

# Analyzing the Reform of the UNSC Veto Mechanism and its Feasibility

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## Abstract:

Against the backdrop of the new era, there have been numerous international calls and opinions on the Security Council reform, but the reform of the UNSC has remained at a standstill. Although each reform proposal is different, they all mainly focus on the topics that are the increase and decrease of permanent and non-permanent seats and the optimization of the veto power. In addition, there have been analyses and discussions in academic circles, but the existing studies have not been able to point out the direction of the reform, and there have been very few articles analyzing the advantages and disadvantages of the various proposals in international political seminars. Therefore, by studying the governance dilemma of Security Council reform, this paper analyzes the pros and cons of several existing international reform options and, at the same time, proposes a set of reform outlines that are relatively adapted to today's international situation. The international community needs to reach a consensus that, given the many dilemmas that still exist in Security Council reform, how to utilize Security Council reform to coordinate the various international forces and better fulfill the functions of the UN is the top priority of the whole reform.

**Keywords:** UNSC; Permanent Member State; Non-Permanent Members; Veto Power; United Nations charter.

## 1. Introduction

With the end of the Second World War, many changes and turbulence happened in international society. Many calls for timely reform emerged in the international community, such as the requirement of the group the Alliance of Four for a change of the countries who own permanent seats and the demand of the Uniting for Consensus movement for an augment of the quantity of non-permanent members, and United Nations High-Level Panel of Eminent Persons among other views [1]. Indeed, Major reform requires both a comprehensive revision of the Charter of the United Nations and genuine political will and agreement among powerful Member States that have benefited greatly from the status quo [2]. Although the different proposals represent the demands of different political groups, in general, the reform proposals all revolve mainly around two issues: whether there is a need for an increase or decrease in the permanent seats of the Security Council and the veto power of the permanent countries. On these two issues, there is a complex relationship between the pros and cons of the various proposals, which is one of the reasons why it has been difficult to make substantive progress on the reform. In addition, the UN General Assembly has held meetings and prepared reports on the need for and

direction of the reform. The President of the General Assembly, María Fernanda Espinosa Garcés (Ecuador), emphasized that the Security Council is supposed to accord with the new political situations and that the improvement of representation means the enhancement of legitimacy, which will accelerate the execution of the reform in the one-day debate. However, although the issue of increasing the number of members has been on the agenda of the Council for about 20 years, there was no census on how to reform the important institution, she said [3]. Moreover, as mentioned earlier, the Security Council has also suffered from the unfair veto privilege that has become increasingly evident among the "old" Powers [4]. On the whole, Security Council reform is still at a substantive standstill.

## 2. Introduction to the Veto Power

The building of the veto mechanism can be traced back to the founding conference of the United Nations on April 25, 1945, which adopted a statement on the voting procedures of the Council, representing the establishment of the veto mechanism of the Security Council on the basis of the principle of unanimity of the major powers. The UN Security Council veto, also known as the one-vote veto, refers to the power of the five permanent members of the Security Council to veto draft resolutions.

Although one resolution is supported by many other member states, the veto power allows the permanent member states to claim any resolutions invalid. In addition, the usage of veto power doesn't obstruct the working of the legal procedure. Therefore, even though some motions may be vetoed, the Security Council can also discuss these motions. If one permanent member is against the resolution, it means the usage of veto power, but if one permanent member is absent or claims waiver, it doesn't represent the veto power.

### 3. Reasons for the Reform of the Veto Power

In the entire operational mechanism of UN, the Security Council, which is only the United Nations body authorized to take military actions, has been performing its functions and practising the principles of UN in an authoritative and efficient manner, while the reform of the veto mechanism, as one of the core elements of the Council, will affect the Council and even the entire UN operational system, and is of such importance and epoch-making significance, as manifested mainly in the following aspects:

(i) Firstly, the reform of the veto mechanism will accelerate the form of a new international situation. With the ending of the Cold War, various international forces have been secretly comparing their national strengths in various aspects, and the reform of the veto mechanism will undoubtedly speed up the formation of the new international setup and add the variables to the competition.

(ii) Secondly, before the reform proposal is actually put into practice, no one can predict whether the reform proposal can really promote the progress of the entire system or not with huge risks.

(iii) Thirdly, the reform of the Security Council is a competition between various interest groups in the international arena, and the several current views on reform are, in fact, the products of interest groups in different regions, and therefore, reform of the Security Council also raises the query of how to balance the interests of the inter-group relations.

