against Humanity, or War Crimes. This proposal urges permanent members of the UNSC to voluntarily abstain from using their veto power when credible reports indicate that such crimes have occurred in order to prevent the veto from obstructing timely and vital humanitarian intervention. Furthermore, the EU has backed the French plan, which highlights the necessity of principled and accountable Council action and, in a similar vein, calls for a voluntary code of conduct to curtail the exercise of veto power.

Additionally, through its member states, the EU backs the Accountability, Coherence, and Transparency (ACT) group's efforts to enhance SC practices. This entails encouraging more transparency in Council decisions and taking action to reduce the veto's capacity to obstruct effective humanitarian aid. The EU also takes part in UNGA discussions and backs resolutions that attempt to lessen the veto's detrimental effects on UNSC operations and promote more responsible veto use. EU member states take an active part in the UNSC reform Intergovernmental Negotiations (IGN) to discuss methods to enhance the Council's representation of global realities and responsiveness, particularly reforms pertaining to veto power.

## ***Small 5 (S5)***

The S5, a collection of five small-size nations, namely Costa Rica, Jordan, Lichtenstein, Singapore, and Switzerland, started addressing problems with the way the Council operated and supported a number of changes meant to enhance the Council's effectiveness. A permanent member intending to exercise a veto or already exercising one should, according to the S5, explain their choice in a way that aligns with the goals and tenets of the UN Charter as well as applicable international law. The S5 states that the entire UN membership should receive this explanation as a Council document. The S5 further urged the permanent members to abstain from utilizing their veto power to thwart Council initiatives meant to stop or prevent crimes against humanity, war crimes, and genocide.

## ***Amnesty International***

Reforms that would either completely remove or severely restrict the use of the veto in situations involving mass atrocities are supported by Amnesty International, a Non-Governmental Organization that is aiming at promoting human rights. Amnesty encourages the establishment of precise guidelines for using veto power so as not to obstruct immediate humanitarian assistance. Amnesty International advocates for reforms that strengthen the UNSC's capacity to protect vulnerable populations and hold atrocity perpetrators accountable under international law. This stance reflects the organization's larger goal to defend human rights and advance international justice. An example of Amnesty's attempts to decrease the number of vetoes is its close collaboration with UNGA. Especially when discussing resolution, A/77/L.52, Amnesty International expressed its will to boost SC's accountability and transparency by upholding the veto power.

## **TIMELINE OF EVENTS**

<b>DATE</b>	<b>DESCRIPTION OF EVENT</b>
26 June 1945	Establishment of the UN Charter
24 October 1945	Enforcement of the UN Charter
16 February 1946	The first veto in the history of the UNSC cast by the USSR
26 June 1946	First veto use by France
3 November 1950	Establishment of the “Uniting for Peace”
14 December 1955	First veto by China
30 October 1956	First veto by the UK
17 March 1970	First veto by the US
1991	End of the Cold War
25 February 1995	Veto on UNPREDEP by China
September 2000	Establishment of the “Intervention and State Sovereignty” (ICISS) by Canada
24 September 2002	Establishment of the Resolution 1435

16 September 2005	Establishment of the "Responsibility to Protect"
15 March 2014	Violation of the UN Charter by Russia's veto on a resolution regarding Crimea
July 2015	Enforcement of ACT
August 2015	Enforcement of the French Initiative

## RELEVANT UN RESOLUTIONS, TREATIES AND EVENTS

### ***Resolution 377 (1950) - "Uniting for Peace" Resolution***

"Uniting for Peace" is a UN principle and method that empowers the General Assembly to act collectively in cases where the Security Council is unable to act because one or more permanent members have exercised their veto power. It was created as a resolution in 1950, during the Korean War, when the Soviet Union's use of the veto caused the Security Council to become unauthorized to intervene. "Uniting for Peace" essentially states that the General Assembly may call an emergency special session to address a problem if the Security Council is unable to uphold international peace and security because its permanent members cannot agree. The General Assembly may adopt resolutions during this session that call for group actions to be taken in order to address the current situation, such as the imposition of penalties or the use of force.

