

# *The Reform of the Veto Power System of the UN Security Council*

## *--Under the Background of Russia-Ukraine Conflict*

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**Abstract:** This paper is focused on the topic of the restructuring of the UN Security Council's power, especially on the means of restricting the veto power. The analysis will be based on the Russia—Ukraine conflict since 2013. A new debate procedure in 2022, stipulated that once permanent members exercise their veto power, it would trigger a meeting of the General Assembly, as a reference, introduce some means to deal with the tough situation we meet. The reform plan includes adding the procedure of prior consent with reference to the post-defense system, expanding the size of the Security Council, introducing the avoidance system, and expanding the scope of procedural matters. In the constantly changing world landscape and the pursuit of cooperation, calling for better use of the veto power to enable international organizations, including the United Nations, to serve human society better.

**Keywords:** veto power, security council, Russia-Ukraine conflict

## 1. Introduction

The conflict between Russia and Ukraine in 2022 results from the continuous fermentation, intensification and sudden escalation of tensions between Russia and Ukraine since the outbreak of the Ukrainian crisis in 2013, resulting in a full outbreak of the military conflict in February 2022. This is not only the result of the contradiction between the East and the West in Ukraine but also the result of the game between the great powers of the East and the West.

At present, the conflict between Russia and Ukraine has not been resolved peacefully. Russia, Ukraine and the international community should uphold the purposes and principles of the Charter of the United Nations, respect the sovereignty and territorial integrity of all countries, and resolve the dispute peacefully through dialogue and consultation.

## 2. A Brief History and Significance of Veto Power

### 2.1. The Necessity of Restricting the Veto Power

The United Nations, right from its inception in 1945 after the Second World War, has tried through its various agencies [1]. The veto mechanism of the UN Security Council has played an important

role in maintaining the peace and security of the international community since it was established at the United Nations Conference on International Organization on April 25, 1945. However, there are also drawbacks. The recent outbreak of the Ukrainian crisis has once again made the veto power of the five permanent members the focus of attention and call for reform. The unrestricted exercise of the veto power by member states has been criticized for a long time. Unilateral decisions are usually made by some countries on issues of international global concern [2]. Although the one-country, one-vote system in the United Nations General Assembly reflects the principle of sovereign equality of all countries, the unrestricted veto power of the five permanent members fundamentally and substantively vetoes the principle of equal sovereignty of all countries. The recent outbreak of the Ukrainian crisis has once again made the veto power of the five permanent members the focus of attention and call for reform. However, the previous call from all works of life for a total reform of the veto system or its total reversal in terms of size, exclusiveness, regional representations, categories of representation, permanent memberships and methods have been abortive, and the non-compliance to the UNSC demand for a cease-fire in any armed conflict involving the world powers [3].

The United Nations Security Council is a department under the United Nations established to maintain world peace and international security. It should consciously abide by and uphold the basic principles and purposes of the United Nations Charter. The veto power, as the core system for the five permanent members to exercise their power, should also be reformed at the appropriate time to better adapt to the development of the international community and not violate the principles of the United Nations Charter.

On the other hand, Veto power is initially an asymmetric combination between national interests and human ones. Its existence reflects a contrast of international powers during WW II. It is also the reflection of an aspiration cherished by the international community for an orderly international order. However, with the asymmetric development of national strength and the continuous changes in the world pattern, a new international order has been established, and the meaning of the veto may be updated. The international diplomacy and power game reflected behind the veto power are constantly changing, and the veto power also needs to be reconstructed and updated.

Another significance of the veto is that it is a privilege granted to permanent members to safeguard the rights and interests of the founding members of the United Nations, originally aimed at maintaining the stability of the United Nations and ensuring the consistency of actions by all parties. However, Russia's abuse of veto power has also caused dissatisfaction among other permanent members, which is not conducive to internal harmony within the Security Council and is not conducive to the effective exercise of its functions and the making of effective resolutions. It is also not conducive to shaping the authority and impartiality of the Security Council.

