

The Effectiveness of The Veto Right in The Security Council; A Descriptive Analytic Study

Hatim Asiri ⁽¹⁾

⁽¹⁾ Master Student at University of Southern California

hamoasiri@kku.edu.sa

Received 23/07/2022	Accepted 18/08/2022	Published 27/09/2022
-------------------------------	-------------------------------	--------------------------------

Abstract:

World peace is one of the most significant objectives for which the United Nations was established. The veto right of the five permanent members of the Security Council is a critical tool that aims to ensure global peace. However, the veto right is an absolute right to the permanent members, which led to some exceeding usage of this right by some of the members in many cases. The research examines the efficiency of the veto right in maintaining global peace. This research followed the descriptive analytical method to examine the research problem. The research results indicate that the current veto regulations are too broad. The research recommends that the United Nations should reform and narrow the scope of the veto right in order to avoid exceeding this right by the permanent members.

key words: Veto Right, the Security Council.

¹ - Corresponding author: Hatim Asiri, Email: hamoasiri@kku.edu.sa

introduction:

The United Nations is a global organization with 193 members. The Members voluntarily commit themselves to collaborate in order to create a practical and secure international assembly for humanity around the world (Gareis & Varwick, 2012). The U.N has many agencies that function effectively to achieve the U. N's objectives, and one of these agencies is the security council. The security council is the primary tool in the U.N body that aims to maintain peace around the globe (Luard, 1979).

One of the security council tools to maintain the peace is the Veto Right. The veto right is the ability of the five permanent members of the security council (The United States, The United Kingdom, France, Russia, and China) to vote in blocking any substantive resolutions presented to the security council assembly (Trahan, 2020).

The importance of the study emerges at this time due to various global conflicts, which require an active role from the Security Council to maintain global peace. Another importance of the study is to examine the effectiveness of the veto right in the Security Council in maintaining global security, especially with some incidences that indicate excessive use of this right by some of the permanent members since the establishment of the Security Council.

This research will follow descriptive and analytical methods. The study will examine the legal debate about the effectiveness of the veto right. Then the study will analyze this legal argument in order to provide the most practical solutions that can assure the most appropriate usage of the veto by the permanent members.

This research will have four sections. The first section will discuss the evolution of international relations throughout history. The second section will focus on the security council and the veto right and examine the legal arguments regarding this right. The third section will discuss the veto usage and illustrate in a chart the veto usage by the five permanent members from 1945 until now. The last section will discuss the research results and provide some recommendations.

Section I: The Evolution of International Relations:

The concept of international relations is not new. In the late-thirteenth century B.C.E., The Egyptians and Hittites were at war. Both sides were tired of the conflict between the two nations and wanted to stop the conflict. Therefore, they wrote the first peace treaty in history, called the "Kadesh Treaty." The treaty stated that the war between Egyptians and the Hittites should end, and they shall live with peace from each other endlessly (Moloo, R. 2013).

The idea of international relations has been developed throughout history, until it reached a critical event that shaped international law principles until this day, the Westphalia treaty in 1646. This treaty was the result of the thirty years' war in Europe. The Westphalia treaty was the initial step toward a new diplomatic system in modern international law. The treaty recognizes each country's sovereignty and the geographic boundaries between the European states and eliminates the political involvement of the church. The treaty also allowed each country to determine its political, social, and economic systems. These principles were enshrined by the United Nations after World War II (ZREIK, M. 2021).

A) The League of Nations:

In 1919, after the wild spread destruction of the first world war, the international community desired to prevent significant conflicts from happening again. Therefore, they established the League of Nations. The League's central object was to keep global peace and resolve any international disputes. Unfortunately, the League of Nations could not serve its purpose, and it could not prevent World War II from happening, which led the League to collapse (Sobel, R. S. 1994).