(iv) Fourthly, the veto has been reduced to a tool to preserve the prerogatives of the major Powers, and its negative exercise by representatives of the veto power often fails to solve the fundamental causes of the actual problems addressed in the resolutions [5]. Since the veto mechanism had been established, most of the vetoes have been exercised by the Soviet Union. After the Soviet Union collapsed, the United States had been the entity that exercised the veto most frequently. After this, Russia, which disagrees with the U.S. on Syria, has re-emerged and has once again been the most frequent exerciser of

the veto, which had been one of the triggers for the recent call by Ukraine for the elimination of Russia's one-vote veto about conferences [6]. After the veto, U.S. Deputy Ambassador Richard Mills said that the U.S. is "deeply disturbed by Russia's pattern of veto abuse over the past decade" and cited Russian vetoes of resolutions, including the referral of Syria to the International Criminal Court, protests against Russia's annexation of Ukraine's Crimean Peninsula, and demands for an immediate halt to Russia's invasion of Ukraine [7].

### 4. Fundamental Issues Affecting Security Council Reform

As a complex and arduous task, reform requires a wide range of factors to be considered and the pros and cons to be weighed. The fundamental issues that need to be considered in the process of reform include the following aspects:

First, the balance between democracy and efficiency. Expansion can enhance the democratic nature of the Council, but too many members will affect the efficiency of its decision-making and action. Therefore, any expansion of membership of the Security Council and the "enlargement" of its membership should take keep a reasonable balance between democracy and efficiency [8].

Secondly, there is the relationship between power and capacity. Some countries do not naturally possess the ability to maintain peace after becoming members of the Security Council because the size and strength of a country are not equal to its ability to maintain peace. Historically, some members with veto power have not always been peacekeepers, but have instead become peace breakers. How to make Council members both representative and better maintain world peace and security is one of the topics to be addressed in the reform of the Council.

Thirdly, there is the consideration of interests and values. For the Security Council, the debates of which is relatively important, national interests or the peace of the international society, and whether voting should be based primarily on the principles of the Charter of the United Nations and its values or on national interests and foreign policy, are another difficult issues about the reform.

### 5. Existing Proposals for Reform

(i) Increase or decrease of the number of permanent seats  
Many countries have put forward proposals to increase the number of permanent seats, and the Group of Four (G-4) is the main force behind this idea. There are two difficulties in increasing or decreasing the number of permanent seats. First, there are substantive difficulties: the Security Council can't make a final conclusion on the ba-

sis, number, criteria, and distribution of permanent seats, and whether the new permanent members have the veto power, etc.; and second, there are procedural difficulties [8]: First of all, if the Council would like to increase the number of permanent members, it requires the unanimous consent of the existing five permanent members; Second, even though all permanent members agree, it is so difficult to get the support of at least two-thirds of the Member States in the UN General Assembly; Thirdly, the reform would also need to be supported by the domestic parliaments of Member States. The country which is in favor of the option of reducing the number of permanent seats is Ukraine, which has also called on the UN to remove Russia's veto power as a permanent member at the General Assembly [9].

(ii) The demand for an increase in non-permanent seats is mainly represented by member states of the Uniting for Consensus movement [10].

Contrary to the "coalition of four", the countries of the Uniting for Consensus Movement, on the basis of national sovereignty interests and geopolitical reasons, call for Security Council reform to be carried out in a gradual and orderly manner, maintaining a steady pace of progress, and demand that only non-permanent members be increased at this stage.

(iii) The African Union is the main representative of those countries that call for an increase in both two kinds of seats. On the one hand, the proposal put forward by the African Union does, to a certain extent, highlight the interests of developing countries and African countries, but its demand for a "double enlargement" lacks practicability [10].

(iv) Abolition of the veto: Under the current procedure for amending the Charter of the UN, the draft proposal for the abolition of the veto will not be able to obtain the consent of the P5 and will not be implemented; at the same time, the establishment of the veto mechanism is a prerequisite for the P5 to agree on the prerogative of maintaining international peace and security.

(v) Strengthening the external monitoring mechanism for the exercise of the veto. The veto violates the principle of appropriateness and runs counter to the original purpose of establishing the Council's veto power system. Therefore, the monitoring and control of the veto should be strengthened [11]. Resolution, 262 of the 76th United Nations General Assembly, clearly regulates the accountability mechanism for the veto by claiming that the president should have a formal meeting of the General Assembly within ten working days after one or more permanent member states veto the resolution and make a debate on the situation on which the permanent member

uses the veto power but the General Assembly can't have emergency meetings for the same purpose. The resolution strengthens the mechanism for monitoring the exercise of power.

