REFORMS OF THE UNITED NATIONS SECURITY COUNCIL AND ITS VETO POWER

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Abstract

The primary purpose of this research is to determine the role of the right of veto granted to the permanent members of the United Nations Security Council.

The first part of the thesis provides the general overview of the UNSC reform efforts. By analyzing these reforms from the perspective of the Veto Player Theory, the research proves the ineffectiveness of the efforts to reform the UNSC and the power of blocking any change which is not beneficial for the P5.

The second part focuses on the right of veto and assesses the impact of this power on the peacekeeping operations of the UNSC.

The results of the research reveal the de facto role of the veto in the context of the international relations. Through the analysis of famous case studies such as the revolutions in Libya and Syria this thesis clearly demonstrates that, the right of veto, being exercised in accordance with the national interests of the P5, does not fulfill its initial function prescribed in the Charter of the United Nations.

Acronyms

UN – United Nations

UNSC – United Nations Security Council

UNGA – United Nations General Assembly

ECOSOC – Economic and Social Council

ICJ – International Court of Justice

P5 - The five permanent members of the Security Council: China, United States of America, Russian Federation, United Kingdom, and France.

E10 - Ten elected members of the UN Security Council

G4 - A group of four nations challenging to be added as permanent members without veto power, the four nations are: India, Brazil, Japan and Germany.

UfC - Uniting for Consensus (Argentina, Canada, Italy, Malta, Mexico, Pakistan, South Korea, Spain, Turkey)

AUP – African Union Proposal

G20 - Group of Twenty

G77 – Group of Seventy-Seven

R2P – Responsibility to Protect

R2NV – Responsibility not to Veto

NATO – North Atlantic Treaty Organization

ICISS - International Commission on Intervention and State Sovereignty

S5 – The Small Five

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Introduction

Without a reform of the Security Council the United Nations` global role will diminish

and the organization will find itself less and less relevant in world affairs

Krastev Nikola

Theme of the Thesis

Ensuring the safety of states, society and individuals is one of the most important conditions for the existence and development of world civilization. The existing system of international security was established after the Second World War, when the Allied Powers had decided to establish a universal international organization - the United Nations. The main task set before this organization was to prevent another World War. In the structure of the UN the special place was given to the Security Council. The UNSC was given the paramount responsibility for maintenance of international peace and security. However, since its establishment, the UNSC has been facing much criticism regarding its working methods, its relationship with the General Assembly, regional representation, decision – making methodology, the composition of permanent members, and the abuse of the veto power. James Paul and Celine Nahory in their work called "Theses towards a Democratic Reform of the UN Security Council" state "Reforming the Council has been sought since the aftermath of the end of the Cold War. It was argued that the structure of the Council is a result of the world of 1945 and its composition is not suited for the challenges facing international peace and security at present."[1] Therefore, all of the above mentioned factors contributed to the dissatisfaction of the international community with the inability of the UNSC to fulfill its mission the way international community expects from it. In particular, the right of veto became the main cause of the criticism directed towards the UNSC.

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[1] Paul, James and Celine Nahory (2005). "Theses Toward a Democratic Reform of the UN Security Council", Global Policy Forum. http://www.globalpolicy.org/component/content/article/200/41131.html [accessed 23 February]

Many debates and controversy occur around the infamous veto power, which grants the P5 with the right to block any resolution which is contradictory to the principles of the UN.

Thus, being the key issue in the reform debate of the UNSC, the veto power is the focal point of this research. This thesis argues that the use of the veto power deviated from the initial purpose for which it was included in the UN Charter. The practices of the use of veto since the establishment of the organization reveal the fact that this power is exercised in accordance with the national interests of the P5 and the interests of their allies. The history is full examples when the P5 used their right of veto to block a certain resolution even in cases of violent conflicts when such crimes as genocide, ethnic cleansing, crimes against humanity and other severe mass atrocities were taking place. With this regard, the special privilege of veto power in a comparison with other flaws of the UNSC is considered to be the most controversial because it has two opposing sides. On one side, the right of veto, being the important aspect of the decision – making process, grants the P5 with the final and decisive say on their decisions. On the other side, the same right of veto can be used in line with the national interests of the P5.

Accordingly, this research seeks explanations for the use and abuse of the veto power by addressing the following question: *What is the impact of the use of veto by the permanent members on the United Nations Security Council's ability to secure international peace and stability?* As an answer to this question, the following hypothesis is presented: *The right of veto, when exercised in accordance with the national interests of the permanent members of the United Nations Security Council, impedes their ability to react in a timely and decisive manner to the existing conflicts, which subsequently leads to the escalation of conflicts.*

Theoretical framework

As a theoretical framework of analysis this research applies the following theories – The Veto Player Theory by George Tsebelis and the theory of Political Realism along with the concept of National Interest.

The Veto Player Theory

One of the theories used in the thesis is a game theoretic approach, particularly **the Veto Player Theory** by George Tsebelis, an American political scientist. This theory is described in his book called "Veto Players: How to analyze political institutions". The Veto Player Theory is often used to analyze policies within political institutions and political systems. The main idea of the theory is that "the shape of policies is influenced by veto players and if any of the veto players have incentives to block a change of the status quo, change will not occur"[2]. George Tsebelis identifies two types of veto players - individual and collective. An example of individual veto player can be the president of the United States, who possesses important power in making decisions. A collective veto player can refer to a parliament or a political party, where decisions are made collectively by two or more members.[3] This research uses the collective veto player approach in order to explain the behavior of the UNSC`s P5. Accordingly, the P5, being the veto players use their power in order to defend and support their interests or veto policies that go against their interests Therefore; this research considers the veto player theory a suitable framework of analysis.

Political Realism

Another framework of analysis employed in this study is political realism, in other words Realpolitik or Power politics. The intellectual roots of this school of thought come from various philosophers and political thinkers such as Thucydides, Niccolo Machiavelli, Thomas Hobbes, Car E. H., Kennan F. George, Hans J. Morgenthau, Reinhold N., and Thompson W. Kenneth, who

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[2] Steffen Ganghof, "Promises and Pitfalls of Veto Player Analysis", Swiss Political Science Review 9 (2), 3
[3] George Tsebelis, *Veto Players: How Political Institutions Work*. Princeton, N.J: Princeton University Press, 2002, 38

profoundly influenced contemporary world's views. Realists believe that the existing system of international relations is shaped by "self-interested calculations and of the great powers".[4] They, therefore, argue that "international organizations are not an important cause of peace in the world.[5] According to this political paradigm, "no means are more important than the acquisition of power, and no principle is more important than self-help."[6] The concept of national interest and national security are central in realism. One of the core beliefs of this theory is the idea that international relations are shaped by the competing interests of different actors, including the states. Accordingly, the law and morality are less significant compared to the optimization of power, which is very essential to the theory of realism.[7] Thus, this struggle for and power pursuit of national interests come together in maintaining the balance of power.

[4] Signe Weber Carlsen, "Living Up to the Responsibility to Protect: A Fuzzy-set Qualitative Comparative Analysis of the Implementation of the Responsibility to Protect by the International Community of States"(diss., Vrije Universiteit, Amsterdam,2012), 12

[5] John J. Mearsheimer, "The False Promise of International Institutions." International Security, 19 (3), 7

[6] Charles W. Kegley, Eugene R. Wittkopf, *World Politics: Trend and Transformation*, (Thomson/Wadsworth Press, 2004)

[7] Jack Donnelly, "Introduction" in *Realism in International Relations,* (Cambridge University Press), 8

Methodological Framework

This thesis uses both primary and secondary sources. The primary sources are mainly the legal literature - The United Nations Charter, as well as resolutions, customs, declarations, seminar and workshop reports, documents and publications of the United Nations. The secondary sources used in the thesis are political science and political philosophy literature (books and journal articles) by distinguished scholars.

Plan of the Thesis

The thesis consists of two chapters. The first chapter provides the descriptive information about the UNSC, namely about the historical context of its creation, membership, goals and competences. Further, this chapter also reviews different UNSC`s reform proposals concerning the veto power of the permanent members, enlargement of the both permanent and non-permanent membership, regional representation and more transparency and accountability in the working methods of the UNSC. Accordingly, such proposals as Kofi Annan`s United Nations Security Council Proposal, African Union Proposal, The Group of Four and Uniting for Consensus have been reviewed and briefly analyzed. The second chapter makes an emphasis specifically on the veto power of the P5, assessing its impact on the UNSC`s ability to maintain international peace and security.

