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The United Nations Security Council ('UNSC') is composed of 15 members: the Permanent Five ('P5') and ten non-permanent seats, which are voted on every two years (five per year). The P5 members are China, France, United-Kingdom, the United-States, and Russia.

ARTICLE 27 OF THE UN CHARTER

Pursuant to Article 27 of the UN Charter, to pass a resolution in the UNSC:

"1. Each member of the Security Council shall have one vote.

2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members.

3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting."

The UNSC veto is implicit in Article 27 (3) of the UN Charter. It is the most significant distinction between the P5 and non-permanent members, and sits at the heart of the Council's power relationships. It is also the most important issue raised in the context of reforming the UNSC's working methods.

A BIT OF HISTORY

The concept of a veto power predates the UN. Pursuant to Article 5(1) of the 1920 Covenant of the League of Nations, *every* member of the League Council – whether permanent or non-permanent – had a veto over any non-procedural decision. Even if this mechanism was considered efficient when the League was founded (1920, 4 permanent and 4 non-permanent members), the expansion of the Council (1936, 4 permanent and 11 non-permanent members) clearly demonstrated the weaknesses of the system. With 15 countries possessing the veto power, agreement was rarely reached.

During the negotiations for the creation of the UN (Dumbarton Oaks, August-October 1944; Yalta, February 1945), the principle of unanimity was put forward by the future P5. This wish was clearly expressed in San Francisco, where the future P5 made the veto power a fundamental condition for the founding of the UN.

Once the UN came into existence, the veto power was mainly used for the defence of national interests, or for the promotion of a particular issue for a State. On 16 February 1946, the Union of Soviet Socialist Republics ('USSR') exercised the very first veto over a draft resolution proposing the withdrawal of foreign troops from Lebanon and Syria (S/PV.23). The Cold War period was the most intense in terms of the veto's utilization.

For the decade following the end of the Cold War in 1991, the veto was employed far less frequently. Indeed, France and the UK have not cast a veto since 23 December 1989 (S/21048).

As of 1 July 2020, Russia/USSR has used its veto 143 times, United States 83 times, UK 32 times, France 18 times, and China 16 times.

For a UNSC veto list, see: <https://research.un.org/en/docs/sc/quick>

REFORMING THE UNSC?

For the majority of States, the veto power is perceived as undemocratic. It is viewed as an instrument for the promotion of self-interest, arguably contrary to UN Charter principles, that prevents the UNSC from being efficient. The fact that this veto is only given to the P5 is also criticized, including by the UN's largest voting bloc, the Non-Aligned Movement. Reform of the veto power is therefore often included in proposals for reforming the Security Council. However, an amendment of the Charter is itself subject to the veto.

In January 1997, UN Secretary General Kofi Annan announced a plan for the UN's renewal. He set out an agenda of better management and coordination across the entire UN system, as well as stronger human rights promotion and peacekeeping operations. In 2002, Annan announced further reforms, including enhanced coordination of the organizations in the UN system. In March 2005, Annan presented his report "In Larger Freedom" addressing issues such as terrorism, financing for development, enlarging the Security Council and replacing the Human Rights Commission. Annan wanted states to adopt all proposals as a package and urged delegations to come to consensus in time for the 2005 World Summit. However, after the Summit, the debate still continued over how the UN should be reformed and with what goals for the future.

On 2 May 2013 the Accountability, Coherence and Transparency ('ACT') cross-regional group of small and medium-sized States aimed at enhancing the effectiveness of the UNSC was launched. Its objective is to improve the UNSC's working methods, especially regarding the use of the veto.

In 2015 ACT proposed a "Code of Conduct regarding Security Council action against genocide, crimes against humanity and war crimes". The code calls upon all members of the UNSC to refrain from voting against any credible draft resolution intended to prevent or halt mass atrocities.

Uniting for Peace resolution and the veto power

The "Uniting for Peace" resolution, adopted on 3 November 1950, is meant to address the failings of the UNSC in meeting its responsibility to maintain international peace and security when faced with a veto by one of its permanent members.

While "reaffirming the importance of the exercise by the Security Council of its primary responsibility for the maintenance of international peace and security, and the duty of the permanent members to seek unanimity and to exercise restraint in the use of the veto", Part A of the U4P Resolution states that: "(...) if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed force when necessary, to maintain or restore international peace and security."

Indeed, the General Assembly has a recognized secondary responsibility for the maintenance of international peace and security. It may make recommendations for collective security in the place of a Security Council majority paralyzed by the veto.

REFERENCES

Veto: <https://www.un.org/securitycouncil/content/voting-system>
<https://www.securitycouncilreport.org/un-security-council-working-methods/the-veto.php>

Code of Conduct regarding Security Council action against genocide, crimes against humanity and war crimes: <http://undocs.org/A/70/621>

Uniting for Peace and veto: <http://www.un-documents.net/a5r377.htm>

UN General Assembly and Veto Power:
<https://www.un.org/press/en/2018/ga12091.doc.htm>

