

# ***Options and Paths for Breaking the Deadlock over the Veto Power of the Permanent Members of the Security Council***

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**Abstract:** The veto power of the permanent members of the Security Council has always been a topic of intense discussion, and its historical and complex characteristics mean that it cannot be easily resolved. Veto reform proposals for permanent members of the Security Council have been floating around the international community, but no real changes have been made. Based on the background of the veto, the current situation of the veto abuse, the reform of the veto mechanism, the increase of permanent seats, and the establishment of the monitoring mechanism, this paper makes a critical analysis of the Security Council and puts forward suggestions for reform. This paper proposes the second negative, international organizations as individuals to enter the UN Security Council and so on, which provides a new way of thinking for the reform of the Security Council. The purpose is to promote the fairness and justice of the Security Council, meet the vital interests of more countries, and enable the Security Council to better perform its duties and maintain peace and security of the international community.

**Keywords:** Veto, United Nations Security Council, Permanent member, Supervision mechanism, League of nations

## **1. Introduction**

The purpose of this paper is to present some proposals for the reform of the veto power of the permanent members of the Security Council based on the existing information and literature on the UNSC. The proposed reform of the veto power of the permanent members has always been in progress and has been a matter of heated discussion in the international community, but there has not been any substantial measure to change the status quo of the veto power. This paper aims to comprehensively analyse the current situation from the perspective of each country in the international community and put forward some ground-breaking proposals. It is hoped that this paper will serve as an inspiration to the international community in reforming the veto power in the Security Council, which will make the Security Council fairer and more equitable and better contribute to the peaceful development of the international community.

## 2. The veto

### 2.1. What is the veto

A veto refers to the power of an organisation or individual to unilaterally decide to stop a legislative process, and the holder of a veto has unlimited power to prohibit a change in a policy, but not unlimited power to promote a policy or bill. A veto, on the other hand, means that in a ballot election or vote, a single negative vote negates the candidate or what is being voted on.

In the United Nations, the UN Security Council veto, also known as the right of veto, is the right of each of the five permanent members of the UN Security Council to veto a draft UN Security Council resolution. In this way, the permanent members can exercise their right of veto on any decision of the Security Council, even if it receives the support of the majority of the members. Article 27, paragraph 3, of the United Nations states that "in all other matters, the Security Council shall vote by the affirmative vote of nine member states, including the joint vote of all permanent members; except for resolutions relating to matters.

In principle, a resolution can be adopted only with the consent of nine members, but the five permanent members have the right of veto, which essentially puts the adoption of a resolution in the hands of the five countries. They are able to block the adoption of substantive resolutions and decide on their substantive attribution.

### 2.2. Background to the veto

Article 23 of the United Nations Charter states that "The Security Council shall consist of fifteen members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall become permanent members of the Security Council." The veto was an important prerequisite for the unification of the five powerful nations, the founding of the United Nations, learning the lesson that the League of Nations had to be agreed upon by all, which led to the dissolution of the League due to disagreements, and helping nations unite and work together to promote peace and stability in the international community.

When the UN was created, many small states resented the permanent members' veto power.[1] But the permanent members had their say. "The evidence is that Great Britain, the United States, the Soviet Union, and France believed that cooperation between nations was desirable, and this motivated them to approve the veto, as well as to protect their sovereign rights and national rights. [2] Thus, it is clear that the United Nations Organization has been firmly in the hands of the big powers since its inception. The intention to create a multilateral situation with the five countries at the head was a great help in stabilizing stability. contributed to the peace and security of the international community to some extent. However, the five countries also deeply considered their own interests and were not completely fair and impartial. The veto gives the five powers, in fact, additional immunity.[3]

### 2.3. League of Nations and United Nations links

The League of Nations was the predecessor of the United Nations and most of its rules. The two leagues are similar in that both seek to promote peace and stability in the international community.

The administrative bodies of the League of Nations adopted the principle of unanimous voting, which required the consent of all member states for the adoption of the treaty. This limits the acceptance and enforcement of treaties and makes it difficult for the League to accept treaties, and the role of the League exists in name only. The voting system which led to the establishment of the League of Nations by more and more countries was highly illogical and did not serve the purpose of promoting international peace.

