

Russia Invasion of Ukraine, Veto Power and the Position of the United Nations Security Council (UNSC) in Conflict Prevention and Maintenance of International Peace and Security

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Abstract

This paper examines some of most complex and intriguing issues surrounding the Russian invasion of Ukraine, the role of UNSC and the five Permanent Members(P5) with veto powers. It raises a fundamental question whether we should hope that the world would be a better place if the P5 are tripped of the veto. To address this question, the study attempts a critical analysis of debates surrounding the relevance of the veto power exercised by the P5. And examined moral challenge of the P5 in the exercise of the veto power. The study adopted the qualitative content analysis approach whereby data collected from secondary source were reviewed and analyzed within the purview of the study. The paper argued that the five permanent member veto option remain an instrument of the last resort in the resistance against uncontested power and casual use of the veto by powerful nations; as the P5 have held the UN together despite the veto diametrically opposed blocs. Finally, conclude in a way of policy prescription as an alternative.

Keywords: National Interest, Invasion, Resolution, Aggression, and Veto Power

INTRODUCTION

Russia's invasion of Ukraine is considered to be the biggest threat to peace and security not only to Europe, but the world at large since the end of the Cold War. Russia launched a "war of aggression on the 24th of February, 2022 against a less powerful sovereign state of Ukraine. The attack was regarded as a threat and crime against peace, in accordance with the agreement for the prosecution and punishment of the major war criminals of the European Axis and charter of the international military tribunal of 8th August, 1945. The Soviet Union, codify this agreement in the aftermath of the Second World War (Oksana, 2022). The invasion also runs contrary to the aims and objectives of the United Nations Organization (UNO): To uphold the sovereignty of member states. All members are to refrain from threat or use of force in their international relations in any manner inconsistent with the purposes of the United Nations; To maintain international peace and security through effective and collective measures to stop aggression and prevent a breach of peace. The Security Council which is the most powerful organ of the UN Article 24 of the UN Charter; states thus:

Member nations 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' (UN Charter, Article 24).

The United Nations Security Council (UNSC) is thus responsible for prevention and resolution of conflict for the maintenance of international peace and security by restoring peace when conflicts arise. Its decisions are binding on all UN members and have the force of international law. The Russia aggression against Ukraine according to reports, revealed evidence of war crimes, genocide, and violation of human rights. Santora & Lukinova (2022) writes that, graves

and mass burial sites were discovered, evidences hold that remains of more than 400 people died during the first six months of Russia occupation of Ukraine.

Also, According to Hardings (2022), Ukrainian investigators reported, “414 bodies of civilians which include: 215 men, 194 women, 5 children, 22 servicemen and 11 bodies whose gender could not be ascertained; some of the bodies had their hands tied behind their back to showed signs of torture. Financial Times (2022) writes that, OlehSynyehubere Governor of Kharkiv region revealed that:

among the bodies that were exhumed, 99 percent showed signs of violent death; there are several bodies with their hands tied behind their back, one person buried with rope around his neck, bound hands, broken limbs and genital amputation. Obviously, these people were tortured and executed.

From the above standpoint of evidence of atrocities, war crimes and genocide against the Russian Federation which has attracted condemnation from world leaders such as the French President Emmanuel Macron who condemned Izyum atrocities committed under Russia occupation; and the Spanish Minister of Foreign Affairs who in an official statement condemned the massacre and called for respect for international humanitarian law and the investigation of a clear prove of war crimes committed (Fang, 2022). It is at this point that this paper questions the moral validity of respect for international law, raising the fundamental issues of the P5 moral obligation in the maintenance of international peace and security whose conduct and behavior should be guided by moral values. It was on this note that the United States and Albania submitted a draft to the UNSC condemning the invasion of Russian troops and demanding their withdrawal from Ukraine Territory. Russia had earlier scuttled a draft resolution that sought to condemn its annexation of the Ukraine four regions. The resolution described the attempts to annex four of Ukraine regions as unlawful. Even as the 2005 World Summit high level panel on threat called on the permanent members in their individual capacities to pledge themselves to refrain from using a veto to block ‘council’ action aimed at preventing or ending genocide, war crime, crime against humanity, and human rights abuses, what seems to be the moral value in respecting international humanitarian law continued to be ignored. Thus, in spite of the kind of balance of power veto ensures in the United Nations system, it poses a big challenge to the international system. This study is therefore designed with the objective to contextualize the use of veto in international conflict prevention, resolution and examine moral challenges of the P5 in maintenance of world peace and security.

CONCEPTUAL PROLOGUE

A number of concepts used, needs clarification and how they are applied in the paper. They include Invasion, Veto Power, conflict resolution and prevention.

