

Veto Power And The Need For Democratization Of UN Security Council

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Abstract

This paper sets out to analyze Veto power in the global community through democratization of UN Security Council. We observed that the UN Security Council is unique among other organs of United Nations and over 70 years of its existence, the Security Council has helped to manage and mitigate the impact of numerous conflicts across the globe often through the actions of the five permanent members of the Security Council. This paper argues that the efficiency of United Nation Security Council is undermined by the monopolization of Veto power by the five permanent members of the Security Council which will be incorporative in nature, more inclusive in character, participatory in its decision-making processes and more so reflective of the contemporary realities of the global community. We adopted ex-post facto research design, data collection was qualitative and analysis of secondary data was contently done. The study concluded that United Nation Security Council needs to expand its membership in the permanent seat categories with inclusion of both developed and developing countries so as to enhance its representativeness, effectiveness and credibility especially from the global south.

Keywords: Security, Democratization, Monopolization and Veto.

Introduction

During subsequent phases of World War II, the Allies used the term “United Nations” to refer to their alliance. On 25th April 1945, the United Nations conference on International organization began in San Francisco as a result of the short coming of its predecessor, the League of Nations.

The charter of the United Nations which was signed in San Francisco on June 26th, 1945 made provision for 6 principal organs which include; The General Assembly, the Security Council, the Economic and Social Council (E.C.O.S.O.C), the International Court of Justice (I.C.J), the Secretariat and the Trusteeship Council. Fifty nations that was represented at the conference signed the charter of the United Nations but Poland, which was unable to send representative to the conference later signed to the charter on 15th October, 1945. The charter was finally ratified by the government of the Republic of China, France, USSR, UK and United States together with the majority of the other 46 signatories. This occurred on 24th October 1945, and the United Nations was officially formed with 51 state members but today its membership is 193 states.

Focusing on, the Security Council, which is both the executive branch and the military arm. It is also the most powerful organ of the United Nations. It is made of 15 members, 5 permanent members and 10 non- permanent members who are elected by the General Assembly for a period of two years. The permanent five are victors of Second World War and they are: China (Asia), France (Europe), Russia (Europe), United Kingdom (Europe) and United States of America (North America). They have significant power through the exercise of veto and other certain privileges such as filling positions in the major UN secretariat posts, the I.C.J and other decision making bodies of the organisation (Kugel 2009:2)

In fact, permanent membership is equated with “great power” status in the international political system. The Security Council is not answerable to either the General Assembly or the I.C.J and hence is not seriously accountable. The five permanent members, with their veto’s and many special privileges, now face widespread criticism as self appointed oligarchy (Thakur, 2006: 302). Due to this, there is need to reform the Security Council. This calls for reform arose in the early 1990s in response to the Councils controversial action (with regard to Iran and Rwanda for example) and the shortfall in its performance in the Cold War period. Critics made demands that the council should be more representative, demands transparent, effective, fair, and even handed. Such demands seem reasonable but they are not easily actualisable (Paul and Nahory, 2005:1). The permanent membership of United Nations Security Council needs enlargement so as to ensure equitable representation of regions. Currently Europe has 3 states as members; Asia has 1 while South America has 1. Africa and other continents are not represented at the Council. One proposed change is to admit more permanent members.

Statement of the Problem

There has been overtime a general uproar that the Security Council is an imbalanced and unrepresentative relic and that its composition is a throwback to the immediate post World War II. Over the years, there has been a clamour for democratization of the council. This demand for change is due to the evolving dynamic international system. The Security Council permanent membership has retained the victors of the WWII and due to this, has failed to represent the geographical zones of the World and also the Economic strength/contributors to its success. Continents such as Africa, Australia and South America has been sidelined/marginalized. In this connection, Japan and Germany, The Second and third biggest contributors respectively to UN budge have been campaigning for permanent seat status on the council. India, the Worlds second most populous country, and Brazil, Latin Americas biggest country also have the goal of becoming permanent members.

In other to address this anomaly, Scholars such as Ruskin, Hopkinson (1998), Huggins, has argued and continue to press upon the need of reformation of the UN security council both in terms of composition and voting patterns to reflect the multilateral character of the organisation. The design and operating rules of the system of the post 1945 world order did not protect the national interest of a vast majority of the new members of the International political and economic systems. It has kept them at the periphery where they are hegemonized by the developed world in the UN system and world affairs it is therefore for this reasons that there has been a clamor for reformation of the United Nations to right the wrongs existing within the organisation.