The United Nations learned this lesson and created the principle of unanimity, whereby the five permanent members decide unanimously whether to adopt a resolution.[4] This greatly facilitated the adoption of treaties and led to the implementation of more treaties for the benefit of humanity. the permanent five were given the privilege of veto and permanency because without such benefits the major powers would withdraw from the organization as they had done in the past. [5]They were given veto power and permanent seat privileges to prevent major powers from leaving organizations such as the League of Nations, as they had done in the past. Indeed, to date no permanent member has applied to withdraw from the Security Council or the United Nations, and not one of the five permanent members has withdrawn from the Security Council or the United Nations. [6]

### 3. Status of veto abuse

#### 3.1. Embarrassment of the Council as a result of the veto

Since Article 27, paragraph 3, of the Charter of the United Nations stipulates that "In all other matters the Security Council shall vote on resolutions of the Council by the affirmative votes of nine members, including the concurring votes of all the permanent members; but in the case of resolutions relating to matters falling within Chapter VI and Article 52, paragraph 3, the parties to the dispute shall not vote thereon", it is important to have a veto in the hands of the five countries. The veto in the hands of the five is very important. The five permanent members are vested with powers, but not responsibilities. Non-permanent members are given responsibilities, but not powers.[7].

The data shows:

I) As of 2023 the United States has cast 81 vetoes, China has cast 16 vetoes, Russia has cast 109 vetoes, the United Kingdom has cast 31 vetoes, and France has cast 31 vetoes.

Table 1 shows: This is an alarming statistic; the number of vetoes cast by the five permanent members is a very scary number, and a large number of decisions and treaties have been rejected, leading to a slowdown in the process of globalisation.

Table 1: The number of veto votes by States until 2023.

<i>No.</i>	<i>states</i>	<i>vtto</i>
1	China	16
2	France	31
3	Russia	109
4	United Kingdom	31
5	United States	81

II) The use of the veto by States increased exponentially after 1970, with Russia casting half of the total number of vetoes.

Sources from UN website <https://www.un.org/securitycouncil/zh/content/veto>.

The permanent members will not hesitate to press for a negative vote on any resolution that involves a conflict with their national interests. There is also the fact that when a Member State wants to become a permanent member, all countries will present a united front to shut them out and ensure their own dominance. Most of the veto power of the five permanent members is used in these two parts. This creates a situation of abuse, with frequent vetoes on a matter, which is a great impediment

to international peace. A veto will kill the issue. Using the right of veto prevents the Security Council from acting in the interests of national geopolitical interests rather than fulfilling its job of maintaining world peace and security.

### 3.2. The veto used by the Council in the settlement of international disputes

There is no doubt that the fact that the Security Council has been entrusted with the power and responsibility to settle international disputes is a favourable thing for the international community, and his intention is good. However, in practical terms, five countries, because of their different perceptions and interests, have used their veto power not to adopt Security Council resolutions to intervene in international disputes. As a result of their respective interests, a number of international disputes had not been properly resolved during the current year, and the peace and security of the international community were at stake.

## 4. Improvement of the veto

The existence of the veto has always been controversial, and it is considered by many countries to be a tool for international manipulation by the major Powers. More and more countries are questioning the legitimacy of the veto. Instead of maintaining peace and stability in the international community, the existence of the veto has contributed to geographical marginalisation. The United Nations has been criticized for its inaction in grave violation of international law.[8] Some countries want to join the permanent members, such as India and Italy. However, the permanent members have reached a consensus and have not allowed any country to join the permanent members of the Security Council to change the situation. Reversing the veto is a difficult and long-term reform, with many factors involved in achieving it. The veto given to the five permanent members makes reforming the Security Council extremely difficult.[9]

The collective voting mechanisms of human civilisation are divided into six categories: the right to propose, the right to adopt by a majority, the right to adopt by more than 2/3, the right to unanimity, the right to veto, and the right to hegemony. The order is from democracy to hegemony. It follows that the veto is second only to hegemony. This is not entirely impartial and fair. Mahbub claims that the five permanent members behave as if they have a Security Council, treating non-permanent members as tourists. The veto mechanism, belongs to the collective voting mechanism and not to the hegemonic, dictatorial embodiment of absolute dominance. In the gradual progression of human decision-making voting mechanisms from the democratic right to propose to the hegemonic or dictatorial right to decide, it can be seen that the veto is a more civilised decision-making mechanism than hegemony or dictatorship. It has a major drawback, in that large countries can manipulate the functioning of the international community as a whole for their own benefit.