## **2.2. The Changing World Pattern Requires Top-level System Reform**

The reason why the United Nations Charter grants permanent members this privilege is that permanent members are major powers with special global and regional influence and have greater responsibility and power in maintaining world peace and security. In addition, in major world events, consensus must be reached among major powers.

However, in the past few decades of history, although requiring major powers to reach a consensus has indeed contributed to promoting peace issues in many regions, the veto power often becomes a tool for safeguarding the interests of permanent members themselves or their allies when it comes to their own interests. Since the establishment of the United Nations, the Soviet Union and its successor Russia have exercised their veto power the most in the Security Council, with 119 times, followed by the USA 87 times, the UK 32 times, while China and France exercised their veto power 18 times separately. But not every exercise of veto power has substantive justice.

As of April 26, 2022, the 76th United Nations General Assembly has passed a resolution, which is the first substantive restriction on the veto power in history. The situations in which permanent members exercise the veto power are as follows. This table provides statistics on the exercise of veto power by countries since its establishment and after the end of the Cold War. As for why the end of the Cold War should be studied as a special point in time, it is because the world pattern after the Cold War has undergone significant changes, and a relatively stable "one superpower, multiple powers" world pattern has basically formed and continued. As has been explained before, the essence behind the veto is the dominant position of the five permanent members in the world discourse system based on the strong national strength after World War II. Therefore, a special classification based on the exercise of veto power by countries in the relatively stable world pattern that has persisted since the end of the Cold War is of great significance in reflecting the current world.

Table 1: Veto power by permanent members in all time

Permanent Members	Number of Times(descending order)
Soviet Union/Russia	149
America	87
UK	32
China	18
French	18
total	305

Table 1 lists the exercise of veto power by permanent members since the establishment of the veto power. We can see that Russia ranks first, followed closely by the United States, and the other three permanent members are relatively more conservative in exercising their power.

Table 2: veto power by permanent members since the end of the Cold War

Permanent Members	Number of Times(descending order)
Russia	28
America	19
UK	0
China	15
French	0
total	62

(Data source: United Nations official website)

From Table 2, it can be seen that since the end of the Cold War, Russia and the United States have still exercised more veto power than other permanent members, followed closely by China. In contrast, neither the UK nor France has exercised veto power.

### 2.3. The Use of the Veto in Russia -- Based on the Practice of the Conflict between Russia and Ukraine

Since the Ukrainian crisis in 2013 and the full outbreak of the Russia-Ukraine conflict in 2022, Russia has repeatedly exercised its veto on the issue with Ukraine.

When it comes to the attitudes towards the result of the resolution in 2022, the Permanent Representative of Russia to the UN, Vasily Nebenzya, stated that Western countries regard Ukraine as a pawn in the geopolitical game, regardless of the interests of the Ukrainian people [4]; Kelly Craft, United States' Representative stated that Russia's invasion of Ukraine was "so bold and shameless"

that it threatened the "international system as we know it"; Ukraine's representative Sergei Kisliția Calls on all countries to sever diplomatic relations with Russia and call on international organizations to terminate their relations with the country; China's representative insisted that Any action by the Security Council must truly contribute to resolving the Ukrainian crisis [5].

### **3. Plan and its Feasibility**

#### **3.1. Plan**

##### **3.1.1. Threshold for Exercising Veto Power as a Prior Consent**

On April 26th 2022, the United Nations General Assembly passed a resolution stipulating that if a permanent member votes no to a resolution during future discussions at the United Nations Security Council, the United Nations will automatically convene a general meeting within ten days to discuss and review the vote. The permanent member who votes no must explain at the meeting why they voted no. Although the resolution did not substantially prevent the exercise of the veto power by the five permanent members, the new debate procedure in the General Assembly will increase the external constraints and international moral pressure faced by permanent members when exercising the veto power.