Invasion

One fundamental question the paper posed in a bid to clarify the concept of “invasion”, is what constitutes an invasion in regards to Russia’s invasion of Ukraine a sovereign state. Given the way that wars are now being fought as well as the way that armed forces are being used in the affair of other states, poses difficulty of the definition of the subject of invasion not the target of invasion but a definition involving the means of invasion, be it spy-lane, reconnaissance – trawler or group of armed troops (Maj. Gen. Derbin, 2001). He seeks to expand the definition of invasion to include attack on a country’s information space and humanitarian intervention of its territory without its consent. An explanation of what constitutes an invasion can be underlined by comparing, definition of invasion with definitions of the same word published in two works in Russia. Broadening, the concept of invasion and what constitutes an invasion, one from Maj. Gen. Derbin definition of the term taken from the 1983 *Voyenny Entsiklopedidicheskir Slovar* (Military Encyclopedic Dictionary):

- 1) Entry by the armed forces of one or several states by land, air or sea of the territory of another state without its consents. (2) violation of the state border (air space, territorial waters) by military units (patrols), individual planes or ships from another state for intelligence, diversionary purposes etc.

Derbin argued that, gone are the days when to enter a sovereign territory by force was carried out either at the space of infantry men or cavalry. The other definition which appeared under the general editorship of General V. L. Manitor (2000) states:

- 1) Entry by the armed forces (emphasis as the original) of one, or several, states by land, air or sea on the territory of another state without its consent,
- 2) violation of the state frontier (air space, territorial waters) by military units (patrols), individual planes or ship from another country for intelligence, diversionary, purposes etc.

There is similarity between the two definitions. For instance, not much differences between one definition which appeared in a specialist dictionary under the general editorship of General V. L. Manilori. Arguably, Russia's recent war with Ukraine provides enough evidence of what constitute "Invasion". In view of the above definitions on the subject of "invasion". Therefore, invasion may be understood as any unsanctioned violation of the sovereign territory of a state without authorization or agreement of its government in any activity bordering on military ground or sea, peace keeping actions, humanitarian intervention and attack on the country's information space, can be considered invasion with the objective either; conquering, liberating or re-establishing control or authority over a territory; forcing the partition of a country and altering the established government.

Veto Power

Arguably, the United Nations Security Council veto power is the power of the five permanent members of the UNSC (China, France, Russia, the United Kingdom, and the United States) to veto any substantive resolution. The veto power is probably the UN Charter that identified most significant distinction between permanent and non-permanent members. Article 27(3) of the Charter establishes that, all substantive decisions of the Council must be made with the concurring votes of the permanent members. Meaning the right of one permanent member of the Security Council to prevent the organization from carrying out action which it could otherwise legally undertake. By the veto, one permanent member of the Security Council can prevent action even though a vast majority are in favour of it. By it too, one such member may hinder the amendment of UN Charter, the admission of a new member into the UNO. Indeed, it may hinder all substantive actions of the Security Council. The veto is a powerful instrument in the UN. As Hans Morgenthau says "The rule of unanimity declares: Without my consent your decision does not bind me; the veto declares: Without my consent, there is no decision at all (Padmore, 1956). As the chief operative organ of the UN, the operations of the Security Council depend on the consensus of the five permanent members. International peace and security depend in a big way on them. Even if the structure of the UN itself appears objectionable, nothing can be done about it against the will of even one of the permanent members. By passing the veto power on admission of new members, the UN could be said to belong to them in a way. Likewise, the effective operation of the world body could be paralyzed by any one power at will. This is a blatant demonstration of power politics. The use of the veto has been the main object of other member nations of the organization.

On the other hand, the concept of "Pocket" or hidden" veto. Nahory, (2004) refers to cases in which draft resolutions are not formally tabled because of the threat of veto by one or more permanent members". Arguably, Dallas (2018:11) states, "to make this point, press

statements and meetings regarding the 2009 killings of Sri Lanka Tamils in the conflict between the nation's army and the liberation Tiger of Tamil Eelam provide one of such examples; the issue was kept from being discussed in a thorough manner and the UNSC did not take necessary action; and that "hidden vetoes are not only used to block action, but also to weaken the definition of crises under international law. The Rwandan genocide of 1994 is one such situation, where the use of the word "genocide" would require intervention by parties according to the 1948 'Genocide Convention'; It was downgraded to a definition that did not require severe action by the UNSC; National interest and perspectives of the five permanent members instigated these action". Illustrating Nahory's point, French's intervention in Rwanda led to support the then Rwanda government. The United States failure in Somalia was reluctant to authorize another intervention. Recent cases regarding the use of "Pocket veto" has been witnessed in Syrian situation. According to Besheer, (2011) "Russia and China have opposed action by the Security Council despite the violent suppression of Syrian forces on pro-democratic protests". Russia, argued that, the crisis did not threaten international peace and security and therefore opposed a number of proposed resolutions based on interest. However, the non-permanent members have expressed their un-approval with the "Pocket veto" claiming that it is an impediment to the effectiveness of the council, while the P5 has contrary claim, that the "Pocket veto" is used only as a "last resort".

Conflict Prevention

The expression "conflict prevention" is commonly used to refer to action undertaken with the express intent to anticipate a conflict or forestall the possibility of its escalation into generalized and uncontrolled violence whether between two groups or at the level of society at large. This term is generally defined in two different but related meanings either to address structural or underlying factors – the so-called "root causes" – of conflicts or to carry out practical "operational" means to curb an ongoing conflict or halt its escalation into deadly violence (Mwanasali, 2011). Conflict, preventive action comprises a host of activities ranging from confidence-building, national reconciliation and fact-finding missions to preventive diplomacy, including mediation, negotiation and facilitation. It also includes creating conditions favourable to the management of causes of crisis before they escalate by adopting preventive structural policies such as deepening of democratic principles and institutions, and good governance aimed at promoting human rights, security and fundamental freedom for all, as well as equity confidence and trust in the society. According to Mwanasali (2011), bilateral security agreements may help the parties exchange information and develop confidence; for instance, inter-state organization, like the UN, the African Union or the European Union may send warnings to each other and to their members about impending conflicts.