Limitations of the Study

Time constraint was the main limitation of the study. This research required reviewing and analyzing several articles, resolutions, reports and books and this entailed pressure on the available time. Another obstacle during the process of researching was the lack of recent books and journals on the issue examined. Moreover, the inability to collect primary data through interview, questionnaire and/or observation was the other problem that faced the researcher. With this regard, the researcher tried to fill this gap by using the resolutions, laws and reports of the UN.

Literature review

Reforms of the United Nations Security Council have been the subject of many academic articles. As the thesis concentrates on the veto power of the UNSC`s permanent members, the literature review covers namely the views of different figures on the right of veto. One of the core sources used in the research is the book by George Tsebelis called "*Players: How Political Institutions Work*". The author makes a comprehensive analysis of the veto and its implication in international institutions. This research applies the Veto Player Theory by Tsebelis in order to analyze the behavior of the P5, as the veto players. Other important scholars, who largely contributed to the issue of veto and its reform, are Celine Nahory, Elida Ronnaug Hole Wirkola, JanWouters, Tom Ruys, Lamrot Lulseged and Bardo Fassbender.

In the overview of the UNSC reform proposals, the invaluable information is taken from the work of Marina Magalhaes Barreto Leite Silva *"Spoiler or Reformer? The Uniting for Consensus Group and UN Security Council Reform"*, which analyzes the important reforms efforts of the UN by different regional groups and initiatives with the special attention to 1965 successful enlargement of the non-permanent seats, the Razali Plan, reform proposals of Kofi Annan, as well as the African Union Group, the Group of Four and Uniting for Consensus.

The literature used in the second part of the thesis is related particularly to the veto power and to the concepts of Responsibility to Protect and Responsibility not to Veto with an emphasis on two case studies – Libya and Syria interventions. Opinions concerning the use of veto in circumstances when the crimes of mass atrocities occur, the issue of humanitarian intervention as a last resort abound. The invaluable source of information for this research was the Charter of the United Nations, Resolutions, Reports and Working Plans of the organization itself.

Chapter 1

1.1 Historical Background of the UN Security Council: creation, membership, goals and competences

This chapter consists of two parts. First part looks at the creation of the United Nations organization within the larger context of the UN's emergence in the post WWII environment with an emphasis on the UNSC. This way, this part overviews the background of its creation, membership categories, goals and competences of the UNSC. The second part of the chapter deals with the general overview of the UNSC reform proposals regarding such spheres as working methods of the UNSC, its relationship with the United Nations General Assembly, regional representation, decision – making methodology, the composition of permanent members, and the right of the veto. The theoretical framework which is applied in this part of the thesis is the Veto Player Theory. With a focus on the previous reform efforts, this section analyzes some of the attempts to change and modify the UNSC through the prism of the relevant theory.

1.1.1 Creation

The United Nations was founded in 1945 after the Second World War (WWII) to replace its predecessor, the League of Nations. It was founded with the special purpose to maintain international peace and stability, to promote global cooperation and dialogue between states, to defend and guarantee human rights.[8]

The foundational treaty of the organization, called the United Nations Charter was signed in San Francisco on June 26, 1945 and came to force on October 24, 1945.[9] According to the charter, there are six principal organs of the organization. These are: the General Assembly, the Security Council, the Economic and Social Council (ECOSOC), the International Court of Justice (ICJ), the

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[8] The United Nations, *Overview* http://www.un.org/en/sections/about-un/overview/index.html
 [accessed 20 February]
[9] The United Nations, *Charter of the United Nations* http://www.un.org/en/documents/charter/intro.shtml
[accessed 21 February]

Secretariat, and the Trusteeship Council.[10] Among the organs of the organization the Security Council is considered to be the most powerful organ. It has the responsibility for maintenance of international peace and security. Moreover, it passes resolutions binding on member states. The P5 of the UNSC possess significant power through their exercise of veto, which includes other privileges such as filling positions in the major UN Secretariat posts, the ICJ, and other decision making bodies of the organization.[11]

1.1.2 Membership

The UNSC is composed of fifteen members. There are two categories of membership in the organization: Permanent Members and Elected or Rotating Members. According to the Charter of the UN, membership in the organization "is open to all peace-loving States that accept the obligations contained in the United Nations Charter and, in the judgment of the Organization, are able to carry out these obligations".[12] States become members of the UN by decision of the UNGA with the recommendation of the UNSC. The presidency of the Security Council rotates and each state presides for one month. Its role involves setting the agenda, holding its meetings and overseeing any crises.

Table 1: Distribution of seats[13]

Region	Permanent seats	Non - permanent seats	Total
Africa	0	3	3
Asia	1	2	3
Latin America	0	2	2

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[10] The United Nations, *Main Organs* http://www.un.org/en/sections/about-un/main-organs/index.html [accessed 21 February]

[11] Alischa Kugel, "Reform of the Security Council - Reform of the Security Council - A New Approach?" *Dialogue on Globalization,* (September 2009), 2

[12] United Nations, Charter of the United Nations, 24 October, art. 4, para.2, available at http://www.un.org/en/documents/charter/chapter2.shtml [accessed 23 February].

[13] Elida Rønnaug Hole Wirkola, "Reform of the UN Security Council and Veto Player Theory"(diss., University of Oslo, 2010), 30

North America	1	0	1
Western Europe and others	2	2	4
Eastern Europe	1	1	2

Permanent Members

The Council has five permanent members:

- People`s Republic of China

- French Republic

- Russian Federation

- United Kingdom of Great Britain and Northern Ireland

- United States of America[14]

The permanent members were originally the winners of World War II. From the beginning of the UN formation, the P5 of the UNSC were the Republic of China, the French Republic, the Soviet Union, the United Kingdom, and the United States. The P5 are considered to maintain the world's most powerful military forces. Furthermore, all of the P5 are officially recognized as "nuclear-weapon states" under the Nuclear Non-Proliferation Treaty (NPT).[15] Along with this, the P5 possess the important right of veto, which distinguishes them from other members of the UN.

Non – permanent (rotating) members

There are ten non – permanent members of the Security Council, which are elected for two year term by the UNGA. The members are chosen from regional groups. This way, two members are elected from the African group; another two members are elected from each of the North/South American, Asian and Western European blocs; and one member is chosen from the Eastern

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[14] United Nations Security Council. Current Members. http://www.un.org/en/sc/members/ [accessed 24 February]

[15] Medalia, Jonathan (14 November 1996). "92099: Nuclear Weapons Testing and Negotiation of a Comprehensive Test Ban Treaty". Global Security. Retrieved 26 November2013

European bloc. The last seat rotates every two years between Asia and Africa, currently Africa.[16]

The current (2015 - 2016) non – permanent members are:

- Angola (2016)

- Chad (2015)

- Chile (2015)

- Jordan (2015)

- Lithuania (2015)

- Malaysia (2016)

- New Zealand (2016)

- Nigeria (2015)

- Spain (2016)

- Venezuela (Bolivarian Republic of) (2016)[17]

1.1.3 Goals and Competences

By adhering to the Charter of the United Nations, all Member States recognize that the Security Council has the primary responsibility for the maintenance of international peace and security and agree to be bound by its decisions. It is therefore of vital importance, not only to the Organization, but to the world, that the Council should be equipped to carry out this responsibility and that its decisions should command worldwide respect

UN 2005 art.167

The Basis of the Authority in the United Nations Charter

The starting point for considering the powers of the Security Council is Article 24, paragraph 1, of the United Nations Charter, which reads:

"In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf."[18]

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[16] United Nations Security Council, University of Macedonia, Thessaloniki, Greece, for Thessaloniki International Student Model United Nations., 2 available at http://sites.mgkworld.net/thessis07/files/sc_a.pdf [accessed 25 February]
[17] United Nations Security Council. Current Members. http://www.un.org/en/sc/members/ [accessed 26 February]

The primary purpose of the United Nations Security Council is to "maintain international peace and security using collective measures for the prevention and removal of the threats to the peace, and for the suppression of acts of aggression or other breaches of the peace…"[19] The Security Council was designed to eliminate and prevent these threats which occur in the international arena. Accordingly, it has been granted certain powers and competences. These powers include the right to investigate situations, to determine if a threat to international security exists,[20] the right to suggest appropriate terms for peaceful settlements of disputes,[21] the right to declare "the existence of a threat to the peace or act of aggression"[22]; and the right to propose solutions to a threat, including economic sanctions, "measures not involving…armed force",[23] and military action.