Literature Review

Veto Power of the Permanent Members of the Security Council

The Veto is Simply a Constitutional right to prohibited a decision or proposal made by a lawmaking body. It ensures that no decision can be taken against the will of the permanent members (Luck, 2008:61 – 84) the UN charter grants the permanent five Veto power in three main areas namely Security Council decision making (Article 27), Appointment of the Secretary General (Article 97,) and Charter amendment (Article 108 and 109)

The Actual use of veto power, however, declined since the end of the cold war. The veto was used 236 times between 1946 and 2015 of which 194 were used before 1990. In the years between 1946 and 2008 USSR/Russia used its veto 123 times (120 during the cold war). The US vetoed 82 proposals, whereas Britain has used its veto power 32 times, France 18 times and chins only 6 times (Global Policy Forum 2016)

Need for Expansion of the United Nations Security Council

Few aspects of United Nations reform have attracted as much political interest and academic attention as the projected reform of the United Nations Security Council. Since January 1994, United Nations Security Council reform has been tabled in the United Nations General Assembly without any progress. As Art (2002:38) argues, in September 2000, Heads of State attending the Millennium Summit called for the rapid reform and enlargement of the Security Council making it more representative, effective and legitimate in the eyes of everyone in the world. The High-Level Panel on Threats, Challenges and Changes, was appointed in 2000 by the United Nations Secretary General, Kofi Annan. As Shiva (2004:30) notes, The Panel presented two models of expansion of the United Nations Security Council which involved a distribution of seats between four major areas: Africa, Asia and the Pacific, Europe and America. Nevertheless, while the expansion of the United Nations Security Council's membership pointed in the right direction, the veto power, which is critical, remained unchallenged in the report. Commentators from the Great Powers argue that the veto is crucial to the operations of the United Nations: It keeps the big players in the game and there is no game without them (Berlie Macknara, 1986:40). The United Nations Security Council expansion, in the sense of changing the organization has been a continuing matter of concern and the object of serious research.

As Hopkinson (1998:50) has put it: The world balance of power has changed dramatically in the years since the United Nations was established but the composition of the Security Council has not. Hence the need for expansion has persistently been suggested.

Over the years, a variety of proposals to amend the structure of the United Nations Security Council to bring it more into line with the current geopolitical realities, have been proposed. The special status enjoyed by the Permanent five of the United Nations Security Council has become a simmering issue in the United Nations. As Rourke (2002:169) argues, the most common argument against the arrangement is that the existing membership has never been fully realistic and is becoming less so as time goes by. Many global and regional powers that do not have the veto power have been pressing for changes in the United Nations Security Council structure. In the same vein, less powerful countries have jumped on the bandwagon. This can be illustrated by the Sri Lankan President Chandrika Kumaratunga who once called on the United Nations Security Council to become more representative and more responsible to the general membership of the United Nations. The Sri Lankan President's sentiments were echoed by Zambian President Levy Mwanawasa who emphasised that the Security Council can no longer be retained like the sanctuary of the hollies with only the original members acting as high priests, deciding on issues for the rest of the world who cannot be admitted. In his report (March 2005), titled "In Larger Freedom: Development, Security and Human Rights for All", the United Nations Secretary General Kofi Annan, stated that, no overhaul of the United Nations would be complete without reform of the Security Council. Dissatisfaction with the United Nations Security Council has spawned many plans to revise it. However, any change in the membership of the United Nations Security Council requires an amendment to Article 108 of the United Nations Charter which needs the consent of all the permanent veto-wielding members. As such, it is highly unlikely that any formal changes concerning membership of the permanent members or their veto power will materialize.

Suggested Slots at the United Nations Security Council

African countries are now pushing for at least four slots in the United Nations Security Council, two in the permanent member category. The countries, through a working group of the African Union (AU) called C-10, want

the United Nations Security Council expanded to have the two slots for Africa and others to regions such as Asia, Arab League, Latin America and the Pacific region. They want a big say in the United Nations top decision-making organ, saying they want nothing less than veto powers. Currently, the United Nations Security Council permanent member states with veto powers are China, Russia, US, France and the United Kingdom (Mosoku, 2014).