Conflict Resolution

According to Miller (2003:8), it's "a variety of approaches aimed at terminating conflicts through the constructive solving of problems, distinct from management or transformation of conflict". Miall et al. (2001:21) indicate that by conflict resolution, it is expected that the deep-rooted sources of conflict are addressed and resolved and behaviour is no longer violent, nor are attitudes hostile any longer, while the structure of the conflict has been changed. Mitchel and Banks (1996) use conflict resolution to refer to:

- i. an outcome in which the issues in an existing conflict are satisfactorily dealt with through a solution that is mutually acceptable to the parties, self-sustaining in the long-run and productive of a new positive relationship between parties that were previously hostile adversaries; and
- ii. any process or procedure by which such an outcome is achieved (Miall, 2001).

Putting these ideas together, it can be said that in principle, conflict resolution connotes a sense of finality, where the parties to a conflict are mutually satisfied with the outcome of a settlement and the conflict is resolved in a true sense. Some conflicts, especially those over resources are

permanently resolved. From the point of view of needs, a conflict is resolved when the basic needs of parties have been met with necessary satisfier, and their fears have been allayed. Others like those over values may be non-resolvable and can at best be transformed, regulated or managed.

THEORETICAL PERSPECTIVE

One of the major theories to the study of international relations is the Moralistic – legalist theory. The Moralistic theory is based on the philosophical assumption that the right and wrong exist regardless of the circumstance of personal experience, with the belief in the universality of morality. Legalist specially emphasized pragmatism over precedence and customs as the basis of law, maintaining order in all things is the ultimate aim. This theory is based on the assumption that relations between nations would be less anarchic and therefore more peaceful if statesmen and diplomats take into consideration such moral and legal precepts as keeping to promise made, respecting international law, fair dealings, trusting other's words, and denouncing wars as an instrument for the pursuance of foreign policy. Exponents of this theory are scholars like Professor John Shapman Gray and Howard Trivers. They cited Kellogg Briand Pact of 1928 concluded by United States of America and France. This treaty out lined war by moralistic declaration but provided no adequate means of enforcement (Grayson, 1947). This Pact frowned at war as a tool for the achievement of National interest. They believed that if statesman had respected this treaty, there would have been peace.

The two league peace conferences of 1899 and 1907, the league of Nations of 1919 and the United Nations of 1945 all have provisions avoiding war as their ultimate objectives. The Hague convention of 1899 and 1907 were series of international treaties and declarations, negotiated at two international peace conference governing rules of international disputes, a first formal statement of laws of war and war crimes in the body of secular international laws. A major effort in both conferences was creation of a binding international court for compulsory arbitration to settle international disputes which was considered necessary to replace the history institution of war. It is the opinion of the theory that the establishment of international organizations such as the UN and the rules emanating from them would ensure world peace. But unfortunately, statesmen don't keep to them which have resulted to conflict and subsequently wars between nations within the organization. Hans Morgenthau (1964) criticized this theory of not only appealing to historical precedence, it also does not consider the forces inherent in human nature which have not altered since the classical philosophers of China, India and Greece endeavoured to discover the laws of politics which traces its foundation to human nature. He argued that, the remembrance of the fact that international politics and international laws in their observance, consideration is played first to its convenience on the participating nation, because the world is made up of interest which are opposed to each other, and this generate conflict among them. A state would obey international law when it would further its national interest. But if it is on the contrary, they would not have any question in flouting it.

Even though the use of force in international affairs cannot be completely ruled out, this does not constitute a reason for being indifferent to the way in which force is applied to the moral implications of weapons and their use. For instance, the UN introduced the veto power into the Security Council, the veto power raised the five permanent members of the council to a preponderant position in the organization. They use this power as a political tool to foster their strategic interests in the organization. For instance, Albania and the United States resolution to the UN condemning Russia invasion of Ukraine which garnered support from 10 members of the UNSC was scuttled by Russia veto. When the Korean question came up for discussion (Korean Conflict of 1950) in the Security Council, the Soviet representative was absent. Also, when the Gulf War broke out, Soviet Union was going through political labour pains. Dogged by these intractable domestic problems, especially the independence agitations in the Baltic States, at the time the Soviet Union could not be so concerned about the problem in the Gulf (Iwobi, 1991:22). Russia was unable to use its counter veto to project a deterrent posture in support of its ally. This

afforded the US a leeway to manipulate members of the UN, push hasty resolutions through the Security Council for the aggrandizement of its selfish interest. With Soviet Union out of the way, the US had a God-sent opportunity to destroy Iraq's bulging military power which was altering of the power balance on the Middle East to the Chagrin of the US (Anim, 1991:32). If Soviet Union was present during the Korean problem and active during the Gulf war, nothing would have happened because the UN would have limited itself to an order of the day. But with Soviet Union out of the way, there was no counter veto to check the US, thus the veto power is not only instrument for the personal aggrandizement of its custodians, but also a great stumbling block to the effectiveness of the UNSC.