The United Nations Charter states a range of sanctions the Security Council has the authority to apply, when breach of peace or threat to it has been identified. The range includes complete and partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio and other means of communication and the severance of diplomatic relations.[24]

In addition to this, under the UN Charter the following competences and functions of the UNSC are identified: "to recommend the admission of new members, to exercise the trusteeship functions of the United Nations in strategic areas and to recommend to the General Assembly the appointment of the Secretary – General and, together with the Assembly, to elect the Judges of the International Court of Justice."[25]

[18] United Nations, Charter of the United Nations, 24 October 1945, art. 24, para.1, available at: http://www.un.org/en/documents/charter/chapter1.shtml [accessed 27 February].
[19] United Nations, Charter of the United Nations, 24 October 1945, art. 1, para.1, available at: http://www.un.org/en/documents/charter/chapter1.shtml [accessed 27February].
[20] United Nations, United Nations, Charter of the United Nations, 27 October 1945, art. 34, available at http://www.un.org/en/documents/charter/chapter1.shtml [accessed 27 February].
[21] United Nations, Charter of the United Nations, 24 October, art. 37, para.2, available at http://www.un.org/en/documents/charter/chapter1.shtml [accessed 27 February].
[22] United Nations, Charter of the United Nations, 24 October, art. 37, para.2, available at http://www.un.org/en/documents/charter/chapter1.shtml [accessed 27 February].
[23] United Nations, Charter of the United Nations, 24 October, art. 39, available at http://www.un.org/en/documents/charter/chapter1.shtml [accessed 28 February].
[24] Farral, Jeremy Matam, *United Nations Sanctions and the Rule of Law*, Cambridge University Press, 2007 p. 64
[25] United Nations Security Council. Functions and Powers. http://www.un.org/en/sc/about/functions.shtml [accessed 1 March].

The exercise of these competences and functions by the UNSC has led to the abuse of their authority which caused a storm of discontent among the other bodies and members of the organization as well as from the international community. Thereby, as a response to this, different proposals, models and working plans have emerged.

1.2 General overview of the UN Security Council Reform Proposals

The issue of the Security Council reform is one of the long- lasting debates that have been discussed throughout the existence of the organization itself. Due to the existing shortcoming of the UNSC, various proposals and working plans were presented with the purpose of its reform. Surprisingly, after the end of the Cold War, when the UNSC became more efficient and more active in international matters and peacekeeping operations, the calls for reform paradoxically increased. Such reform proposals as the Razali Reform Paper, Kofi Annan`s United Nations Security Council Reform Proposal, The African Union Proposal, The Group of Four, Uniting for Consensus and many other reform proposals and plans were actively promoted, but their fate was very much the same – all of them very blocked by the P5 during the stages of their consideration. Therefore, this chapter aims to examine the above listed proposals of the UNSC more closely.

The 1965 reform

The first session of the Security Council was held on 17 January 1946[26]. At that time the Council consisted of eleven members – the five permanent and six non – permanent members. In 1965 the first reform of the Security Council happened when the number of non-permanent members was increased from six to ten. The main reason for this reform was in the increase in the number of the member states. After this reform the number of the UN Member States has increased substantially again especially because after the fall of the Soviet Union many new members joined the UN.[27] Today, the United Nations has 193 members.

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[26] Elida Rønnaug Hole Wirkola, "Reform of the UN Security Council and Veto Player Theory"(diss., University of Oslo, 2010), 49

[27] Sahar Okhovat, "The United Nations Security Council: Its Veto Power and Its Reform". *CPACS Working Paper No. 15/1*(The University of Sydney, 2011), 32

Table 2: Distribution of seats before 1965[28]

Region	Non-permanent seats
Latin America	2
The British Commonwealth	1
The Middle East	1
Western Europe	1
Eastern Europe	1

Table 3: Distribution of seats after 1965[29]

Region	Non-permanent seats
Latin America	2
West Europe and others	2
Eastern Europe	1
Africa	3
Asia	2

According to the Table 3, the number of non-permanent seats has been enlarged from 6 to 10. Three seats were given to the African continent, and two – to Asia, three – to West and Eastern Europe.[30] Surprisingly, this reform proposal was not blocked by the members of the UNSC. However, it took two years of stagnation before the amendments concerning the increase of the non-permanent seats, were ratified by the two-thirds of the UN member states, including all of the P5.

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[28] Wirkola, "Reform of the UN Security Council and Veto Player Theory", 51
[29] Ibid
[30] Ibid

The Razali Reform Paper

The Razali Reform Paper also known as the "Razali Plan" is considered to be one of the most important reform proposals concerning the UNSC. The "Razali Plan" is a three – stage reform plan proposed by the president of the General Assembly and chairman of the Open- Ended Working Group in 1997.[31]The main recommendation made in the proposal concerned the enlargement of the both permanent and non-permanent seats of the UNSC. Apart from the enlargement of the UNSC, the Razali Plan also proposed several changes regarding its working methods and procedures.[32] However, by reason of disagreement among different groups, this proposal was impossible to implement. The implementation of the Razali Plan required the support of the all P5. However, the response of the P5 was hugely critical and negative. For example, the USA even threatened to use its right of veto if the Razali Reform Proposal was admitted to voting. In spite the fact that the P5 did not veto the plan directly, although the USA threatened to use it; all the P5 expressed their views which were absolutely contradictory to the proposal. Thus, the reform proposals of the UNGA President concerning the UNSC were not implemented.

Kofi Annan`s United Nations Security Council Reform Proposal

Another important reform proposal is Kofi Annan`s working plan on the change of the important spheres in the UN. In the report called "In Larger Freedom: Towards Development, Security and Human Rights for All" by the UN Secretary – General, Kofi Annan made several recommendations concerning the security, development, human rights and international institutions, including the reform of the UNSC. To that end, he proposes two models – Model A and Model B for the UNSC reform.[33]

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[31]Wirkola, "Reform of the UN Security Council and Veto Player Theory",61
[32]Ibid
[33] Kofi Annan. In larger freedom: towards development, security and human rights for all, United Nations General Assembly Report, 42

Table 4: Security Council Reform: Model A[34]

Regional Arena	No. of States	Permanent seats (continuing)	Proposed new permanent seats	Proposed two-year seats (nonrenewable)	Total
Africa	53	0	2	4	6
Asia and Pacific	56	1	2	3	6
Europe	47	3	1	2	6
Americas	35	1	1	4	6
Totals Model A	**191**	**5**	**6**	**13**	**24**

Table 5: Security Council Reform: Model B[35]

Regional Arena	No. of States	Permanent seats (continuing)	Proposed four-year renewable seats	Proposed two-year seats (nonrenewable)	Total
Africa	53	0	2	4	6
Asia and Pacific	56	1	2	3	6
Europe	47	3	2	1	6
Americas	35	1	2	3	6
Totals Model B	**191**	**5**	**8**	**11**	**24**

As it can be seen from the tables, the model A proposes the enlargement of six additional permanent seats without the right of veto and three new two-year term non-permanent seats, divided among the major regional areas. Unlike the model A, the model B proposes a new category of four-year renewable seats and one new two-year non-permanent seat.

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[34] Kofi Annan. In larger freedom: towards development, security and human rights for all, United Nations General Assembly Report, 43
[35] Kofi Annan. In larger freedom: towards development, security and human rights for all, United Nations General Assembly Report, 43

African Group: "African Union Proposal"

The African Union Proposal has been prepared and supported by the African States. It was presented on July 18, 2005, during the 59th session of the General Assembly.[36] The 43 signatories from African countries stated that they were: "mindful of the need to ensure Africa, like all the other regions of the world, effective representation at the Security Council."[37] The AUP originated from the group called "the Organization of African Unity". The initial goals of the group were the establishment of a better position for African states in the international community. Many members of the organization began to be accepted to the UN membership starting from 1955.In this way, the African representation in the UN grew from 3 to 47.[38] The participation of the African states in the debates of the UNSC was always very active. Such countries like Algeria, Egypt, Libya, Nigeria and South Africa were the most active from the African group. The main issue raised by AUP was the equitable representation at the Security Council. According to the group`s proposal, the UNSC`s membership should be increased from 15 to 26. The additional 11 seats should be distributed as follows: 2 permanent seats and 2 non-permanent seats for African States, 2 permanent seats and 1 non-permanent seat for Asian States, 1 non-permanent seat for Easter European States, 1 permanent seat and 1 non-permanent seat for Latin American and Caribbean States, and 1 permanent seat for Western European and other States.[39] The important point of the proposal was that all the rights of the P5 must be also granted to the new permanent seats, including the right of veto. Despite of the ambitious claims of the AUP, their position was supported by the whole African region, which cannot be said about the proposals of other groups.