And with regard to the reform of the veto, I have the following suggestions:

#### I) Adoption of the principle of majority rule

In the United Nations Security Council, all five permanent members have the right of veto, which has greatly developed national egoism. If the principle of majority rule is adopted, the problem cannot be solved at root, but the status quo has been greatly improved. The Council would be more reasonable and closer to public opinion.

Minority-majority refers to the fact that most voting systems are based on the concept of majority rule, whereby a programme is usually passed if it is supported by more than half of the electorate. The doctrine of majority rule is an idealised state of democracy that has so far been difficult to achieve perfectly. The introduction of the principle of majority rule has been a major advance for human society and is a socially accepted principle of democracy to this day.

This is an ideal state of affairs that is difficult to achieve and has drawbacks. If the number of permanent members of the Security Council is small, as it is, then the result is not as perfect as it should be. If countries group together to form cliques beforehand, then it is still a form of voting that is not fair and just, but if the views of non-permanent members are added to the mix, it will make up for this shortcoming.

Minority rule applies well in the United Nations General Assembly, which has a large base. In the Council, it is a bold innovation, and we could also make the Council's base larger to make it more applicable to this principle.

## II) The principle of secondary negation

The principle of double negative, as its name implies, means that the principle of the Security Council requires two vetoes before it can be invalidated. The principle of double negative is based on greater consideration of the immediate interests of more countries and is more equitable and just. The permanent members of the United Nations enjoy a double veto, which refers to the right of each permanent member to block the adoption of Security Council resolutions on substantive matters and pre-requisite questions by voting against them. Therefore, the determination of substantive issues is very important.[10] And the second veto is the double veto on the subject, which greatly limits the double veto power of the permanent members.

When a resolution comes before the five permanent members, the permanent members exercise their veto power to veto the resolution, which is the first veto. The non-permanent members vote again, and if all the non-permanent members reject the permanent members' veto, the veto is null and void and the resolution is still adopted. By exercising a second veto, it is like putting a layer of insurance on the resolution, which better reflects the vital interests of small and weak countries, so that the five permanent members will no longer enjoy dictatorial powers.

There is no doubt that this is a bold attempt to significantly limit the power of the permanent members and to safeguard the interests of the nations of the world. It is a more democratic and broader approach to voting.

## III) The human rights veto

The main objectives of the United Nations are to promote peace in the international community, to calm disputes and to protect human rights. The United Nations is the advocate and defender of humanity, and must carry out its duties without prejudice and without interference.[11] However, the five permanent members did not always give priority to human rights in their practical work, and sometimes lost sight of their interests. In exercising their veto power, they had lost sight of their responsibilities and had forgotten their original purpose as permanent members.

And the human rights dimension of the veto means that the permanent members must give full consideration to the compatibility of the exercise of the veto with human rights. It is up to the General Assembly to define human rights in the context of the veto through the relevant document. The permanent members cannot violate the scope of human rights set out in the document, and if they do so, the veto is null and void. The General Assembly could also vote on whether the permanent member's action was consistent with human rights, and if the Assembly felt that the permanent member had voted against the veto because of a personal desire, it would allow that country to debate the issue. If the overwhelming majority of the Assembly was not convinced, the veto would be null and void.

Human rights are the inherent rights of all human beings, Human rights emphasise the indispensable rights of human beings in their survival and development, by virtue of their natural and social nature, which has two meanings: firstly, autonomous, and secondly, equal. [12]

The United Nations Security Council should serve the international community without discrimination and without selfishness. It should combat genocide, terrorism, piracy and other

extreme acts. At the same time, it should endeavour to promote regional unity and stability and act as an ambassador of peace for the international community.