Based on the moralist legalistic theory, in spite of the fact that moral motives are always advanced as a justificatory factor underlying every action nations take, yet as Morgenthau put forward, diplomats and statesmen at times... refuse to consider certain ends and to use certain means... because certain moral rules interpose and absolute barrier (Morgenthau, 1964). This exposition is a truism as Mankoff (2022) writes that "the legitimacy of Ukraine identity and statehood, Putin had long claimed that Russia and Ukrainians comprise "one people" whose common history implies that they should also share common political fate today and in the future... the salience that Putin and other Russian elites assigned to the idea of Russia – Ukraine – Belarusian unity help explain the origin of the current conflict, notably why Moscow was willing to risk a large scale war on its borders when neither Ukraine nor NATO posed any threat, but prevent Ukraine – NATO membership". For the fact that international politics and international laws is played or observed first to its convenience. Nation States would further their national interests and flout considering moral precepts. This argument could theoretically justify Russia invasion of Ukraine and subsequently vetoed a draft resolution despite wide condemnation by world leaders as no one, group or nation can compromise survival instinct when the threat is between life and death. Nonetheless, it would be wrong to take such claims on humanitarian purposes and peaceful intentions for granted, because the goal of the issue or policy pursued is explained and justified in ethical, legal terms. This theory serves as aid to understanding the moral challenges of the five permanent members of the UNSC in the use of the veto power.

METHODOLOGY

The study adopted qualitative method in carrying out its investigation. Sources of data collection: The data used for this study were gathered from secondary sources includes, broad academic literature, document from internet, research reports, Newspaper and magazines (reports and commentaries) deemed to contained relevant information and data relating to the study. Data Analysis: Both contents and trend analytical techniques were utilized in the study making use of narrative content analysis of existing trends, gaps and indications of what the future portents for the use of the Security Council veto by the five permanent members (P5) for the maintenance of international peace and security as the demand for reforms of the council heightens and been criticized for a range of issues. The contents (information and data) of the various documents were analyzed through the inter-pretivist process which include data reduction and conclusion drawing. This involved the process of selecting simplifying, summarizing and subsuming data in a large pattern. To that extent the information employed for analysis on the study were carefully extracted from logical chains of documentary evidence among others.

MORAL CHALLENGES TO THE USE OF VETO

The exposition of the moral-legal theorists posits that the establishment of an international organization and the rules emanating from them would ensure world peace and security with such moral precepts as keeping to promise made and respecting international law, denouncing wars as an instrument for the pursuance of forcing policy. This exposition ran contrary to scholars such as Hans Morgenthau (1964) asserting that:

Universal moral principles cannot be applied to the actions of states in their abstract, universal formulation, but that they must be filtered through the concrete circumstance of time and place;.... In pursuit of the National interest, nation-states are governed by a morality which differ from morality of the individual in his personal relationships;....To confuse and individual morality with a state's morality is to court national disaster; Because the state-men primary official responsibility is the survival of the Nation-State, his obligations to his citizenry require a different morality from that of individual.

He further stated that, political realism does not identify the moral aspirations of a particular nation with moral laws that govern the universe. In effect, a state would obey international law when it would further its national interest but if on the contrary they would flout it. Government behaviour cannot be subjected to the same judgments that are applied to human behaviour. For instance, Russia vetoed UN resolution condemning its action on the 24th February, 2022 invasion of Ukraine a sovereign independent nation. In spite of the fact that moral and legal motives are always advanced as a justificatory factor underlying every action nations take. Ajami (1970) asserts that "the decisions and values of the more powerful actors often shape the life and the destiny of the less powerful participants... Until an alternative structuring of the world politics emerges, the P5 will continue to be both powerful and important; and their decisions and commitments will continue to influence the course of peace and security on global scale". The fairness of this situation is the question at hand in this particular section.

We may question the validity of the matter of fairness when one remembers that unless an alternative decision-making methodology of the Security Council namely the veto power granted to the five permanent members of the Security Council (P5) is democratically reformed. The P5 will continue to be both powerful and important, raising the fundamental question of their moral obligation. Since these powers are quite powerful and govern the international existence of the weak states, they have to be guided in the conduct of their behaviour by certain moral values. Although Morgenthau question this position on the grounds that since international politics is so thoroughly evil it is no use looking for moral limitations of the aspirations for power on the international scene. Yet, there is need to appeal to the conscience of the P5 to ensure the survival of decency in their application of veto power on matters concerning war crime, genocide, violence and crime against humanity. This should remain the guiding principle through which the P5 can assist to build a better world society free of oppression and suppression. The P5 have to be called upon to use their might and resources for the betterment of mankind in creating a just world order. They have the moral responsibility to try to bridge the big gap between the developed and the poor nations of the world for the continuous escalation of this gap poses a threat to international peace and security. They have a responsibility to ensure that creation of a better and a just world order, and the continuity, stability and viability of such an order otherwise the burden of responsibility again will fall on them if war springs up as they will bear the greatest financial cost of restoring peace. Besides, one of the justifications of the P5 veto power is their power to act in times of great crisis. This obviously arises out of the great cost of the war which could have been borne by them. Although some decisions taken by the P5 may prove to be short-sighted as war still broke out after a few months in some cases because of their failure to prevent such wars still there are other instances when exercise of global authority by the P5 served to prevent war. The Suez Canal crisis of the 1956 was a striking example and one of the strongest phases in the relationship between two P5, the United States and the Soviet Union. The interesting aspect of the P5 influence here was that of preventing two other P5 (Britain and France) from invading a weaker power Egypt. By this action, two P5 members U.S. and the Soviet Union have demonstrated that they can assist in the maintenance of international peace and security. Considering the above examination of the performance of the P5 contribution to international peace, it is hoped that they would cooperate with similar endeavours in the future. Thus, they are equal to the moral challenge after all they will carry the greatest financial burden if peace fails to

