

JoMUN XVII

Forum: Advisory Panel on the Question of

Issue: Addressing the claims of unfair veto powers within the Security Council

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INTRODUCTION

The United Nations Security Council was founded on the 24th of October, 1945 by the victors of World War Two. They were known as the allies, which consisted of the United Kingdom, the United States of America, China, France and the Soviet Union, now modern-day Russia. These five nations promised not to use the power of veto during situations in which their own interests were involved during the United Nations Charter Negotiations in 1945. However, over time that commitment has become void.

The Security Council is one of the six main United Nations Committees and is the only committee with the power to pass legally binding resolutions supported by sanctions and military action, making it the most powerful. Along with the five permanent members, there are 10 temporary member states to be elected for two-year terms by the general assembly. For a Resolution to be passed 9 of the 15 members must vote in favour of the resolution, however, the each of the P5 has the power of veto. If a P5 member votes against the resolution, the resolution will fail regardless of the international support the resolution may or may not have. Many nations, including France, are calling for reform in the structure of power within the security council and have even suggested possible solutions. However, some nations such as Russia and the United States have been less welcoming to change. China has remained adamantly against any possibility of a loss of their veto power.

DEFINITION OF KEY TERMS

Veto

The power possessed by the permanent five to reject any resolution proposed within the security council.

Sanctions.

Sanctions are measures to be adopted by the security council as a last resort when dealing with extensive human rights violations, preventing illegal smuggling or hindering extremists. They can consist of travel bans, frozen assets, arms embargoes, bans on the export of luxury goods, commodity bans, and bans on items, materials, equipment and technology related to nuclear ballistic missiles and other weapons of mass destruction. Sanctions may be placed upon nations, individuals, or entities who bear a connection to the conflict.

First World Nation

“first world nation” refers to developed, capitalist, and industrial nations. They are usually the countries allied with the United States after World War Two.

BACKGROUND ON THE ISSUE

In the last decade, Russia has used its veto power over 10 times, mostly to dissuade scrutiny of their actions in Ukraine. The United States of America vetoed 3 times between 2005 and 2015, each time to defend Israel, a political ally, from censure. While the United Nations Charter Negotiations of 1945 state that the P5 will not, the almost exclusive reason for the use of veto power is for the countries own political interests. Because of this, many are calling for reform within the security council. The claim is that a body devised for the sole purpose of solving an extensive international conflict, that is unable to do so because of bias, is futile. In the words of Samantha Power, the United Nations delegate of the United States of America from 2013 to 2017, "If a particular body reveals itself to be dysfunctional, then people are going to go elsewhere." If it is believed that the Security Council is no longer capable of handling the world's most pertinent conflicts due to a bias of the P5 Veto power, then solutions will be sought elsewhere.

Not only is there controversy over the claims of irresponsible use of veto power, but there is also an international annoyance that no latin or middle eastern countries have this power. Especially since the majority of United Nations conferences discuss the situations in these still developing countries. The only nations with the ability to veto are developed, first world nations, more than half of whom are in Europe. In the words of Antonio Patriota, Brazil's permanent representative to the UN, "There are entire regions of the world that are absent from the permanent member category." And "It can't be fair that the entire African continent is not represented in the security council," as stated by Kingsley Mamabolo, South Africa's ambassador to the UN. The international community is getting impatient with their lack of representation.

MAJOR COUNTRIES AND ORGANIZATIONS INVOLVED

The P5 Nations: The P5 nations are the nations with the power of veto and they all have their own perspective stances on how this situation should proceed fairly.

USA: The US is not dead set against reform in the security council, in fact, they seem to be looking to some form of improvement. They are not however in favour of losing their veto power.

UK: in the words of Matthew Rycroft, a diplomat from the UK, "I think Syria is a stain on the conscience of the security council." The UK has stood with France on the matter of supporting a change in the form of expansion.

France: France is firmly in favour of reform within the security council. In the words of François Delattre, the French representative to the United Nations, "Veto power is not a privilege. It's a responsibility." France has even suggested a solution in that the P5 members would refrain from using their vetos in the situation of mass atrocities. This would help to prevent important resolutions from being blocked by bias.