Regarding the veto limitation, the "Uniting for Peace" resolution offers a procedural means by which the General Assembly might avoid the paralysis of the Security Council resulting from the use of veto power. This is especially true when grave human rights violations or severe humanitarian emergencies call for swift international intervention, but an impasse among the permanent members of the UNSC precludes decisive action. By using "Uniting for Peace," the General Assembly may overcome the veto's obstructive effect on the UNSC's efficacy and galvanize global cooperation and action to address these pressing concerns.

Unfortunately, "Uniting for Peace" faces limitations in its efficacy due to political realities and Member States' willingness to carry out resolutions passed by the General Assembly. Regardless of what the General Assembly does, powerful states, especially those with veto power in the Security Council, may nevertheless have a major impact on how the world responds to crises. In reality, diplomatic attempts to break an impasse in the Security Council usually center on compromises or other alternatives that can win over more members of the Council than just

"Uniting for Peace." This involves trying to resolve disagreements amongst the P5 countries through regional diplomacy, informal negotiations, and mediation.

### ***Resolution 1435 (2002)***

When the UN Security Council issued Resolution 1435 in 2002, it was primarily concerned with the crisis in Angola and the imposition of sanctions on a local rebel group. The resolution emphasized the Council's concern over the decades-long conflict in Angola, which has caused instability and humanitarian suffering. The fact that Resolution 1435 acknowledged the difficulties caused by permanent members of the Security Council exercising their veto authority was one of its important features. These vetoes might prevent or postpone the use of sanctions, which were thought to be an essential tool for pressuring the rebel group to end hostilities and start peace talks.

Therefore, Resolution 1435 represented larger UN discussions regarding the effect of veto use on the Council's capacity to uphold global peace and security. It sparked continuing discussions and analysis of possible changes to lessen the harmful effects of the veto, particularly in circumstances where immediate action is needed to safeguard people and advance peace. In the end, Resolution 1435, without directly altering the existing veto system, facilitated the UN's continuing discussion about Security Council reform and the need for procedures to guarantee more efficient decision-making in situations where the use of the veto power could obstruct prompt international responses.

## **PREVIOUS ATTEMPTS TO SOLVE THE ISSUE**

### ***Responsibility to Protect (R2P)***

An international initiative called the Responsibility to Protect, or R2P, was signed on 16 September 2005, as it aimed to put an end to mass atrocity crimes. The idea came about as a result of the international community's inability to appropriately address the widespread crimes carried out in the 1990s in Rwanda and the former Yugoslavia. The notion of Responsibility to Protect was developed in 2001 by the International Committee on Intervention and State Sovereignty (ICISS).

2005 saw the largest-ever assembly of heads of state and government, the UN World Summit, where the Responsibility to Protect was overwhelmingly accepted. It was decided that R2P should cover 3 main aspects: "1. Every state has the Responsibility to Protect its populations from four mass atrocity crimes: genocide, war crimes, crimes against humanity, and ethnic cleansing; 2. The wider international community has the responsibility to encourage and assist individual states in meeting that responsibility; 3. If a state is manifestly failing to protect its populations, the international community must be prepared to take appropriate collective action, in a timely and decisive manner and in accordance with the UN Charter".<sup>26</sup>

More than 80 UN Security Council resolutions have referenced the Responsibility to Protect (R2P). These resolutions have addressed the crises in the Central African Republic, Côte d'Ivoire, Democratic Republic of the Congo, Liberia, Libya, Mali, Somalia, South Sudan, Syria,

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<sup>26</sup>Global Centre for the Responsibility to Protect. "What is R2P?" Global Centre for the Responsibility to Protect, [www.globalr2p.org/what-is-r2p/](http://www.globalr2p.org/what-is-r2p/).



and Yemen. Additionally, there have been resolutions on the theme of preventing genocide, preventing armed conflict, and limiting the trade in small and light weapons. Thirteen General Assembly resolutions and more than fifty Human Rights Council decisions have also referenced the Responsibility to Protect. Collective action to safeguard populations at risk is feasible, as shown by these resolutions and the associated preventive and coercive actions used as a last option.