Akande(2005) writing on proposed slots at United Nations Security Council examined Africa's membership slots. He stated that if the proposal of a high-powered panel set up to recommend ways and means to reform the United Nations is accepted by the world body, Nigeria may be in a straight out contest with South Africa for a seat on the United Nations Security Council. As a matter of fact, subtle maneuvers may have commenced quietly at the United Nations for the slot. The panel considered quite a wide range of issues regarding the United Nations, but the reform of the Security Council seems to be generating the greatest interest among United Nations diplomats. Although the high powered panel which consists of former heads of states, foreign ministers, diplomats and security chiefs did not specifically name any new countries to join the Security Council, it proposed that the membership of the Security Council be expanded from 15 to 24 members on regional basis.

Akande also examined number of slots for permanent and non-permanent membership. According to him, the panel suggested two options to achieve this: One is to add 6 new permanent members of the Security Council and 3 additional non-permanent members with two year terms. The 6 new permanent members would come from the following regions: Africa-2, Asia/Pacific-2, and one each from Americas and Europe. Also, according to him, in considerations among diplomatic circles for which countries would fit the 2 proposed African slots, Nigeria, South and Egypt has come up very prominently. Backers of Egypt argue that being both a country in Africa and Middle East, it should get one of the slots for the African region. If that logic were to stand as many imagine it would at the United Nations, then the one other slot would have to be contended for between Nigeria and South Africa.

Futhermore, according to Akande, the fight for the slot may ultimately get dirty as there are claims already that Europeans would prefer South Africa rather than Nigeria considering that South Africa has a fairly substantial European-originated population and western vested interests more than Nigeria. Those who back Nigeria insist that if 2 slots were to be given to Africa, then a wholly black African nation has to be at least one of the slots. They say that there cannot be any legitimate representation of African interests if the largest country in Africa, with the largest population of blacks in the world is left out.

Having done series of literature review on the content matter, it is discovered that none of the scholar has deeply examine the need to democratize the United Nation Security Council and this task sets out to fill the gap. Consequent upon the above statement of problem, the researcher poses the following research questions.

Research Question

1. Does the enlargement of the United Nations Security Council answer to the need of it's democratization?
2. Will offering of slots on regional basis solve the problem of Security Council liberalization?

Objectives of the Study

The broad objectives of the study is to examine the veto power and it's need for democratization of UN Security Council and it's specific objectives are:-

1. To investigate whether the enlargement of the United Nations Security Council answers the need of its democratization
2. To examine if offering of slots on regional basis will solve the problem of Security Council liberalization.

Significance of the Study

Specifically, this research work on the reform of the United Nations Security Council would be beneficial to diplomats, public policy formulators and high level representatives at the international forum. It will also highlight the dynamics of global politics and imperative for the enlargement of the Security Council. It would also provide an insight to the world public, the importance of democratic setting at the UN.

Hypotheses

1. The enlargement of the United Nations Security Council answers the need for it's democratization.
2. Offering of slots on regional basis solves the problem of Security Council liberalization.

Approach/Experimental Strategy

This study is anchored on power theory with its major properties as follows: Nicholas Spykman, Alexander Hamilton, E.H. Carr, Hans Morgenthau, Raymond Aaron, Hedley Bull, John Herz, Martin Wight, Arnold Wolfers, Norman Graebner, Walter Lippmann, diplomat George Kennan and theologian Reinhold Niebuhr.

They regard the structure of the international system as necessary if not always sufficient explanation for many aspects of international relations. According to classical realists, "Structural anarchy" or the absence of a central authority to settle disputes, is the essential feature of the contemporary system.

Another premise of the classical realists is their focus on geographically-based groups as the central actors in the international system and the concept of national interest focus on motives of nations in their interaction and transactions at the international level. Therefore it suggests that in political context, there is no permanent friends or enemies rather the only constant variable is the permanence of interest and acquisition of power.

Applying it to this work, this power theory explains the quest for expansion of the UN Security Council to reflect the geographically based groups that bare the central actors in international system.