prevail. The moral challenge faced by the (P5) in the exercise of veto power is a truism that “National Interests” are not easily compromised in international politics. The P5 are no exception to this general rule. The argument here is that, if the issue at stake is contrary to the respective national interest of the P5, there is tendency to flout both moral and international laws guiding their behaviour in the international system.

DISCOURSE ON THE USE OF VETO POWER

The veto is a controversial issue in the contemporary world order. Those who oppose abolishing the veto and five permanent members of the Security Council (P5) made reference to the League of Nations which many believe ended in demise because major powers such as the U.S. refused to join. If the world powers are denied the use of veto, the fate of League of Nations may again become the fate of the UN in which small powers will stand to lose. On the other hand, if the status quo is not reversed, weaker countries international personality will continue to be undermined in the typical legal style of accuser and defence. This section will critically examine the debate on both sides of controversies surrounding the veto power granted the P5 in the United Nation Security Council.

The proponents: They argued that, the League of Nations disintegrated because many captains piloted the ship with equal authority at the same time following none and listening to none. When it comes to decisive action in world affairs, power is a last compelling factor. Thomas Hobbes said “Covenants without the sword are but words and no force to bind a man at all”. Supporters are positive with regard to the P5 and their veto power. In defence of the Security Council, Alex Bellamy and Sara Davis argue that:

- i. “without the veto, the UN would have suffered the same fate as the League of Nations and thus the status of the P5 must be accepted.
- ii. veto held the organization united during the “Cold War” and
- iii. veto allows Security Council members to set aside those issues on which they cannot agree but to remain engaged on those others the great majority of cases – where they can (Bellamy and Davis, 2014).

In the same vein, Dallas (2018), contend that, the UN veto has in some ways saved the UN because it was created to taking binding action and have teeth; the League of Nations failed because it did not have the power to implement its initiatives”. Similarly, CQ Press (1946) argue, “one of the biggest obstacles that the League faced was that, there were no permanent members with special privileges and the veto did not exist so that all decisions had to be made by the unanimity of its members”. The ineffectiveness and the failure of the League of Nations to maintenance of international peace and security in crisis situation could be attributed to inability to reach consensus and the weak structure. As Fernandez argued that unanimity rule led to inaction when atrocities occurred in Abyssinia or China. Opposing the removal of the veto, Claude Jr., (1965) argued that it would be to paralyse if not disintegrate the Security Council because it would deprive it of its decision of unanimity without which any action would be against dissenting group which would amount to an affront; a persistent conflict situation would be created and Cold War intensified; all would stand to lose, the non-world power would lose more”. African nations have gained more than lost from the Security Council operations in the overall balance sheet; A survey of the Security Council operations will clearly show that it has paid considerable attention to African States and their problems; this is demonstrated in the following cases: Apartheid in South Africa; The Morocco Question 1951; The Tunisia Question 1952; The Sudan Egyptian Border Question 1958; The Congo Question; The Guinea Question 1970; Dispute over Bizerte; Complaints by Senegal, ... studying the eight cases as stated; it can easily be seen that few, if any could have been within the military capacity of the African Country to handle... even where it was Egypt versus Sudan, if the Security Council had not intervened, the situation would have gotten out of hand and war would have broken out between the two African Countries (Ejiorfor, 1981:82) what is important here is not that the possible tragedies did not materialize, it is that a powerful organ of international control has in fact become an architect

organ of survival, a benevolent Leviathan of relative justice and peace. Weakness is pitied and weak objects have the power to exploit human sentimentality. It is precisely this fact that deters world powers from going to war with weak state on moral perception.