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[36] Marina Magalhaes Barreto Leite Silva. Spoiler or Reformer? The Uniting for Consensus Group and UN Security Council Reform (Osaka University Knowledge Archive: OUKA, 2014), 77. PHD e-book, 71
[37] See the draft resolution at the letter number 67, from 18 July 2005. (A/59/L.67)
[38] United Nations. United Nations Member States www.un.org/en/members/index.shtml [accessed 28 February].
[39] Marina Magalhaes Barreto Leite Silva. Spoiler or Reformer? The Uniting for Consensus Group and UN Security Council Reform (Osaka University Knowledge Archive: OUKA, 2014), 77. PHD e-book

"The Group of Four Resolution"

"The Group of Four" was a coalition formed by Brazil, Japan, India and Germany in 2004.Being major donors (Japan and Germany), having one of the world's largest populations and economies as well as being the third largest contributor of troops to UN peace-keeping missions (India) and, ultimately, being the largest country in terms of population, economy and territory in South America (Brazil), these countries ambitiously expressed their will to become the permanent members of the Security Council.[40] The main dissatisfaction of the G4 was with the institutional persistence of the UNSC. They believed that the Council no longer corresponds to the current international realities because of its old – fashioned nature.

Unlike the African Union, the G4 was not a regional group. The proposal by the group was presented on July 6, 2005, during the 59th session of the General Assembly.[41] Apart from the four main members of the G4 model, there were 27 countries from different parts of the world such as Afghanistan, Belgium, Bhutan, the Czech Republic, Denmark, Fiji, France, Georgia, Greece, Haiti, Honduras, Iceland, Kiribati, Latvia, the Maldives, Nauru, Palau, Paraguay, Poland, Portugal, the Solomon Islands, Tuvalu and Ukraine.[42]

With the purpose of making the UNSC more representative, G4 model suggested the enlargement of the Council's permanent membership seats by adding 6 permanent and 4 non-permanent members. According to this resolution, the new permanent members would be elected, as follows: two from African States, two from Asian States, one from Latina American and Caribbean States, and one from Western European and other States. In addition to that, the 4 non-permanent members would be elected, as follows: one from African States, one from Asian States, one from Eastern European States, and one from Latin American and Caribbean States.[43] Regarding the veto and other privileges of the permanent members, the G4 suggested granting the new members with

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[40] Marina Magalhaes Barreto Leite Silva. Spoiler or Reformer? The Uniting for Consensus Group and UN Security Council Reform (Osaka University Knowledge Archive: OUKA, 2014), 77. PHD e-book, 72

[41] Ibid., 72

[42] Ibid., 72

[43] Press Release. GA/10484. http://www.un.org/News/Press/docs/2006/ga10484.doc.htm. (2007-02-10).

the same rights which the existing P5 possess.[44] However, despite making the regional representation as the main pursuit of the G4 model, the four countries seemed to express their voice largely because of the economic and political situation of each of them. For example, Japan and Germany started to be interested in the permanent seat at the UNSC in the late 1980s, when both countries reached great economic growth and became international powers.[45] Almost after two decades India and Brazil experienced the same economic growth and expressed their will for the permanent seats in the UNSC. Japan and Germany were among the great contributors to the budget of the UN for several years. Thus, the table below demonstrates the average percentage of contribution for the regular budget of the UNSC during the last nineteen years.

Table 6: Average Percentage of Contribution for the Regular Budget (1995-2013)

(Source: United Nations: Regular Budget and Working Capital Fund, Assessments)[46]

USA	22.95
Japan	16.79
Germany	8.87
France	6.27
UK	5.84
Italy	5.05
Canada	2.9
Spain	2.69
China	2.02
Russia	1.98
Brazil	1.63
India	0.4

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[44] http://documents-dds-ny.un.org/doc/UNDOC/LTD/N05/410/80/pdf/N0541080.pdf?OpenElement. Document A/59/L.64. (2007-02-14).

[45] Marina Magalhaes Barreto Leite Silva. Spoiler or Reformer? The Uniting for Consensus Group and UN Security Council Reform (Osaka University Knowledge Archive: OUKA, 2014), 73. PHD e-book, 72

[46] Marina Magalhaes Barreto Leite Silva. Spoiler or Reformer? The Uniting for Consensus Group and UN Security Council Reform (Osaka University Knowledge Archive: OUKA, 2014), 73. PHD e-book, 73

As it can be from the table above, the main argument of Japan and Germany for getting the permanent seats was in important financial contributions these countries made to the organization's budget. However, this issue of budget burden did not persuade the General Assembly for giving permanent seats to these countries.

India, being another active member of the G4 model, followed the different path in promoting itself. The key arguments used by India were its participation in UN peacekeeping operations as well as the large population of the country.

Similar to India, Brazil also based its line of reasoning on the following factors – a developing state in South America with a big territory and population, an expanding economy and active participation in UN peacekeeping activities, deserves a permanent seat in the UNSC. The chart below shows the ranking of total number of contributions to UN operations, in which India ranks third, and Brazil took the eleventh place.

Chart 1: Ranking of Total Number of Contributions to UN Operations

(Source: United Nations, Ranking of Military and Police Contributions to UN Operations, 31 Jan 2013)[47]

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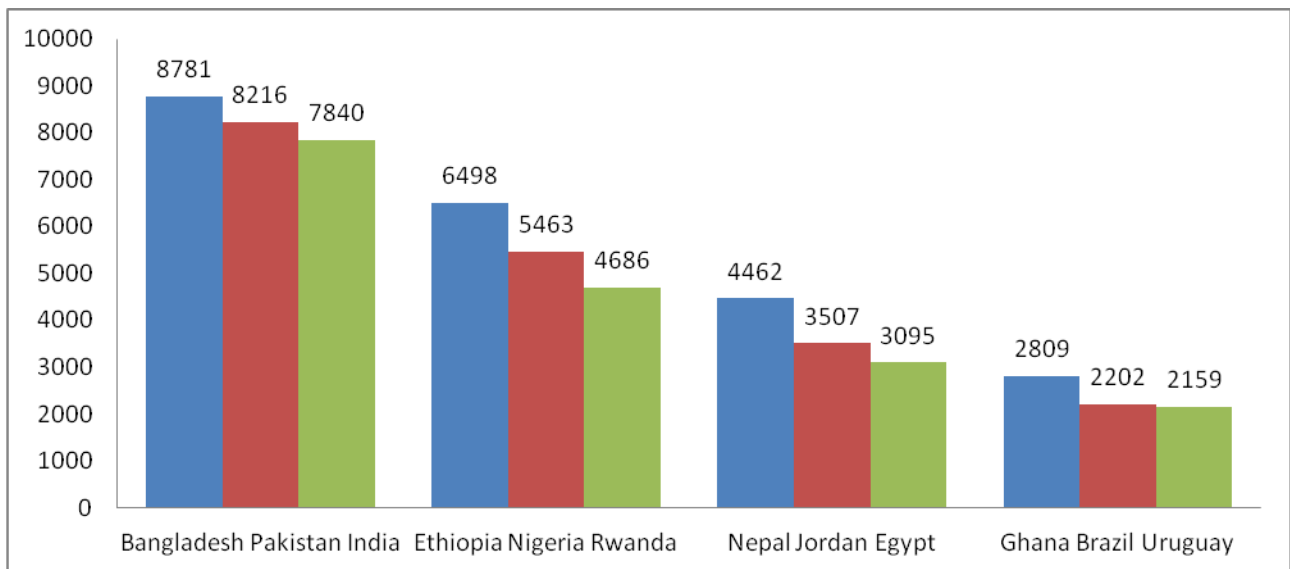
[47] Ibid., 75

In spite of being a non-regional group with the support of only 27 countries, the G4 model was able to attract attention of the international community and gathered many important partners, although Japan, Germany, India and Brazil have been unable to get permanent seats in the UNSC.