B) The United Nations:

At the end of World War II, the international community wanted to establish an influential international institution more compelling than The League of Nations. Therefore, the United Nations was instituted in 1945 as the advanced version of the League of Nations. The main goal of the U.N. is to sustain peace and friendly diplomatic relation between the countries and ensure human rights globally (Sobel, R. S. 1994).

Section II: The Security Council and the Veto Right:

The security council at the U.N is the responsible branch for producing global security resolutions. However, there are several arguments about the usage of veto power by the five permanent security council members and how this right affects international decisions.

A) Arguments Against the Veto Right:

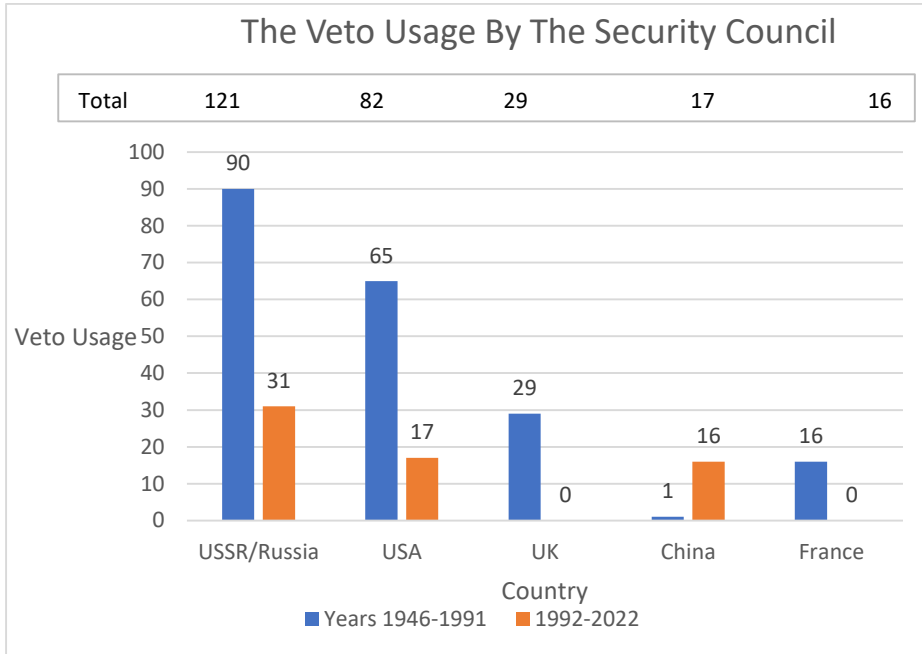
Some scholars argue that the use of the veto right from the five members is quite selfish. Any of the five members can block any decision from the Security council if that resolution conflicts with their interests, which raises questions about the efficiency of the Security council. (Al Shraideh, S. 2017). The most recent controversial example was the Syrian war in 2011 when Russia and China vetoed a decision to stop the war in violence in Syria (Webb, P. 2014). Another argument claims that the veto right can lead to paralyzing on the security council performance. Until this day, more than 250 decisions have been vetoed for a variety of purposes (Al Shraideh, S. 2017).

B) Arguments in Favor of the Veto Right:

On the other hand, the scholars who support the practice of veto rights debate that the five permanent members are the ones that have the ability maintain global peace. They also emphasize that the veto power is an essential tool to measure the security council resolutions. Additionally, the veto power keeps the U.N. standing and not facing the same fate as the League of nations, especially when some of the five permanent members rejected joining the U.N. unless they had the veto right (Al Shraideh 2017).

Section III: The Veto Usage:

This section displays the number of times the permanent members of the Security Council have used their veto right since the establishment of the Security Council in 1945 until 2022.