Further justification for the veto are usually based in the interest of the permanent members and the idea that peace and security is only possible if the P5 are all working together. At the San Francisco Conference, argument presented by the permanent members include: that the veto power was a reflection of political realities; that the UN would breakdown if it attempt to carry out enforcement action against a permanent member; that it prevented the Security Council from making a decision that could harm relations between the permanent members and that their privileged status was linked to a responsibility for maintaining international peace and security (Wonters and Ruys, 2005). Moreso, there were four reasons evident at the conference: (i) unanimity was considered indispensable for peace; (ii) permanent members needed to protect their national interest; (iii) the need to protect minority blocs from dominating majority coalitions; (iv) the desire to prevent rash Security Council Resolution (Evans, 1993). He states further that the veto was established to ensure that the UN did not commit to things it would be unable to follow through on, due to super power opposition. While Prashad (2020) sees veto as a promoter of international stability, a check against military interventions and critical safeguard against U.S. domination. The veto demonstrated its relevance in conflict prevention and resolution, when the United Kingdom used its veto power, along with France, to veto a draft resolution aimed at resolving the Suez Canal crisis (in which France and UK were militarily involved) in 1956. The UK and France eventually withdrew from Egypt after the US instigated an emergency special session of the General Assembly, under the terms of the “Uniting for Peace” resolution, which led to the establishment of the United Nations Emergency Force I (UNEF I) by the adoption of Assembly resolution 1001 (James Barry, 2003). President Vladimir Putin praised the profound wisdom of the founders of the United Nations, referring to the veto power as the underpinning of international stability (Putin, 2013). While Chinese Foreign Minister Wang Yi lauded its important role in checking the instinct of war (Wang Yi, 2015).

Critics bloc

Dallas (2018) opined that “the council has been criticized for a range of issues: its “elite and exclusive nature”; its small sizes; its tenuous connection to the General Assembly; its lack of transparency; its working methods; and undemocratic make up”.

The use of the veto has been the main object of Third World Nations and Small Powers animated offensive directed at the decision-making methodology of the Security Council. For instance, in the 2005 World Summit, the high-level Panel on Threat called on the P5 in their individual capacities to pledge themselves to refrain from the use of the veto in case of genocide and large-scale human rights abuses. Limiting the veto which in too many instances they believe has blocked the ability of the council to take effective, timely action to safeguard peace and prevent the massive loss of life (James, 2003). Arguably, Russia vetoed a UN resolution condemning her invasion of Ukraine with evidence of genocide, violation of international law, crime against humanity. This explicate the question, how relevant is the veto in conflict prevention and resolution in maintaining world peace and security. Reacting to the use of the veto power by the P5, Eminiue (2017) contend that “it is a truism that the veto power will best work in a world where general level of armament is reduced; what nations need first and foremost is a more effective UN to inspire their confidence by assuring them of any attack... This will not be possible if the P5 still occupy their permanent positions and hold exclusively power to make or mare the decision of the remaining 182 members, because they will use their position and power for their selfish interests”. Most small and medium sized states have expressed their doubt about the right to veto; the UNSC’s ability to act has been immobilized in cases where the P5 have used the veto for their national interest or to sustain their foreign policy principles; influencing the agenda and decisions of the council for their own interest or those of their allies, and backing uncomfortable resolution; for instance on the Crimean question, Russia violated

Article 27(3) by vetoing a draft resolution (S/2014/189) which would have nullified the referendum after efforts to de-escalate tension on the Ukrainian issue, the UNSC failed to adopt a draft resolution that would have urged member states not to recognize the results of the referendum planned for that country’s autonomous Crimean region or any alteration of its status (Dallas, 2018). The submission has it that, P5 should not be privileged members in the UN as their veto power has prevented decisions to be made on matter concerning international peace and security.

The veto power has further been criticized for its “Undemocratic Nature”. A single country can prevent a majority of the Security Council from taking any action. Weiss (2005:30) contend that “the P5’s veto power going back to the 1990s, 185 member states found fault in the veto and claimed it was unfair”. As the former Pakistan Ambassador to the UN Ahmed Kamal opined that “in a democracy, no one can be more equal than the others”. Referring to the veto anachronistic and undemocratic. In the same vein, Ziabari (2011) argued that, the veto power of the P5 is anachronistic and unjust; it is a discriminatory and biased privileged given to five countries to dictate their own will to some 200 countries as they wish... the most unfair and inequitable law of the world which enables a powerful and authoritative minority to determine the fate of an indispensable and subjugated majority”. A reflection of Ukrainian President Petro Poroshenko addressed to the UN General Assembly regarding the Russia annexation of Crimea in relation to the effect of veto. Thus: “In every democratic country if, someone has stolen your property, an independent court will restore justice, in order to protect your rights, and punish the offender; we should recognize our organization lacks an effective instrument to bring to justice an aggressor country that has stolen the territory of another sovereign state” (Kyiv Post, 2015). This was in 2014 when Russia vetoed a resolution condemning annexation of Crimea. Peter Nadin (2006) wrote that “The veto is an anachronism... In the twenty first century, the veto has come to be almost universally seen as a disproportionate power and an impediment to credible international action crisis”. The veto has been used to protect allies of the permanent members, and to prevent or stall UN peacekeeping or peace enforcement operations; the threat of using a veto also called a “hidden” or “pocket veto” may still have an effect even if a veto is not actually cast; in 1994, the U.S. and France both threatened vetoes regarding the Rwanda genocide which prevented the UN from undertaking an effective intervention; while in 1998-99, Russia and China threatened vetoes to prevent UN intervention against the ethnic cleansing in Kosovo and again to prevent intervention in the Darfur genocide (Wouter and Ruys, 2005). Arguably, Kessel (2017) contend that “permanent members used the veto to defend their interests, to uphold a tenet of their foreign policy or in some cases to promote a single issue of particular importance to a state... the US have used the veto for more than any other permanent member to block decisions that it regards as detrimental to the interest of Israel... During the Cold War, U.S. has vetoed, rejecting 79 resolutions that mainly broached various situations in the Middle East, China proven the least disagreeable – only 11 vetoes attributed to China activity in the Security Council. Table 1 and figure 1 below explains the composition of the membership, power with responsibility and usage of the veto right by the permanent members of the UNSC.