"Uniting for Consensus"

"The Uniting for Consensus" is a group of 40 countries, which was initially originated at the end of 1990s from the organization called "The Coffee Club".[48] The core idea of the working group was in improving the working methods of the UNSC as well as expanding the seats in the council. According to Professor Courtney Smith, such groups as G4 and UfC are called "negotiating groups" because they "aim to resolve especially contentious areas of disagreement",[49] meaning that these groups are more specific in stating their goals and positions. The formal presentation of the proposal by the UfC for the enlargement of the Security Council was presented on July 21, 2005, during the 59th session of the General Assembly.[50] Altogether, 12 countries, which are Argentina, Canada, Colombia, Costa Rica, Italy, Malta, Mexico, Pakistan, Republic of Korea, San Marino, Spain and Turkey, represented the UfC model in the UNGA session. The member-states argued not only to make the UNSC more representative, but also more democratic, more transparent and more accountable.[51] This proposal also concentrated on the improvement of the working methods of the UNSC, namely regarding the transparency in decision-making process, including accountability in performance, access to information and interaction with all interested parties in its work.

According to UfC model, the Council should consist of 25 members, with the current permanent five members staying the only permanent members. Furthermore, UfC suggests an increase only in the number of non-permanent members which will serve for a term of two-years with a possibility of immediate re-election, and these seats should be distributed by each

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[48] Courtney B. Smith, Building Peace Through The Political Processes of the United Nations, 2006. p.73
[49] Ibid., 73
[50] Marina Magalhaes Barreto Leite Silva. Spoiler or Reformer? The Uniting for Consensus Group and UN Security Council Reform (Osaka University Knowledge Archive: OUKA, 2014), 73. PHD e-book, 79
[51] The draft resolution at the letter number 68, from 21 July 2005. (A/59/L.68)

geographical group as follows: 6 from African States; 5 from Asian States; 4 from Latin American and Caribbean States; 3 from Western European and other States; 2 from Eastern European States.[52] However, the international community, namely other members of the UN ambiguously responded to the claims of the UfC model. Particularly, the most criticism has been directed towards the objectives of the proposal.

As it can be seen from the short overview of these reform efforts, the reform of the 1965 is considered to be the most successful reform of the UNSC. The other reform efforts faced challenges from the side of the P5. Ultimately, coming back to the Veto Player Theory, the main idea of which was the interests of veto players and their ability to block any resolution with their negative vote, can explain the deadlock in the reform process of the UNSC. All the above analyzed reform proposals somehow contradicted to the views of the P5. With this regard, in all of the cases except the 1965 enlargement of the non-permanent membership, the P5 used their right of veto or the threat to use the veto and through which they were able to keep the desirable status quo within the organization.

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[52] Ibid

Chapter 2

The Veto Power of the United Nations Security Council

The previous chapter of the research overviewed the general reform proposals concerning all the spheres of the UNSC. The second chapter will concentrate on the most controversial yet neglected aspect of the organization, which is the veto power of the P5. Particularly, this section of the thesis seeks to examine the use of veto power by bearing members and how it affects the management of global security. The right of veto will be analyzed from legal and political contexts, and supported by the theory of Political Realism. This chapter is very essential in the research because it provides answers to the research question and justifies the hypothesis with two supportive arguments.

2.1 Legal Context of the UNSC Veto Power

The veto, (from Latin "forbid or authoritative prohibition") is a right given to the permanent members of the Security Council. It balances the decisions of the P5 as well as ensures that no decisions can be taken against the will of the permanent members.[53] The power of veto is granted to the P5 by the UN Charter and can be used in the three main circumstances: decision making process of the Council, appointment of the Secretary General and the amendment of the Charter.[54] Theoretically, the non-permanent members of the SC can also exercise another type of veto power, called a collective veto power. The collective veto power used by at least seven non-permanent members of the SC may block a resolution even if all the permanent members vote for it. However, in reality, it is very difficult to non-permanent members of the UNSC to block a certain resolution.

The power of veto is introduced in the article 27 of the Charter of the United Nations entitled "Voting":

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

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[53] Luck, Edward C., (2008), 'A Council for All Reasons: The Creation of the Security Council and its Relevance Today', in Lowe, Vaughan, Roberts Adam, Welsh Jennifer and Zaum Dominik, eds, The United Nations Security Council and War: The Evolution of Thought and Practice since 1945, Oxford: Oxford University Press, pp.61-85.
[54] Ibid

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

3.   Decisions of the Security Council on all other matters shall be made by an affirmative vote of seven 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. [55]

Theoretically, the non-permanent members of the SC can also exercise another type of veto power, called a collective veto power. The collective veto power used by at least seven non-permanent members of the SC may block a resolution even if all the permanent members vote for it.[56]It is important to mention that the word "veto" does not appear in the Charter, but it is expressed by the phrase "concurring vote of the permanent members". The article 27 of the UN Charter clearly defines the privilege given to the P5n along with the right of veto. Using the power of veto, the P5 can prevent the adoption of any draft resolutions. The power of veto is also referred to as the principle of great power unanimity.[57] Each of the P5 has a veto power defined us the capacity to overrule any proposed action.

2.2 Political Context of the UNSC Veto Power

The creation of the most stable and efficient institution was the primary objective of the Allied Powers. Stalin, Churchill and Roosevelt being the important figures in the UNSC insisted on the special tool through which they could protect their national interests.[58] Accordingly, the development of the veto system had drawn the clear line between the powerful P5 and other members of the UNSC. The system would mean that the US, the USSR, China, France and the UK could use their right of veto to block any resolution that they believed was contrary to their interest.[59]

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[55] United Nations, Charter of the United Nations, 24 October 1945, art 27, available at: http://www.un.org/en/documents/charter/chapter1.shtml [accessed 7 March]

[56] United Nations, Charter of the United Nations, 24 October 1945, art. 27, available at: http://www.un.org/en/documents/charter/chapter1.shtml [accessed 27 February].

[57] Kia, B., Ojie, P. A., Kidi, Z. D., Veto Power as a Diplomatic Cover for National Interests of Bearing members in United Nations Security Council: Implications on the Management of Global Peace and Security, 6

[58] Frederic L. Kirgis Jr, "The Security Council's First Fifty Years." The American Journal of International Law 89 (3), (1995) pp. 506-539.

[59] Lamrot Lulseged, *Vetoing the Veto: Voting Reform and the United Nations Security Council,* p.18

Therefore, from the political perspective, the right of veto can be understood as an ability of the UNSC to adopt a resolution because of the negative vote of one or more permanents members.[60] According to the book called "UN Security Council Reform and the Right of Veto: A Constitutional Perspective' by Bardo Fassbender, there are four main aspects of the right of veto. First, the veto is used as a last resort of the P5.[61] Second, the right of veto is used by the P5 in order to make a decision regarding intervention.[62] Thirdly, the right of veto by being provided only to the P5 highlights their important status.[63] In this respect, the veto power is a great opportunity for the P5 not only block the certain resolution, but also to influence the outcome of a certain situation without necessarily casting a formal negative vote. Fourth, the right of veto provides the P5 with the right to prevent or/and pass amendments to the UN Charter according to the articles 108 and 109, Chapter XVIII of the UN Charter.[64]

2.3 The Right of Veto from the Perspective of Political Realism

By the Charter of the UN, UNSC was granted the power to maintain international peace and security to save succeeding generations from the "scourge of war" by means of diplomatic cooperation and peaceful negotiation. However, the share-out of power within the UNSC is perceived to be unfair and undemocratic because of the main obstacle – selfish use of veto power by the P5. *The right of veto is ably manipulated by the P5 according to the national and collective interests of the each member. Hereby, it becomes the main obstacle for the Security Council's efficiency and annihilates the reform procedure as well as delays UNSC`s peacekeeping activities*

The framework analysis employed in this part of the research is political realism and the concept of national interest. This research finds political realism, namely the concepts of national interest and national security as the best suitable to analyze how and in which circumstances the

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[60] Bailey, Sydney D. & Daws, Sam, *The procedure of the UN Security Council*, 3. ed., Clarendon, Oxford, 1998, p. 228.
[61] Fassbender, Bardo, *UN Security Council reform and the right of veto: a constitutional perspective*, Kluwer Law International, The Hague, 1998, p. 277.
[62] Ibid, p. 280.
[63] Fassbender, Bardo, *UN Security Council reform and the right of veto: a constitutional perspective*, Kluwer Law International, The Hague, 1998, p. 281.
[64] Nations, 24 October 1945, Chapter XVIII, art. 108, 109, available at:
http://www.un.org/en/documents/charter/chapter1.shtml [accessed 27 February].

right of veto is used by the P5. According to Morgenthau, one of the prominent figures of the realism, the "concept of interest that is defined in terms of power is the main signpost that helps understand the international politics".[65] In order to analyze the veto from the perspective of political realism, it is necessary to look at the assumptions political realists make about the international system. The most important of these assumptions are: 1) states are considered to be the most significant actors of the international arena; 2) they act solely with the purpose of maximizing their interests and benefits; 3) international system is characterized by the state of anarchy.[66] Proceeding from this, it may be concluded that the P5 use the veto in line with their national interests and for the preservation of their national security, completely ignoring its initial purpose of creation. Therefore, the criteria for passing a resolution regarding intervention in a particular country is largely based on such interest like military and political alliances, economic and geo-strategic interests, as well as political principles.[67]Why are some resolutions easily accepted and passed with the consent of the P5 while others take much time to consider and face certain obstacles from the side of the P5? Is it a coincidence or concatenation of circumstances that the P5 immediately react to conflicts and mass riots in some countries but literally ignore the same events in other countries? Does the right of veto used by the P5 lead to the inaction of the UNSC in response to severe conflicts? These questions are interesting to explore in light of comparative analysis of two case studies - revolutions in Libya and Syria.