(Figure 1 adopted from Dag Hammarskjöld Library Research Guide)

Figure 1 shows the number of times the five permanent members of the Security Council have used the veto power since the establishment of the UN. The blue bars distinguish the veto usage during the cold war (1946-1991) as it is a critical era in UN history. On the other hand, the red bars reveal the veto practice after the cold war (1992-2022). The graph clearly illustrates the tremendous impact of the cold war on the security council's decision-making and the veto usage, especially that of between the United States and The Soviet Union (USSR). We can see USSR used the Veto alone 90 times during the cold war. during the first nine years of the U.N, USSR was the only country that ever used the Veto, and it has been used 57 times during these nine years. In the first nine years, many of the blocked decisions by the USSR were decisions

against applications of new memberships to the UN from different countries. On the other hand, The United States was the second greatest user of the Veto right during the cold war era. Not quite far from USSR, The United States used the Veto right 65 times during the cold war. The United States began to exercise the Veto right in early 1970. The United States used the Veto for various purposes; nevertheless, a large portion of the veto usage by the US was concerned the situation in the middle east. The remaining permanent members (UK, China, France) are the fewer users of the veto power. The United Kingdom only blocked 29 decisions on different occasions. France only exercised the veto power 16 times for a variety of reasons. China blocked only one decision during the cold war, vetoing Bangladesh's admission for membership in the U.N.

After the cold war, the Veto usage decrease is noticeable for most of the members except China. Russia, and the United States remain the countries that use the veto most. Russia's most usage of the Veto is concerning the situation in the Middle East, especially in Syria. On the other hand, the United States mainly used the Veto regarding the Palestinian situation. Unlike the other members, China's usage of Veto has rapidly increased after the cold war. Most of the recent decisions blocked by China are related to the middle east, particularly in Syria. The United Kingdom and France ceased their usage of Veto after the cold war. The last time they used the Veto was in 1989 regarding the situation in Panama. The five permanent members of the security council used the veto right 265 times since the establishment of the UN. Disregarding the debate about

the five permanent members' proper usage of the veto right, the veto remains a critical tool that affects global security (Dag Hammarskjöld Library, 2022).

Section IV: Discussion:

The paper examined the evolution of international law throughout history. Also, the paper discussed the functions of the United Nations to sustain global peace. The main focus of this paper concerns the global security impact of the veto usage by the five permanent members of the Security Council.

Evaluating the Arguments Regarding the Veto Right:

Following the analysis in the paper, a reasonable question might be raised; Is the veto a practical tool to sustain global security, or does it only serve the five permanent members' self-interests? The answer to this question is complicated—both sides, which are in favor and against the veto usage, have valid answers to this question. Scholars who are against the veto argue that the veto right is selfish (Al Shraideh 2017). How can the world's security decisions be so remarkably affected by only five countries? The cold war era is notable time in which there are many examples of the veto right's significant effect on the council's decisions. Even though there has been a decrease in veto usage after the cold war, nothing can prevent such conflict from happening again. Furthermore, what is going to preclude the veto usage from sparking again?

On the other hand, scholars in favor of veto argue that it is a vital tool to maintain a balance between great powers in the world and prevent major conflicts from occurring. Moreover, the five permanent members would not give up their veto right (Rogozhin, V. 2020) In the plenary session of the Russian Energy Week, Russian President

Vladimir Putin emphasized the need for the veto right for the five members. He said: "Depriving permanent members of the United Nations Security Council of their veto rights would destroy the world body." (Reuters, 2021)

Conclusion:

To evaluate the argument regarding the veto right in the security council, we need to be realistic and objective. It might be accurate that some of the five permanent members have exceeded the veto usage on some occasions for their self-interest. However, that is not the case most of the time. The security council's primary goal is to keep global peace, and sometimes the veto is the most effective tool to achieve that goal. Also, it is highly unlikely that the five permanent members would simply abdicate their veto right.