### ***Accountability, Coherence, and Transparency (ACT)***

A code of conduct regarding Security Council action against genocide, crimes against humanity, and war crimes was developed in July 2015 by the Accountability, Coherence, and Transparency (ACT) group, which is made up of 27 small and medium-sized states and works to strengthen the methods used by the Council. The code aims to promote prompt and resolute action on the part of the Council to stop or prevent crimes against humanity, war crimes, and genocide from occurring. It recommends that all member states have a shared responsibility in the fight against atrocities. By February 10, 2022, 122 Member States, including two P5, the UK and France, and two observers, had signed the code of conduct.<sup>27</sup>

### ***French (and Mexican) Initiative***

France and Mexico jointly announced the "Political Declaration on Suspension of Veto Powers in Cases of Mass Atrocity" in August 2015, also known as the French (and Mexican) Initiative. The intention was to coax the P5 to promise not to exercise their veto power in situations involving widespread war crimes, crimes against humanity, and genocide. Only the UK and France, two of the permanent members with veto power, have backed this proposal this far. Two UN observers and 103 member nations had signed the declaration as of April 2022.

## **POSSIBLE SOLUTIONS**

### ***Establishing a conditional veto***

It is strongly advised that a conditional veto system be implemented, in which permanent members would have to get consent from the rest of the SC members or give an explanation before exercising their veto power. This could establish clear conditions that a veto must meet before being exercised, ensuring that it allies with more general international agreements, namely the UN Charter, ACT and the French Initiative, and humanitarian imperatives. Provided that the conditional veto mechanism requires justification and consensus, such a solution may result in a more principled and expeditious decision-making process in response to humanitarian emergencies and threats to international peace and security via strengthening multilateral collaboration.

### ***Expanding the UNSC membership***

Many states have stressed their will to alter the already existing operation system of the SC and expand the membership. There are two main aspects in this proposal: 1. The number of

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<sup>27</sup> Security Council Report. "In Hindsight: Challenging the Power of the Veto." Security Council Report, May 2022, [www.securitycouncilreport.org/monthly-forecast/2022-05/in-hindsight-challenging-the-power-of-the-veto.php](http://www.securitycouncilreport.org/monthly-forecast/2022-05/in-hindsight-challenging-the-power-of-the-veto.php).

the P5 is expanded, 2. The number of the non-P5 is expanded. By implementing the first aspect of the measure, countries like Germany, India, Brazil, South Africa, Singapore, Japan, and South Korea which have gained a vast amount of power throughout the last 4 decades will also feel represented in the SC. As far as the second aspect is concerned, expanding the membership for non-P5 countries will promote sovereign equality, since countries whose policy was once unexpressed will finally have the opportunity to engage in diplomatic dialogues in the most prestigious UN organ. However, there have to be specific criteria when it comes to changing SC's operation. The geopolitical situation of the state and the number of times it has already been in SC are factors that must be taken into account when granting the expansion of membership.

### ***Enhancing the General Assembly's role in decision-making processes***

Via this solution, the General Assembly (GA) can have a much more proactive and influential role, and, thus, minimize the veto's impact on security issues. The GA could be given more authority to act decisively in the event that the Security Council is immobilized. This could be ensured by renewing the "Uniting for Peace" resolution, and, hence, allowing the GA to take action when the SC is incapable. International cooperation is essential to address and situations of severe humanitarian emergencies, such as mass atrocity crimes and military interventions. The aforementioned strategy tries to provide prompt and efficient solutions to global crises by offering another forum for action, thereby avoiding the veto's potential for obstruction.

### ***Reinforcing the UN Charter***

Reinforcing the UN Charter is vital, in order to ensure that all Member States are respecting it. Especially articles 27 and 52 must be taken into account by the P5 before vetoing a draft resolution. Vetoing an item that addresses a conflict that a P5 is engaged in will not be tolerated but punished. The P5 must be held accountable when violating the UN Charter. A potential punishment could be the temporary freeze of their veto power, meaning that they cannot exercise their vetoes for a specific period of time. Having punishments for such illegal actions will persuade the P5 to refrain from abusing their veto.

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