2.4.1 Politics of Intervention: Why Libya and not Syria?

What were the main reasons for the international intervention in Libya and the non-intervention in Syria and how do they fit into a context of national interests of the P5?

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[65] Ramazan Özdemir, Invasion of Iraq: A Reflection of Realism, 2

[66] Jan Maessen, "The Libyan Intervention, Triumph and Downfall of the Responsibility to Protect in One" (diss., Universiteit Leiden, 2011), 8

[67] Stefan Hasler, "Explaining Intervention in Libya and Non-Intervention in Syria"(diss., Naval Postgraduate School, 2012), 62

Before analyzing the intervention in Libya and Syria, it is important to give general overview of the political context in both countries before intervention. In case of Libya, the time period under the leadership of Muamar al-Gaddafi in the context of international relations must be analyzed. Furthermore, the focus shifts to the escalation of violence in 2011 and a factual overview of the intervention, taking into consideration the legitimacy of the intervention and the motivation of the interveners.

Muammar Muhammad Abu Minyar al Gaddafi, the authoritarian leader of the Libya, was killed in 2011 after 8 months of bloody riots between the Regular Libyan troops and loyalists fought on Gaddafi's side against the supporters of the National Transition Council of Libya (NTC), a coalition of different Libyan groups supported by the North Atlantic Treaty Organization.[68] The UNSC`s reaction to the internal disturbances in Libya was very rapid. On 15 of February the UN unanimously passed the Resolution 1970 which was proposed by Germany, the U.S., Great Britain, and France[69] as well as imposed several international sanctions on Libya. According to Obama's speech the main impulse for the UN Resolution was given by the need to authorize "all necessary measures to protect civilians".[70]

The whole process of decision-making within the UNSC was very rapid without any obstacles faced by the P5. On the contrary, the UNSC gained support from other international organizations groups such as the European Union[71], the League of Arab States[72] and the

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[68] Forces from the U.S., France, Canada, Belgium, United Kingdom, Spain, Norway, Italy, Denmark, Qatar, and the United Arabic Emirates were part of the NATO-led coalition enforcing the UN resolution militarily. In total, 19 nations were engaged in the alliance to enforce the UN resolution 1973.

[69] Stefan Hasler, "Explaining Intervention in Libya and Non-Intervention in Syria"(diss., Naval Postgraduate School, 2012), 104

[70] UN Security Council, SC 10200, 17 March 2011, http://www.un.org/News/Press/docs/2011/sc10200.doc.htm [accessed 25 April]

[71] The EU governments approve sanctions against Libya on 28 February. Council of the European Union 7081/11, Presse 41, 28 February 2011.

[72] The League of Arab States meeting at the Ministerial level in an extraordinary session on March 12, 2011 had the outcome that the LAS supported imposing a non- fly zone while simultaneously rejecting a military intervention. *UNSC*. Update Report No. 1 Libya 14 March 2011 http://www.securitycouncilreport.org/site/c.glKWLeMTIsG/b.6621881/k.63C4/Update_Report_No_1brLibyabr14_March_2011.htm [accessed 25 April]

Organization of the Islamic Conference[73], who also condemned the regime of Gaddafi. Moreover, NATO also took an active part in the political process of intervention in Libya. The NATO special mission called "Unified Protector"[74] was launched with the purpose of protecting civilians from the regime of Gaddafi.

In the uprising of Syria the UN failed to adopt resolutions against the Syrian leadership. In 2011 the first attempt to adopt a resolution was undertaken by Great Britain and France; however the resolution faced veto from the side of other two members of the UNSC – China and Russia.[75] The second attempt to pass a resolution happened three months later and faced the same obstacle of veto again used by China and Russia. The main reasons of blocking these resolutions came from the assurance of both states that the intervention in Syria will not bring peaceful solution of the conflict.[76]

What makes these two countries so different from each other? It is important to highlight that the politics of intervention are driven by numerous factors, among which the national interest and national security are the most important ones. Thereby, in case of Libya, the P5 had their objectives of intervention. The social structure of this country, its size, geopolitical location and leadership influenced the UNSC`s decision to intervene.[77] Particularly, intervention in Libya would offer a quick and decisive success. Whereas, Syria is much more complicated and heterogeneous population, its strong allies and powerful military pose serious military and most importantly political risk to the UNSC.[78] Therefore, this example clearly illustrates how the national interests of the P5 may greatly influence decisions they make. The core problem of this issue is the escalation of conflicts and worsening of mass atrocity situations which lead to the death of innocent civilians.

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[73] On March 8, 2011 the secretary-general of the Organization of the Islamic Conference (OIC) Isahnoglu announced that the OIC supported a no-fly zone over Libya and called for the UN to assume its responsibility. *Organization of Islamic* Cooperation, http://www.oic-oci.org/topic_detail.asp?t_id=5031&x_key= [accessed 25 April]

[74] Ibid

[75] UN News Cemtre. "Russia and China veto draft Security Council resolution on Syria." http://www.un.org/apps/news/story.asp?NewsID=39935 [accessed 25 April]

[76] Neil McFarquhar. "U.N. Resolution on Syria Blocked by Russia and China." New York Times. "http://www.nytimes.com/2011/10/05/world/middleeast/russia-and-china-block-united-nations-resolution-on-syria.html?pagewanted=all [accessed 26 April]

[77] Stefan Hasler, "Explaining Humanitarian Intervention in Libya and Non-Intervention in Syria", California 2012, 174

[78] Hasler, 175

2.5 The Veto Restraint by the UN Security Council in Mass Atrocity Situations

Ruthless slaughter of civilians remains to be the greatest threat to international security of all times. Be it the genocide of Hutus by the Tutsi in Rwanda, the slaughter of hundreds of thousands of Armenians in Turkey or the Darfur Genocide which was accompanied by mass slaughter and rape of civilians, the reaction of the international community to these events was inconsistent and weak. This international failure to prevent genocidal violence raises the question of whether the international organization such as the UN has a desire and capacity to stop these crimes of mass atrocities, for which it was created. The inability to react in a timely and decisive manner to the crimes of mass atrocities is largely influenced by the use of veto by the P5. The Rwandan Genocide, Kosovo War, Darfur Genocide, massive killings in Libya and Syria serve as perfect evidences of the UNSC`s slow response and inaction to existing threats. The veto power of the P5 contributes largely to this inaction. Accordingly, there have been many calls by UN member states for there to be restraint on the use of the veto by the P5 of the UNSC in mass atrocity situations. The core belief of those reform proposals was the idea that *the right of veto must not be used to block timely and decisive action in cases when genocide, crimes against humanity and other crimes of mass atrocities are being committed.*

2.5.1 The Responsibility to Protect (R2P)

This notion of protecting human came out of the Rwandan experience of genocide, when international community failed to react and stop the massive killings of Hutus by the Tutsi tribe. In 2001 the International Commission on Intervention and State Sovereignty (ICISS) was created by the government of Canada. This commission released a report in which the principle of Responsibility to Protect was proposed. According to this report, the concept of preserving a

country's sovereignty was understood as a responsibility, and international community has this responsibility to intervene to stop mass atrocities if all other means have been exhausted.[79]

At the 2005 UN World Summit the member states included R2P in the Outcome Document. In 2006 the UN Secretary General, Ban Ki-moon wrote a report called "Implementing the Responsibility to Protect", in which he affirmed that the implementation of this principle was discussed at the UNGA and is still under the consideration of the UN. The Outcome Document of the UN states that every state has a responsibility to protect its population from the crimes of mass atrocities such as genocide, crimes against humanity and ethnic cleansing.[80] Furthermore, the Paragraph 139 of the document provides that "The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian, and other peaceful means . . . *we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing, and crimes against humanity*"[81] However, along with the promise of the UN member states to take collective actions, there are number of limitations and compromises, the most significant of which is that only UNSC must administer the policies of these collective actions. In addition to this, R2P causes skepticism and distrust of some of the P5 members such as Russia and China, which leads to misunderstanding among the P5 members about the theoretical and practical implementation of this principle. Nevertheless, despite being actively criticized, R2P remains to be an effective tool for prevention of crimes of mass atrocities.