Here are the results and suggestions for this research:

A) The Veto Regulations are too Broad:

The study question was whether the veto power is an effective tool to ensure global peace or not. In many cases, the veto right of the permanent members appears to be an effective tool to ensure global peace. However, the current veto regulations are too broad. Article 27.3 of the Charter of the United Nations granted the absolute and unlimited right to use the veto power by any of the five permanent members to block any suggested resolution in the security council. (United Nations, 1945). This absolute right must be adjusted and narrowed to avoid exceeding this power's usage by the permanent members and achieving the security council's objective of maintaining global peace. In order to do that, the United Nations need to reform the veto's regulations and narrow its usage. The study suggests that each of the five permanent

members should have a limited number of veto usage for each session. For example, each of the five permanent members has the right only to veto two resolutions in each of the security councils' sessions.

Furthermore, resolutions for stopping human rights violations such as genocides or killing innocent civilians should be out of the veto range. The security council should act immediately to end any violations of human rights, and these actions should not be affected by the veto power (Al Shraideh 2017). Narrowing the veto usage can be a practical approach to avoid exceeding the use of this power by the permanent members.

B) Adjusting the Veto regulations is more doable now than before:

In the current time, it might be easier to push for reforming and limiting the veto right regulations without the concern that any of the five members would abandon the U.N in protest of the new suggested regulations. Most international rules and agreements are related to the U.N; it would be challenging for any country to improve its international relations without being a member of the U.N. The United Nations establishment structure was based on the circumstances of WWII. It has been over 75 years since WWII, and the world has changed. Future research should provide suggestions to moderate the current formation of the U.N, especially the Security Council, to keep pace with changes in the world.

References:

Books:

- 1- Gareis, S., & Varwick, J. (2012). The United Nations System. In *The United Nations* (pp. 1–2). essay, Palgrave Macmillan.
- 2- Luard, E. (1979). The Security Council: keeping the peace. In *The United Nations: How it works and what it does* (pp. 9–10). essay, ST. Martin's Press.
- 3- Trahan, J. (2020). Introduction. In *Existing legal limits to Security Council veto power in the face of Atrocity Crimes* (pp. 1–2). essay, Cambridge University Press.

Journal Articles:

- 4- Al Shraideh, S. (2017). The Security Council's Veto in the Balance. *JL Pol'y & Globalization*, 58, (p.135-145).
- 5- Mooloo, R. (2013). When actions speak louder than words: the relevance of subsequent party conduct to treaty interpretation. *Berkeley Journal of International Law*, 31(1), (p.39-88).
- 6- Sobel, R. S. (1994). The League of Nations Covenant and the United Nations Charter: An analysis of two international constitutions. *Constitutional Political Economy*, 5(2), (p.173-192).
- 7- Webb, P. (2014). Deadlock or restraint? The security council veto and the use of force in Syria. *Journal of Conflict and Security Law*, 19(3), (p.471-488).
- 8- ZREIK, M. (2021). THE WESTPHALIA PEACE AND ITS IMPACT ON THE MODERN EUROPRAN STATE. *Quantum Journal of Social Sciences and Humanities*, 2(1), (p.1–16). <https://doi.org/10.55197/qjssh.v2i1.41>

Websites Sources:

- 9- Rogozhin, V. (2020, October 3). *UN75 ↔ Towards Security Council Reform ↔ Metaphysical, Ontological, and Existential Statuses of the Veto Right (1)*. Vixra.org. Retrieved November 2, 2021, from <https://rxiv.org/abs/2010.0013>
- 10- Dag Hammarskjöld Library. (2022) *Security Council - Veto List*. United Nations. Retrieved August 15, 2022, from <https://research.un.org/en/docs/sc/quick>
- 11- Reuters, T. (2021, October 21). *Putin Warns Against Depriving U.N. Security Council Members of Veto Rights*. U.S News & World Report. Retrieved November 14, 2021, from <https://www.usnews.com/news/world/articles/2021-10-21/putin-warns-against-depriving-un-security-council-members-of-veto-rights>
- 12- United Nations. (1945). *UN charter*. United Nations. Retrieved August 15, 2022, from <https://www.un.org/en/about-us/un-charter>