## 5. Permanent member reform

The fact that, in the past, the Security Council has not always acted with consistency and responsibility should not lead to calling its relevance into question, but rather accelerate its reform.[13] The permanent members of the Security Council lack democracy and representation.[14]

### 5.1. Historical Ideas for Reforms

In 2011, in order to achieve the expansion of the United Nations Security Council (UNSC) and the inclusion of permanent members, the "Group of Four (G4)" of Germany, Japan, India, and Brazil proposed to submit a draft resolution to the General Assembly calling for an increase in the number of permanent and non-permanent members. However, the General Assembly did not reach the level of half of the votes, and the resolution was not adopted. Japan and Germany, as defeated countries in World War II, have a poor reputation and deeds, so it is difficult to pass this resolution, and most countries in the world do not want history to repeat itself. As early as 2005, Japan proposed the idea of five permanent members to eleven permanent members, which was affirmed by the United States, but China and Russia were against it.

In 2023, the United States leads the addition of six permanent members without the right of veto. While it is true that the number makes up for the fairness of the Council's resolutions, the permanent five are all nuclear-weapon States, and Japan and Germany, with their limited military development and lack of nuclear weapons due to the restrictions imposed by the defeat of the warring countries, are not able to meet the threshold to become permanent members. The addition of new permanent members should begin with the empowerment of the people of all continents, not with the selection of only powerful countries.

Table 2: Criteria for applicants for a permanent seat[15].

No.	criteria
1	the amount of financial contributions
2	participation in UN-mandated peacekeeping missions
3	in the case of industrialized nations, recognizable efforts to increase their development aid to the internationally agreed upon quota of 0.7% of GDP

As shown in Table 2: This is a requirement for permanent membership in the United Nations as set out in the United Nations report, and in fact no country fully meets this criterion./

### 5.2. Increase in permanent membership

The right of veto is established on the basis of the principle of majority rule, and the larger the base, the more favourable it is to the fairness of decision-making. And new permanent members also need to fulfil certain conditions.

The basic conditions for permanent membership are:

1) Not being a defeated country in World War II prevents monsters from repeating the same mistakes again. The suffering caused by the Second World War was catastrophic and the United



Nations was created on the basis of the permanent membership of the victorious countries to prevent such events from happening again. It is not reasonable for the countries defeated in the Second World War to become permanent members of the UN. In order to ensure peace and stability in the international world, and to create a harmonious international environment, we must remove the defeated countries from the United Nations.

II) has great power. The permanent members of the Security Council are in fact the parents of the big family of the Earth. If they are to carry out their duties under the Charter, they must use their dignity and strength to convince others. The five permanent members are all nuclear-armed countries, and their strength is beyond doubt. Similarly, the additional permanent members should be no less powerful than the existing permanent members. The development of a multilateral society rejects hegemony.

III) Domestic harmony and stability. As a permanent member, we should, first and foremost, clean up our act and have good domestic order. People should live and work in peace and contentment, and society should be harmonious and stable. Only when domestic affairs are properly handled can we have the energy and strength to settle international disputes. Domestic harmony and stability is the basis for dealing with international disputes and is one of the necessary conditions for becoming a permanent member of the Security Council.

### **5.3. Proposals for additional permanent members**

I) Consider selecting a representative of each continent to join the Council as a permanent member. This would better reflect the vital interests of the people of each continent, take into account the regional and co-operative nature, and promote peace in the international community in a more detailed and rational manner.

II) New permanent seats, but without the right of veto. This greatly ensures the rights and interests of the major Powers and reduces the games between them. The increase in the number of votes in the Security Council can better reflect the popular acceptance of a resolution, promote the implementation of the resolution and promote fairness and justice in the international community.

III) Inclusion of international organisations as individuals in the permanent membership of the Security Council. International organisations have international personality at the international level and enjoy the same power as states. If the European Union, ASEAN and other alliances are added to the permanent membership as a whole, it will be more reasonable and less time-consuming to consolidate regional views and issue a representative proposal.