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[79] United Nations Regional Information Center for Western Europe, R2P – *A Short History* http://www.unric.org/en/responsibility-to-protect/26981-r2p-a-short-history [accessed 15 March]
[80] UN Outcome Document, Paragraph 138
[81] UN Outcome Document , Paragraph 139 (Italics added)

2.5.2 Responsibility not to Veto (RN2V): Origins and Evolution

The idea of limiting the use of veto in cases of mass atrocities has its origins in the early discussions about the R2P principle. The first attempt to limit the veto power of the P5 was undertaken by the third president of the General Assembly, Herbert Vere Evatt, who proposed the idea of voluntary suspension of the veto in cases of mass atrocity crimes. Besides the proposal of the UNGA president, there were many other efforts to restrain the use of veto. The Table 7 demonstrates how different figures tried to make their proposals towards limiting the right of veto.

Table 7: Timeline of developments[82]

2001	French Foreign Minister Hubert Védrine called for the Permanent 5 (P5) not to apply their veto to block humanitarian action where their own national interests were not involved. The International Commission for Intervention and State Sovereignty endorsed the restraint of the veto in its 2001 report on the Responsibility to Protect.
2004	The Secretary-General's High-Level Panel on Threats, Challenges and Change called for a voluntary restraint on the use of veto in cases of mass atrocities.
2008	The United States' Genocide Prevention Task Force, chaired by former US Secretary of State Madeleine Albright and Senator William S. Cohen, endorsed the voluntary restraint on the veto in their report on improving the US' capacity to respond to genocide.
2009	The UN Secretary-General's report on Implementing the Responsibility to Protect supported the suggestion for restraining the veto in cases of mass atrocities. Nine member states in the General Assembly also endorsed this idea during the informal interactive dialogue on R2P.
2012	The Small 5 (S5) initiative, led by Costa Rica, Jordan, Liechtenstein, Singapore and Switzerland advanced a resolution in the General Assembly on improving the transparency of the Security Council, suggesting that P5 states should explain why the veto has been employed or considered in each situation and including a reference to the voluntary restraint of the veto in cases of mass atrocities. This draft resolution was later retracted by the S5 due to pressure from the P5 on the resolution's supporters.
2013	Launch of the Accountability, Coherence and Transparency (ACT) Group. Made up of 21 countries, the group is focusing on a wide variety of issues related to improving the working methods of the Security Council, including a code of conduct for using the veto in cases of mass atrocities. The European Parliament adopted a resolution in support of the R2P principle and proposes to the P5 to adopt a voluntary code of conduct that would limit the right of the use of veto in cases of genocide, war crimes, crimes against humanity and ethnic

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[82] Briefing by UNA-UK, UN Security Council and the responsibility to protect: Voluntary restraint of the veto in situations of mass atrocity, p.2

	cleansing.
	At a General Assembly informal interactive dialogue on R2P, nine states spoke up to voice their support for the voluntary restraint of the veto.
	French President and Foreign Affairs Minister advance proposal for a code of conduct in the UN and in the New York Times.
2014	Jordan made a statement as president of the Security Council iterating its support for reform of the Council and campaign for the end of the use of veto in situations of genocide, crimes against humanity and war crimes. Australia, the Netherlands and Lichtenstein made statements at an event at the UN commemorating the 20th anniversary of the Rwandan Genocide in support of France's proposal.

Among the above listed proposals, resolutions, statements, initiatives and reports the important place is given to the 2001 report of the ICISS, in which the organization endorsed the restraint of the use of veto in cases of mass atrocities. "The Responsibility not to Veto: A Way Forward" is the white paper written by the group called "Citizens for Global Solutions", which discusses the exercise of The Responsibility Not to Veto (RN2V) in cases of when crimes of mass atrocities are being committed. However, the working group did not demand to make the RN2V part of the UN legislation, but rather exercise it as a good faith promise by the states. The same year the French Minister of Foreign Affairs, Hubert Védrine supported the idea of the veto restraint in situations of serious humanitarian crises. He strongly believed that in a comparison with making formal amendments to the UN Charter regarding the limitation of the P5`s use of veto, this option of voluntarily restraining from the veto, would allow the UNSC to react in a timely and decisive way to the existing threats. According to Védrine, it will "generate greater reliability, predictability and credibility for the institution."[83]

In 2008 the idea of the RN2V became the center for discussion of the Genocide Prevention Task Force initiative which was established the US Holocaust Memorial Museum, the American Academy of Diplomacy, and the US Institute of Peace and chaired by former Secretary of State Madeleine Albright and former Secretary of Defense William Cohen.[84] The main task of this initiative was not new for the international community – it raised the same issue of the veto restraint.

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[83] Citizens for Global Solutions, "Responsibility Not to Veto: A Way Froward", 9
[84] Ibid., p.9

The members of the Genocide Prevention Task Force emphasized the role of the UNSC in preserving global security and states that it must be in the interests of the P5 to improve their decision-making process and the role of the veto in it.

The Small Five (S5) initiative consisting of Costa Rica, Jordan, Liechtenstein, Singapore, and Switzerland, also contributed to the development of the RN2V by introducing a resolution to the UNGA in May 2012. The resolution proposed the P5 to abstain "from using a veto to block Council action aimed at preventing or ending genocide, war crimes and crimes against humanity."[85]

This overview of proposals, working plans and initiatives demonstrates the slow progress of the RN2V notion in the recent years. The reactions of the international community and especially the P5 of the UNSC to the RN2V are largely ambiguous and passive. It is important to mention that even active and dedicated supporters of the R2P like the important figures of Obama's administration refrain from saying anything about the RN2V.[86]Therefore, imposing certain limitations of the use of veto cannot fully guarantee the eradication of aggression and timely prevention of crimes of mass atrocities, but it can surely affect the costs and risks of conflicts. Therefore, a crucial role is given to the UNSC to undertake timely and decisive action and deter perpetrates of crimes without losing many lives of innocent people.

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[85] Enhancing the Accountability, Transparency and Effectiveness of the Security Council (UN document A/66/L.42/Rev.2, 15 May 2012).
[86] Citizens for Global Solutions, "Responsibility Not to Veto: A Way Froward", 9

Conclusion

It must be realized that regardless of the much criticism of the veto, it cannot be taken away from the P5 of the UNSC. The principle of veto is prescribed in the founding document of the UN – United Nations Charter. The members of the UNSC will continue to use the veto whether for their own purposes when mass atrocities are not involved, or to protect their national and political interests and interests of their allies from harmful and undesirable resolutions. Therefore, it is not realistic to cancel the veto absolutely. However, there are ways to restrain the use of veto in particular situations with appropriate limits such R2P and RN2V. The extent to which the P5 of the UNSC are willing to accept and exercise these principles can be considered as a good barometer of the depth of their commitment to responding effectively to mass atrocities.

Main Findings

This thesis has led to the following concluding thoughts:

- The right of veto is ably manipulated by the P5 according to the national and collective interests of the each member. Hereby, it becomes the main obstacle for the Security Council's efficiency and annihilates the reform procedure as well as delays UNSC`s peacekeeping activities.

- The right of veto must not be used to block timely and decisive action in cases when genocide, crimes against humanity and other crimes of mass atrocities are being committed.

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Appendix 1

Who uses veto in the UN Security Council most often – and for what?