Table 1: Composition of Membership Power with Responsibility of the United Nations Security Council.

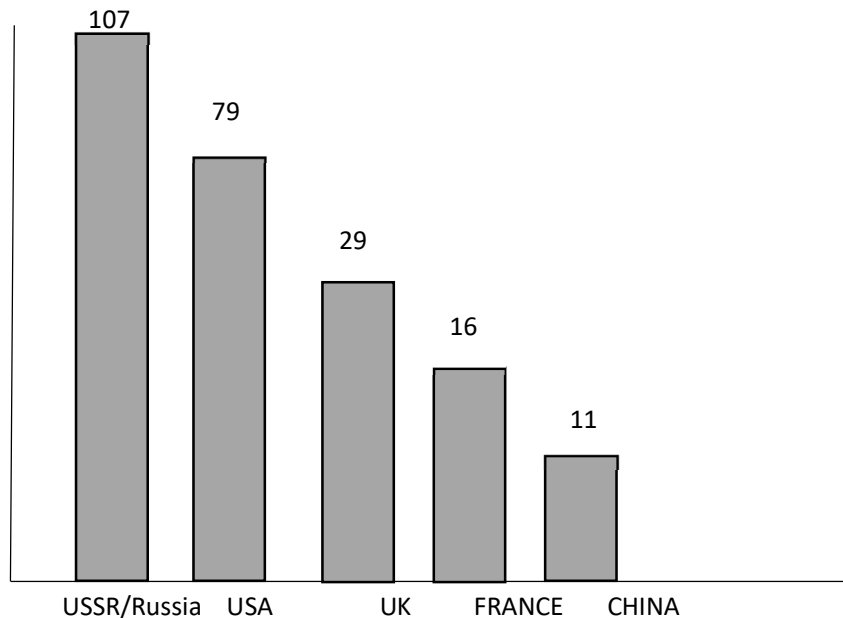
Component of UNSC	No. of Membership	Countries/Continents
Permanent Members Veto Right.	5	China, France, Russia, UK and USA.
Non Permanent Members (2 Years Term)	10	Africa, Asia, Latin America, Western Europe and others and Eastern Europe.
Total Membership of UNSC	15	

Source: Authors’ Compilation (2022) or Field Work (2022)

Table 1 above represents the membership and power responsibility of the UNSC. Global distribution indicates 5 Permanent Members with veto rights (China, France, Russia, UK &

USA); 10 Non Permanent Members (Africa 3, Asia 2, Latin America 2, Western Europe and others 2 and Eastern Europe 1 for two years term). The Security Council (SC) has the primary responsibility within the UN of maintaining international peace and security. The veto power carries so much responsibility with it. It implies, substantive issue before the SC may be objectionable in principle or impracticable execution. By the veto, one permanent member of the SC can prevent action even though a vast majority are in favour of it. The operations of the SC depend on the consensus of the five permanent members. While figure 1 shows the number of veto made and the circumstances.

Figure1: The number of UN Security Council resolutions vetoed by permanent members 1946 – 2017



Source: Isabel.vonkessel@statista.com (2017)

The veto was used often for P5 national interests or protect their foreign policy goal which many instance, has been demonstrated in this study. Most of the Russian vetoes where on the issue of membership concerned with losing influence in the United Nations General Assembly (UNGA) while the United States used the veto more to stop resolutions against Israel and allowed the adoption of neutral resolutions on the Palestinian-Israeli conflict. Unfortunately, whether the veto is used more frequently by any P5 member, than others, when eventually used is still to the benefit of either the national interests of the P5 or to protect their personal interest. For instance, Dallas (2018:9) writes “U.S. (14 vetoes) for Israel/Palestine resolutions and Russia/China in relation to Syria and Myanmar resolutions”. In the Post-Cold War, U.S. has retreated from using its veto power with the exception of resolutions critical to Israel; and the Russian Federation has not stopped using it either as demonstrated by vetoes of resolutions dealing with Georgia – 2009, Ukraine, 2014 and Syria 2011-2012/2014-2018 (Einsiedel et al. 2015:918).

Three restraining initiatives have been proposed supported by international Non-Governmental Organization (NGOs) all which advocate aspects of reform of the veto power that would improve the effectiveness and responsiveness to international security threats are concern in the use of veto power by the P5 of UNSC:

- i) The French Initiative – 2013, “the permanent members voluntarily and collectively pledge not to use the veto in case of recognized mass atrocities” (France ONU, 2018).

- ii) The Act Initiative – 2015 “The Code of Conduct calls upon all members of the UNSC – elected and permanent not to use veto against any credible draft resolution intended to prevent or halt mass atrocities” (GCR2P, 2015) and
- iii) The Elders Proposal 2015 “The P5 must not use their decision and proposing an alternative plan in accordance with international law that can achieve the same goals” (Carvalho, 2015).