## 6. Principals for Reform Moving Ahead

According to the Charter of the United Nations [12], "on all other matters, any resolutions of the Security Council should get the agreement of all permanent members and the support of at least nine member states; 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." Judging from the provisions of the Charter of the United Nations, the reform of the veto mechanism is centered on two issues and two aspects. The two issues include, first, whether there is a need to increase or decrease the number of permanent seats and, second, the question of the veto power which can be extended to include two important aspects that need to be taken into consideration, namely, the occasions on which the veto may be exercised, and the multiple monitoring mechanisms for the exercise of the veto. In fact, on the one hand, most of the existing international disputes over the exercise of the veto show that the international community is negatively critical of the current situation in which certain permanent members arbitrarily exercise the veto for their own selfish interests without taking into account the development of the international situation as a whole, resulting in the failure to fundamentally resolve many issues.

For example, the President of Ukraine claimed at the United Nations General Assembly that the Russian veto did not contribute to a genuine solution to the Ukrainian problem. On the other hand, although the Security Council had adopted a resolution on the accountability mechanism for the veto, the resolution was not legally binding and, therefore, did not allow for fundamental oversight of the veto.

In addition to this, an important factor to be considered is the amendment of the UN Charter, the main procedure for which is that, according to Article 108 [13] of the Charter, an amendment to the Charter enters into force for all Members of the United Nations only after it has been adopted by a vote of two-thirds of the Members of the General Assembly and ratified by two-thirds of the Members of the United Nations, including all the permanent members of the Security Council, and that each Member State has to ratify the amendment in accordance with its own constitutional procedures. In fact, the formulation of a reform process is only the first step in the reform of the Security Council, and the real difficulty lies in the proce-

dural acceptance of the reform package by the General Assembly of the United Nations and its incorporation into the Charter of the United Nations. Therefore, based on these considerations and implications, the international community should steadily push forward the reform of the Security Council veto mechanism in phases and at different levels, including the following aspects:

Rule 1: Suggested limitations on the occasions on which permanent members may exercise the veto. The meeting occasions in which the use of the veto is prohibited are categorized into the following three groups: the first is actions by member States that threaten international peace and security, undermine international peace and security, or violate the sovereignty of other States; the second is actions by member States that threaten the international humanitarian cause; and the third is actions by member States that involve international crimes. With regard to other relevant resolutions other than those enumerated above, the permanent members are free to exercise their right of veto according to their own considerations.

Rule 2: If a permanent member exercises its veto over a draft resolution on the major issues mentioned above, the Security Council should open a veto accountability mechanism for it, which is not politically binding and is intended to increase the political cost and political pressure on the permanent members in exercising their veto power by increasing the number of permanent members. The intention is to force the permanent members to reduce the number of times they exercise the veto or to use it more rationally by increasing the political costs and pressure on them to exercise the veto.

Rule 3: An unfair and unreasonable veto can be unanimously overridden by the other members of the Council. If all members except the vetoing country agree to adopt the resolution, the draft can be adopted directly; if three quarters of the members except the vetoing country support the adoption of the resolution, the vetoing country should state the reasons for exercising the veto and answer the questions of the other members, and the results of the questioning can be divided into two situations. If the country's answers to the questions are considered reasonable by two thirds of the whole members, the resolution should be disallowed in accordance with the original procedure; If the country's answer to the question is not supported by two thirds of all members, the resolution shall continue to be adopted for consideration.

Rule 4: The specific measures relating to Security Council reform referred to above will be subject to the three-step procedure for amending the Charter of the United Nations, culminating in the adoption of the rules and regulations of the Organization.

## 7. Conclusion

For the time being, although there are still many problems to be considered in the reform of the Security Council, as well as practical problems such as international interests that are difficult to balance, the direction of Security Council reform has become clearer and clearer as a result of the efforts of the international community and the Security Council itself has taken a number of actions to push forward the development of this issue of Security Council reform, so that from the present point of view, one may not be able to foresee the specific future of the Security Council veto mechanism, but what's important is that the international community has basically reached a consensus - that is, on the premise that there are still many dilemmas in the reform of the Security Council, how to utilize the reform of the Security Council in order to coordinate the various international forces and to better carry out the purposes of the United Nations is the top priority of the reform of the Security Council.

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