## **6. Establishment of the monitoring mechanism**

### **6.1. Existing United Nations veto monitoring mechanisms**

International organisations generally use non-coercive administrative means to monitor the implementation of their treaty obligations, and monitoring is considered to be one of the oldest methods. Monitoring can be broadly divided into four steps: gathering information, evaluating it, disseminating it, and taking action to correct the wrongdoing.

In late April 2022, the United Nations General Assembly adopted a resolution on a permanent mandate for the General Assembly's deliberations in the face of a veto in the Council. The UN General Assembly adopted this resolution by consensus. The resolution was drafted by Lichtenstein and others. The resolution states that in the case of a veto in the UN Security Council, the President of the General Assembly must hold discussions in the General Assembly within 10 working days to consider the use of the veto.

According to the resolution, countries that use the veto are given priority to speak in the ensuing General Assembly debate, which the drafters of the resolution consider to be an opportunity for the

country concerned to explain the situation. This is a bold innovation, and the use of the veto by the permanent members of the Council will no longer be at the whim of their own interests. It would greatly limit the absolute nature of the veto power of the permanent members of the United Nations and would be conducive to the harmony and stability of the international community.

## **6.2. Monitoring mechanisms in international organisations**

The World Bank's Executive Board adopted the Resolution Establishing the Monitoring Group in 1993, which established an independent Monitoring Group to receive complaints from people affected by World Bank lending projects, and to monitor and ensure that these projects strictly comply with the Bank's operational policies and procedures at all stages of design, preparation and implementation. The Monitoring Group's powers include investigative, advisory and rule-making powers. In this way, it oversees the proper conduct of the Bank's business and ensures that its powers are properly implemented.

Basically, each international organisation has its own different monitoring mechanism, although the treaty regimes are not quite the same. However, their constraints on Member States are significant, and they can better determine the problems of the international community, better promote peace and stability in the international community, and maintain international fairness and justice.

## **6.3. Veto monitoring mechanism proposal**

It would be unwise to set up a monitoring body to judge whether the veto power of the permanent members is being used correctly. In today's society, we still need to give due consideration to the rights of the permanent members, and any reduction would only lead to a repetition of the mistakes of the League of Nations. It would also be very unrealistic for the General Assembly to vote on the resolution again, which would greatly increase the uncertainty and complexity of the resolution. Moreover, if the General Assembly was given the same voting rights, the powers of the permanent members would actually be weakened, a situation that the five permanent members often did not want to see.

No one particularly likes an elderly relative looking over their shoulder, and an independent watchdog may be jealous of its independence. Indeed, such affection can be one of the obstacles to a complete and satisfactory flow of information.[16]

That is why we set up a monitoring mechanism rather than a monitoring body. As in the motion that was proposed in April 2022, when a permanent member uses the veto, it needs to give a defence to the General Assembly, explaining the reasons why it cast a veto. And one thing I would like to innovate is to give a right of overrule on top of that. The right to overrule the veto means that when the General Assembly receives a veto from a permanent member, it examines the reasons for it, and if it is found that the reasons are not sufficient and that the veto was cast in its own interest, the Assembly votes to overrule it.

A good organisation cannot do without a monitoring mechanism, which is a necessary prerequisite for maintaining the purity and progress of the organisation and is a top priority.

## **7. Conclusion**

This paper begins with the reform of the veto mechanism, analysing it from the one-vote veto system to the second-vote veto and the submission of minorities to majorities. It also considers increasing the number of permanent members of the United Nations to ensure that each continent is represented by a country that speaks on its behalf, so as to better safeguard the peace and security of the international community. At the same time, consider adding international organisations as international personalities to the ranks of Security Council members, so as to make international



resolutions fairer and more timely. It was also suggested that a Security Council monitoring unit should be set up to challenge Council members' resolutions, and if they used their veto, they should be allowed to reply; if they failed to convince the members, the veto would not be realised and the resolution would still be adopted. Some innovative proposals have been made, but they are still inadequate, and it is hoped that the United Nations can gradually improve the veto power of the permanent members.

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