Russia and China: Both nations have repeatedly stated that they are not willing to give up their veto powers. They will be the biggest opposition to reform in the Security Council

India, Japan, Germany, Nigeria, South Africa and Brazil: Are the nations most likely to be given veto powers if reform goes through. Here are some of their statements:

"It can't be fair that the entire African continent is not represented in the security council" - Kingsley Mamabolo, South Africa's ambassador to the UN

"We need to shape a security council that is truly in tune with the 21st century" - Antonio Patriota, Brazil

"The consequences are there to see on television screens every day ... It is a slippery slope down which the security council is going" - Asoke Kumar Mukerji, India

RELEVANT UNITED NATIONS RESOLUTIONS, TREATIES, AND EVENTS

United Nations Charter Negotiations in 1945

Resolution 47/62

Resolution 48/26

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

Council Reform Comments Collected by the General Assembly in 1992 and 1993:

On December 11, 1992, the General Assembly passed resolution 47/62 asking for the Secretary-General to collect member state's written comments on possibilities for Council reform. In the time following, eighty states gave submissions. The following year, when reform had still not been enacted, a second resolution was passed. Resolution 48/26 set up an Open-Ended Working Group to focus on the reformation of the council until 1994 when the new General Assembly President took over.

Council Reform Conference in 1994:

At a council reform conference in 1994, sponsored by Global Policy Forum and the International NGO Network on Global Governance, many including high ranking diplomats, NGO representatives and scholars all argued that *"The Council must become more democratic, consistent, accountable, and open, and that it must function less as a geopolitical instrument of a few major powers."* They also discussed the council's ability to remain a legitimate source for international peace and law.

POSSIBLE SOLUTIONS

Expansion of the Security Council and It's permanent Members: The first possible solution would be an expansion of the security council members as well as expanding or changing the P5 group. Possible candidates for veto powers would be Brazil, India, Germany, Japan and South Africa.

The French Proposal: The French-Mexican solution, originally proposed in 2013, calls for the P5 nations to collectively, voluntarily not use the veto in situations of mass atrocities. As this would be voluntary, no United Nations charter would be needed. An adaptation to this proposal or even a continuation of the current solution would be applicable to this conference.

Removal of Veto Powers: An additional solution would be the removal of veto powers from the security council forum. This solution, however, will likely not pass as Russia, China and the United States will most certainly veto any resolution that will infringe on the veto powers.

WORKS CITED

Borger, Julian. "Vetoed! What's Wrong with the UN Security Council – and How It Could Do Better." *The Guardian*, 23 Sept. 2015, www.theguardian.com/world/ng-interactive/2015/sep/23/un-security-council-failing-70-years,

Carswell, Andrew J. "Unlocking the UN Security Council: The Uniting for Peace Resolution." *Journal of Conflict and Security Law*, vol. 18, no. 3, 1 Dec.2013. Oxford Academic, doi:10.1093.

"UN sanctions: what they are, how they work, and who uses them." *United Nations OmNews*, 4 May 2016, news.un.org/en/story/2016/05/528382-un-sanctions-what-they-are-how-they-work-and-who-uses-them.

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Paul, James A. "Veto Analysis." *Global Policy Forum*, 1995
www.globalpolicy.org/component/content/article/185/41128.html.

APPENDIX OR APPENDICES

<https://www.globalpolicy.org/component/content/article/185/41128.html>

Very Important and helpful resource on background, previous action, important documents, country policies and solutions.

<https://www.theguardian.com/world/ng-interactive/2015/sep/23/un-security-council-failing-70-years>

Clear Breakground and the topic along with some solutions and history.

<https://www.un.org/press/en/2018/ga12091.doc.htm>

Details on previous attempts and official statements made about them.

<https://www.diplomatie.gouv.fr/en/french-foreign-policy/united-nations/france-and-the-united-nations-security-council/article/why-france-wishes-to-regulate-use>

<https://uk.ambafrance.org/France-calls-for-UN-veto-reform>

Details on the French-Mexican Solution and what it would entail.

<https://www.parliament.gov.za/news/veto-power-hindering-reform-un-security-council>

The Government of South Africa's perspective on why reform is necessary.