Emma McClean, "Hard Evidence: who uses veto in the UN Security Council most often – and for what?" The Conversation, http://theconversation.com/hard-evidence-who-uses-veto-in-the-un-security-council-most-often-and-for-what-29907
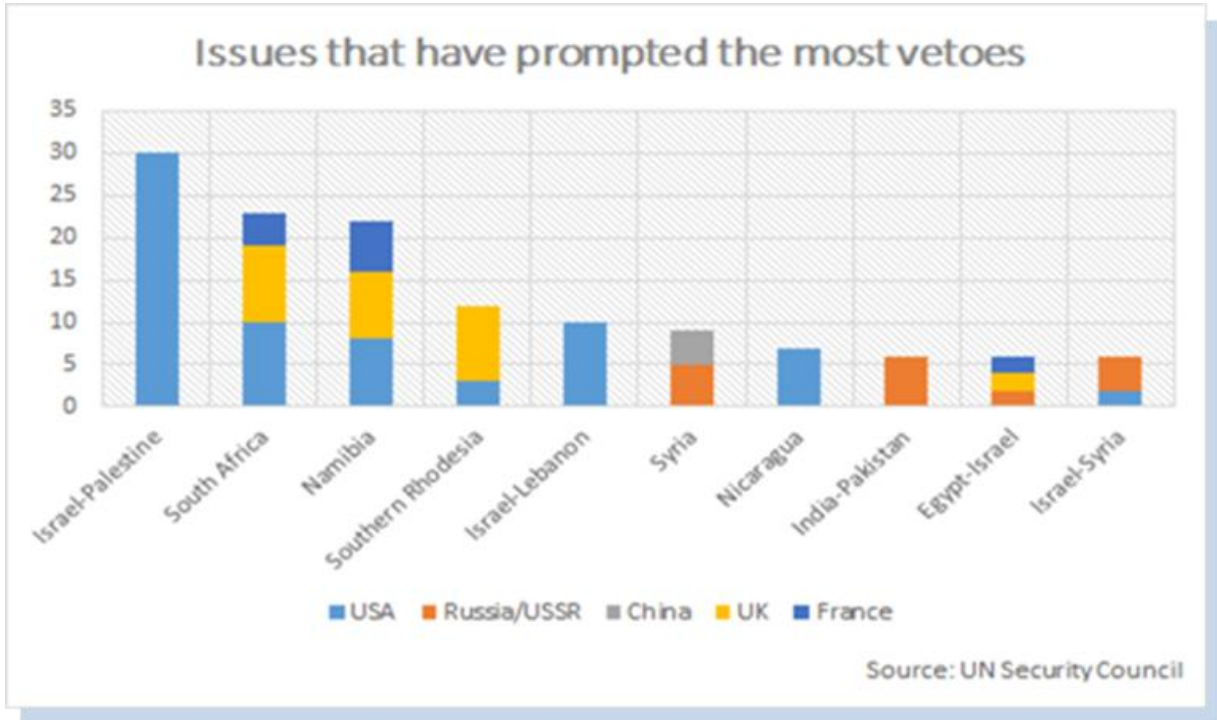
Table 1: Use of Security Council Veto

Use of Security Council veto: 1945-2014
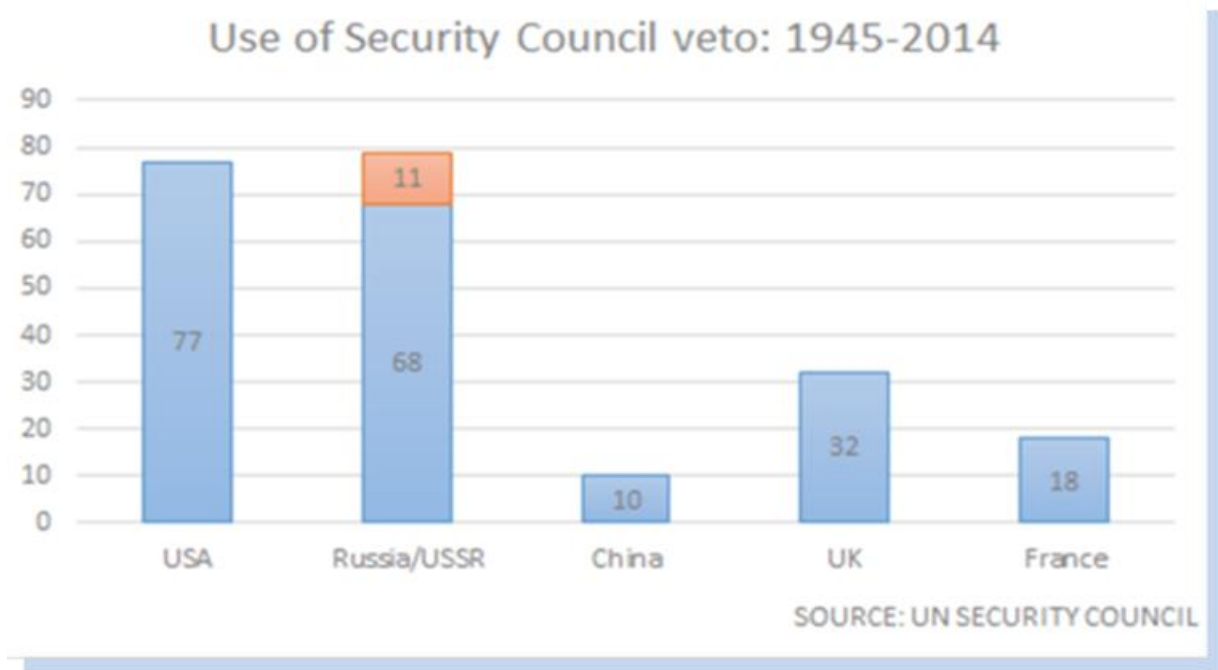
Table 2: What the P5 used its veto for the most

What the P5 has used its veto for the most
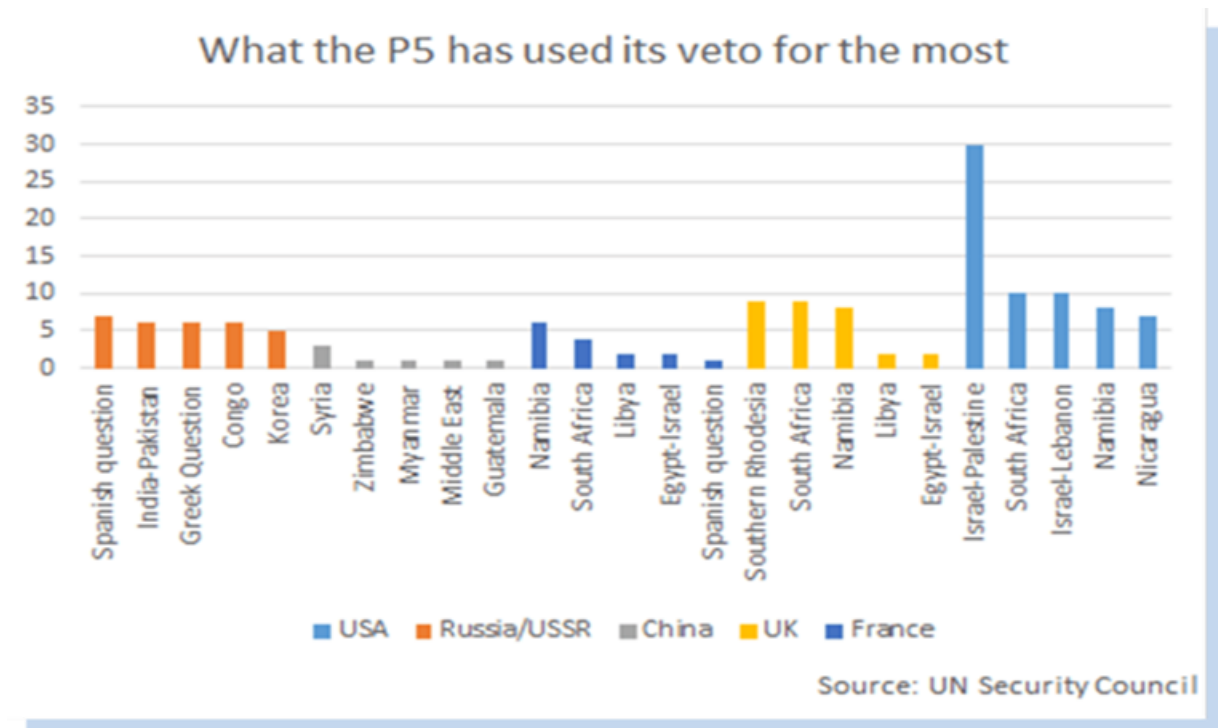
Table 3: Issues that have prompted the most vetoes

Table 4: Security Council Resolutions passed since 1994