The draft resolution received support from many countries at that time, including the United States. Linda Thomas Greenfield, the permanent representative of the United States to the UN, said that this draft was aimed at Russia. She stated in an interview with US media that Russia has been abusing its veto power for the past two decades. Especially after the outbreak of the Russia-Ukraine conflict, Russia once again used the veto power to block the adoption of some key drafts.

After this conference, Many countries' representative expressed their views on the newly introduced mechanism. Richard M. Mills Jr., the Deputy Permanent Representative of the United States to the United Nations, said: "The veto power comes with a huge responsibility - it must be used wisely and prudently in accordance with the purposes and principles of the United Nations and with full consideration of the promotion of international peace and security. At least, when a member of the Permanent Five votes no, that member should be ready to explain why the relevant resolutions will not promote the maintenance of international peace and security. Barbara Woodward, Permanent Representative of the United Kingdom to the United Nations, said: This is a heavy responsibility to ensure the peace and security sought by people around the world. As a result, The United Nations was established to provide this peace and security. It cannot be easily used, and we believe it should not be used irresponsibly. It should not prevent the Security Council from achieving its goals and taking its responsibilities, which is why we voted in favor of this resolution today. Natalie Estivals Broadhurst, Deputy Permanent Representative of France to the United Nations, said: "The aggression against Ukraine shows that it is necessary to strengthen our collective security system. France is fully committed to the reform process of the Security Council to make it more representative of today's world while ensuring its implementation and operational nature [5]. These changes must strictly comply with the basic values of the Organization and the responsibilities entrusted to each organ by the Charter.

Since the adoption of this system, no permanent member has exercised the veto power, so the implementation has not been analyzed. Still, it can be predicted that its careful use and restriction of the veto power will have a good effect.

This measure is an after-the-fact review, that is, through the debate process after the exercise of the veto power to add to the public opinion pressure of countries that abuse the veto power to achieve the effect of restricting the veto power. The effect can also be achieved by putting the threshold in advance. For example, some voices proposed to change the "one vote veto" to "two votes veto", that

is, the system that requires at least two countries to exercise the veto power in order to achieve the effect of veto on motions.

Table 3: Veto by at least two countries in various years

Decade		Permanent members voting against - two or more				Total
		China and Russia	British and American	Britain and France	British and American and France	
40s	1946-1949	0	0	0	0	0
50s	1950-1959	0	0	2	0	2
60s	1960-1969	0	0	0	0	0
70s	1970-1979	0	2	0	9	11
80s	1980-1989	0	7	0	7	14
90s	1990-1999	0	0	0	0	0
00s	2000-2009	2	0	0	0	2
10s	2010-2019	9	0	0	0	9
20s	2022-2029	2	0	0	0	2
Total		13	9	2	16	40

Table 3 shows that in voting on Security Council resolutions, the number of times two countries exercise their veto power simultaneously is significantly reduced compared to when each country exercises its veto power separately, which means if we adopt a system where at least two countries can veto may greatly limit the power of the veto.

We can find that the practice of at least two countries exercising the veto is far less than that of one country. By referring to the post-debate system introduced by the resolution of the United Nations, we may add a new threshold in advance. That is, the form of the veto needs the acquiescence of other permanent members, which is reflected in the two vetoes [6].

### 3.1.2. Expansion of the Security Council

Security Council reform is the trend of the times. On the one hand, the structure and size of the Security Council do not properly reflect the changing international balance of power and international political reality. On the other hand, the legitimacy and effectiveness of the Security Council in addressing cross-border and non-traditional security threats and challenges appear insufficient [7].

Secondly, the resolutions of the Security Council need to be both representative and efficient in decision-making. At present, the number of members of the Security Council only accounts for 7.77% of all United Nations member states [8]. From the perspective of enhancing representative to supplement legitimacy, the Council still needs to be expanded. On the other hand, the degree of expansion of the Council also needs to take into account the efficiency of decision-making and cannot be blindly expanded indefinitely. Therefore, from the perspective of balancing representation and efficiency, it is more appropriate for the proportion of Security Council members to the United Nations membership to be between 10% and 15%.