Research Design

Ex-post facto design was adopted. Ex-post facto or after the fact is a non experimental design technique. It is a type of research design that examines past events or combination of events to arrive at an account of what has happened in the past and link it to the present. Attempts were made to scrutinize past events or combination of events and acquire facts in order to arrive at conclusions concerning past events or predict future events.

Method of Data Collection

Documentary mode of data collection was used due to the nature of the study. (Obikeze in Nnabugwu) said that the advantage of qualitative method is its ability to gain access to organizational structure, bureaucratic process. It can more readily lead to the discovery of the unexpected phenomenon.

Method of Data Analysis

Qualitative descriptive method of data analysis was adopted in this research and this study is all about descriptive and analytical study of the issue at hand in the international system. This method enabled the researcher to carry out a systematic analysis of available documents in order to determine degree of reliability, validity and acceptance of the research findings.

Data Analysis

The enlargement of the United Nations Security Council answers to the need of its democratization

The composition of the UN Security Council has changed only once in its sixty-five year history. In 1963, the General Assembly voted to increase the Council's elected members from six to ten and its overall size from eleven to fifteen states. By 1965, the required number of countries had approved the charter amendment, bringing it into force. How was this charter revision accomplished, and are there any lessons applicable to current reform efforts (Council Special report, 2010).

A Host of UN member are demanding for a reform of the United Nation Security Council to reflect the realities of the contemporary world challenges. In the third world, expansion is sought in the structure of the Security Council (Salim, H.A. 1999).The reform of the security council has logically and quite understandably become the imperative of our time, because the international community which its serves has experienced and would continue to experience a profound transformation particularly on its membership,changing distribution of power and heterogeneity of interest, all of which requires adaption, adjustment and accommodation in the structure and processes for the management of the global system(Akindede,R.A.,2000,92).

The compelling vitality for reform is based on the simply factor that an organisation that began with 51 nations at its inception and now have about 193 members should for reasonable, logical and inevitable reasons associate with changes that come with expansion. The charter of United Nations needs to incorporate the expansion, so that it will become more representative and democratic.

Offering of slots on regional basis solves the problem of United Nation Security Council Liberalization.

Over the years, a variety of proposals to amend the structure of the United Nations Security Council, to bring it more into the line with the current geographical realities have been proposed. Some critics have it that lack of geographical balance in the Council's permanent membership and its failure to include regional leaders erode its perceived authority, complicating the implementation and enforcement of its resolution, and causing states to turn to other frameworks to address Security problems. Although the high powered panel which consists of former heads of states, foreign ministers, diplomats and Security chiefs did not specifically name any new countries to join the Security Council, it proposed that the membership of the Security Council be expanded from 15 to 24 members on regional basis. Akande examined number of slots for permanent and non-permanent membership and according to him; the panel suggested two options to adhere: One is to add 6 new permanent members and 3 additional non- permanent members. We have seven continents in the world only three are represented, the other four regions needs to be involved for complete representations. Currently Europe has 3 states as members (France, Britain, and Russia). Asia has 1 state namely China while North America has 1 namely USA. Africa, South America, Australia and Antarctica have no representative. Country like Nigeria according to Onuoha (2008:114-119) should be considered with a slot because of its contributions in the area of peacekeeping operations, humanitarian affairs and financial contribution to the running of United Nations, Nigeria appears to have done more than her contenders(Egypt and South Africa) and in the area of peace keeping mission, Nigeria, more than any other African Country, has since independence, participated in peace keeping operations in many trouble spots in Africa and beyond. These include the interval conflicts and crises in Sudan, Somalia, Guinea Bissau, Liberia, Sierra Leone, Cote d' ivore, Sao Tome and Principe. Nigeria has played the roles in the area in these continent; decolonization of Africa ,eradication of apartheid in South Africa ;creation of Africa economic community; strengthening of sub-regional integration processes and erection of conflict management apparatus in West Africa(Asobie,1991:47-50). Considering these points inclusion of other countries like Nigeria would help to liberalized the United Nations security counsel.

Conclusion

The composition of the United Nations Security Council is lopsided, it only favoured the allied nations and victors of WWII namely: USA, Britain, France, Russia and China. But now that the world has evolved, there is serious need for change; it has to reflect the different regions of the globe for effectiveness, representation and credibility (this is essential because the United Nations Security Council is very far from being democratic even though it claims to be a symbol of democracy to all countries of the world).

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