The P5 are being asked not to use their right of veto for personal or national interests and to agree to try to work with one another in times where a vote has been cast in order to come to a timely compromise. Manjikian (2007) contend that “they are intended to curb the P5’s veto power in a positive way in order to protect Article 1 and 2 of the UN Charter and provide greater security for its member states” This again, raises the question of moral challenges if these initiative reforms could be achieved, since these are voluntary pledges, it will not require a formal amendment to the UN Charter.

Furthermore, various countries outside the permanent members most specifically Africa. The veto has dealt a severe blow on Africa articulation as other continents are either geographically or ideologically included in its provision and working, but the African continent is a total absentee (Ejiorfor, 1981). A few excerpts will help to demonstrate the pang which politicians and statesmen feel about the veto:

- i. Ibrahim Abbound, President of Sudan “...The use of the veto in the Security Council should be curtailed if not altogether abolished... The main powers of the organization should be concentrated in the General Assembly as the most representative organ and its decisions should have an effective mandatory character”.
- ii. Mongislim, Chairman of Tunisian Delegation to the UN “... The veto in the Security Council is even now distasteful to most member states, because it runs counter to the principle of the equality of all states and gives to a few the power of thwarting the will of the majority... But the great majority of members of our organization continue to hope that this veto will be replaced by a more democratic system...”
- iii. Louis LansanaVearogei, Minister of Foreign Affairs Guinea “... It is essential if the veto is to be maintained, that Africa and Asia should be fully associated in this right so that they can bring their weight to bear in the setting of the broad international issues...”
- iv. Leopold Sedar Senghor, President of Senegal “... The question of the veto in the Security Council cannot be side-stepped... it is true that the privilege or right of veto, but we must also be realistic... if “Third World” unites and perseveres, it can in the long run stop the use of veto (Padelford& Emerson, 1969).

Similarly, various countries, non-permanent members such as the Non-Aligned Movement, Africa Union have proposed limitation or reforms to the veto power. However, the veto is a controversial issue. The “P5” might undermine the UN if they are denied the veto as it carries so much responsibility and protection of National interest.

CONCLUSION AND POLICY PRESCRIPTIONS

Scholars and non-scholars have been asking whether the UNSC veto power exercised by five permanent members concerning decision and execution of actions by the United Nations General Assembly is still relevance in the globalized contemporary world politics. Yes, to a large extent, relevant shown by increasing member countries including European, Africa, Asia, America who attend its periodic Summits and demand for increase in the number of nations in the Security Council so as to instill democratic affirmation, decisions and actions. The council usually dealt with thorny issues such as disarmament as the world is now heavily militarized. As some nations are canvassing for nuclear energy because some see it as prestige while others see it for security. This competition is dangerous and a threat to world peace and security since the nature and the

behaviour of man is unpredictable, there is that need for a leviathan to deter nations against aggressive actions that could lead to the destruction of world peace. Although this exclusive right accorded the five permanent members has been accused of stifling progress and not adequately respecting the views of the global communities. However, one can argue that the right to veto is vital in the effort of the UN to maintain peace amongst the most powerful nations in the globe. When veto power is exercised, it comes at a high cost of the respective country while at the same time the threat of veto forces cooperation and has important shadow effect on council deliberations towards greater consensus on the council and against the casual use of the veto. Perhaps the most fundamental argument about the veto is that, you could not have a Security Council without it. Major powers will not simply grant an international body binding legal authority on matters of peace and security. Unless they are certain that it will not prejudice their interest. Hence the profound wisdom of the founders of the UN referring to the veto as the underpinning of international stability playing an important role in checking the instinct of war cannot be over-emphasized. The five permanent members veto option remains an instrument of last resort in the resistance against uncontested power and casual use of the veto by powerful nations.as they have the capability militarily to respond to international crisis or war situation. Right or wrong, the veto power can be argued to have been a positive force in the past and perhaps can continue to be in future.

In a way of policy prescription in this era of global democratization, if the world is to move towards the realization of just and enduring peace through the UN. The expansion of the Security Council for which many are calling will not democratized the organization as long as some selected nations are at the apex with power to affirm or annul the decisions of the majority of the council. To this extent, the P5 should adhere to the rules of operation guiding the conduct of the Security Council. This may necessitate a review of the charter provisions to expunge the relevant provision that concerns the Security Council. Since the world is not static but dynamic, the UN must be flexible and prompt in responding to changing circumstances and situations if it is to be effective. Therefore, in the maintenance of international peace and security, what constitute aggression must be clearly determined and the responsibilities of each state in the event of an aggression must be clarified so that no nation would be left in doubt as to what its responsibilities are. The sanctions for defaulting nations who failed to fulfil their responsibilities must also be specified. Therefore, there is need for a standing army for the UN which will be under the command of the Secretary-General (SG). The SG should act as the Commander-in-Chief that must be given wide powers to commit the UN and mobilize the proposed UN Army whenever the General Assembly has established a clear case of aggression. The Commander-in-Chief must operate the command autonomously devoid of any nation or group of nations to ensure the UN carries out its responsibility of maintaining world peace and security effectively and also assure potential aggressors that aggression will not go unpunished or reprimanded decisively. Security Council is still an enormously useful body because it institutionalizes the practice of great power security consultation and its relevance in contemporary global politics remain potent and progressive.

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