Another significance of the veto power lies in balancing the interests of major powers. Otherwise, simply following the principle of a minority following the majority would make the United Nations a tool for the United States to suppress dissent.

Once the veto power is restricted, its entry into the Security Council becomes effortless, making it overly representative of the interests of the United States.

### **3.1.3. Challenge System**

#### **3.1.3.1. Rationality and Necessity**

The Rule of avoidance is a recognized legal system. In civil proceedings, judges and other relevant personnel who may affect the fair trial of the case shall not participate in the trial of the case in case of withdrawal as prescribed by law, and those who have participated shall withdraw from the system of proceedings of the case. The avoidance system is the most typical embodiment of the characteristics and requirements of procedural justice, which has been widely recognized in the world. In addition, the avoidance system in a broad sense, is also the embodiment of the legal logic of fairness and justice. No entity can be both an athlete and a referee in a game. Therefore, the permanent members should avoid issues related to their own major interests. Although this is essentially the connotation of the veto power, that is, the ability to control important matters generated by the vested interests of powerful countries, it should still be respected and supported, and the abuse of the avoidance system should be avoided by formulating rules to better quantify the degree of their own major interests involved in the relevant proposals.

The reason why the United Nations Charter grants permanent members this privilege is that permanent members are major powers with special global and regional influence and have greater responsibility and power in maintaining world peace and security. In addition, in major world events, consensus needs to be reached among major powers.

However, in the past few decades of history, although requiring major powers to reach a consensus has indeed contributed to promoting peace issues in many regions, the veto power often becomes a tool for safeguarding the interests of permanent members themselves or their allies when it comes to their own interests. Since the establishment of the United Nations, the Soviet Union and its successor Russia have exercised their veto power the most in the Security Council, with 119 times, followed by the United States 82 times, the United Kingdom 26 times, and China and France each exercised their veto power 16 times [9]. However, evidence has shown not every exercise of veto power has substantive justice.

Therefore, in order to avoid the veto power becoming a tool for big countries to safeguard their own interests, it is necessary to add a challenge system to the exercise of the veto to realize its expected functions.

#### **3.1.3.2. High Risk of Being Opposed**

Ukraine proposed to cancel Russia's veto power in 2014, which was rejected by Russia. As long as the existing system remains unchanged, any attempt to restrict the vested interests of the five permanent members from bottom to top will be at risk of being suppressed by themselves. Only by redesigning the system, rethinking and modifying the existing rules from top to bottom, and the powerful countries voluntarily giving up their vested interests and transferring part of the right to speak can the new avoidance system be realized.

#### **3.1.4. Expand the Scope of Procedural Matters**

Expand the scope of procedural matters. Thus, based on the rule that permanent members may not exercise the veto in procedural matters, the exercise of their veto is, in fact, limited.

## **4. Conclusion**

The essence of the veto power is the special authority of the powerful countries formed after World War II, which is different from the general members of the Security Council under the framework of

the United Nations system, reflected in the superiority of a special procedure and the superiority and decisive force in the interests of entities in the international game. However, as world peace and security and other facts that can only be effectively and well solved in international cooperation are recognized by more political entities, the foundation for the sound development of the world pattern in the continuous change is peaceful coexistence, win-win cooperation, and a system that is more in line with the direction of the times should be recognized and guaranteed in the reform, which is born out of the original system generated by history, and ultimately better serve the cooperation and development of human society.

In the specific discussion of the reform of the United Nations, one of the most important international organizations in the world today, the veto seems to need to be restricted through reform, “power corrupts, but absolute power corrupts absolutely” [10]. The reform plan includes adding the procedure of prior consent with reference to the post-defense system, expanding the size of the Security Council, introducing the avoidance system, and expanding the scope of procedural matters.

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