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#### Abstract

The international community led by the then great powers pledged in 1945 to establish a world body named as the United Nations Security Council that could prevent the recurrence of another world war to prevent the humanity from the catastrophic destruction. The objective of the study is to evaluate the implications of the veto power on the Council's effectiveness. The Council has largely fell short of the expectations for maintaining international peace and settling the international disputes. This compromised performance can be largely attributed to the limitations of the Security Council pertained to its composition lacking broad international representation and reserving the right of veto power only for the most powerful states who are primarily motivated by their self-interests. Reforming the UNSC is indispensable for realizing the dream of international peace by making it more democratic while removing the veto power and by strengthening it militarily to prevent any aggression from a state. The dynamic nature of international relations could affect the relevance and applicability of findings over time.

Keywords: UNSC, World Peace, Cold War, International Dispute, Legitimacy

#### Introduction

The victors of the Second World War established the United Nations (UN) in 1945 to protect future generations from the curse of war by taking all possible measures to prevent the recurrence of a Third World War (Cousens, 2004). The establishment of the UN can be traced back to "the various projects for a universal organization for the maintenance of peace that, from the Middle Ages to the beginning of the 19th century, have been suggested by statesmen and philosophers" (Ross, 1966). The creation of the UN Security Council marked the successful culmination of these long-standing campaigns. The UN Charter preamble articulates its stated aim to prevent the recurrence of world war in order to save humanity (United Nations, 1945). Subsidiary objectives, including the promotion of human rights, economic betterment, and arms control, are intended to safeguard peace. The Charter laid out rules and mechanisms to preserve peace, forbidding states from resorting to force and promoting respect for international law and the peaceful resolution of disputes.

The UN Charter entrusted the obligation for dealing with challenges to international peace to the Security Council, which consists of five permanent members namely the United States, the Soviet Union, Britain, France, and China and ten elected members (United Nations, 1945). These members gather regularly to evaluate threats

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to international security, including domestic conflicts, natural calamities, arms buildup, and terrorism-related issues.

The concept of collective security provides the rationale for the functioning of the Security Council. The five founding members were intended to act as guardians of international peace. While overseeing international affairs, these members held the power to determine which occurrences could destabilize international peace and to take necessary actions, such as imposing sanctions or utilizing other means commensurate with the nature and level of the threat (United Nations, 1945).

The onset of the Cold War between the US and the USSR following the establishment of the UN significantly impeded the Security Council's proactive role in maintaining world peace. Both superpowers frequently employed their veto power against each other's interests, rendering the Security Council largely ineffective. The fifth UN Secretary-General, Javier Pérez de Cuéllar, characterized the Security Council's performance in establishing international peace as dismal, stating in 1982 that the Council appeared "unwilling or unable to make any progress for peaceful settlement of outstanding disputes" (Sutterlin, 1995, p. 5). He attributed the Council's ineffective performance to fissures within the international community that prevented decisive action.

With the end of the Cold War and the fall of the USSR, the path seemed clear for the Security Council to play a more effective role in international peace and security. The first test came when Iraq invaded Kuwait in 1990, which the Security Council characterized as a threat to international peace and security. The Council vowed to take stern action, authorizing the use of force against the aggressor, thereby sending a clear message that threats to world peace would be dealt with resolutely. The Security Council's authorization of humanitarian intervention in Somalia was also well-received internationally. Furthermore, the Council assisted some countries in Central America and Southern Africa in ending ongoing conflicts. However, this proactive role did not persist; the Security Council's influence waned in resolving enduring regional conflicts such as those in Palestine and Kashmir. Moreover, ethnic cleansing and genocide in Rwanda and Bosnia were largely ignored by the Security Council. The initial euphoria surrounding the Security Council's role in the post-Cold War period quickly dissipated, raising uncertainties about its future role, especially following the US invasion of Iraq in 2003 without Security Council approval, which severely damaged its credibility.

Therefore, it is evident that the Security Council has not lived up to the expectations of those who envisioned and established this institution. This article aims to deliberate on the structural weaknesses inherited by the Council at its establishment, as well as those acquired over time, which have hindered its ability to maintain international peace and security sustainably. Additionally, the research will offer practical suggestions for making the Security Council more participatory and diligent in its efforts to establish lasting peace both regionally and globally. A conclusion will follow towards the end of this article.

# Journal of Nautical Eye & Strategic Studies 121 The Veto Power, Great Powers Politics, and Role of the Security Council

Chapter V of the UN Charter deals with the layout of the Security Council, including the number of its members, specific roles, and the procedures involved. The winners of World War II, including the United States, the Soviet Union, and the United Kingdom, fashioned the post-war political order. The Security Council's five permanent members China, France, Russia, the United Kingdom, and the United States commonly referred to as the P5, enjoy the power to veto resolutions, a power that the elected members do not possess.

Conferring veto power to these five great powers was essential for retaining their interest in establishing a body aimed at promoting world peace. It is argued that the lack of interest from great powers such as Germany, Italy, the USSR, the US, and Japan in the League of Nations was a major factor in the organization's failure, which ultimately resulted in the collapse of the Wilsonian order established in 1919 (Kennedy, 2006). However, this special status has largely compromised the objectives for which the Council was founded.

The institution of veto power in the Council primarily aimed at protecting the interests of these great powers. It was tacitly agreed that the Council would not interfere if the interests of any great power were at stake. Consequently, the veto power served as a structural factor that effectively curtailed the Council's role whenever threats to world peace emanated from great powers. Therefore, the establishment of the Security Council was an attempt to provide a mechanism for collective security that could selectively respond to threats of aggression while maintaining a balance of power among the five permanent members (Smith, 2001).

As a result, the newly established collective security system responded selectively to acts of international aggression. The five permanent members enjoyed the prerogative to decide whether an act of aggression constituted a threat to international peace. The Council was likely to respond if a smaller power committed aggression and the permanent members collectively deemed it so. However, the Council would be unable to respond if a permanent member or its client state was involved in acts of aggression, primarily due to the veto power held by a select few states. The P5 has frequently employed this veto power; the Soviet Union is believed to have vetoed more than one hundred resolutions since the Council's creation. The United States has nearly equaled the Soviet Union in exercising its veto power, while China has increased its veto usage in recent years. In contrast, other great powers such as France and the United Kingdom have refrained from using their veto since 1989, potentially discouraging others from frequent use (Council on Foreign Relations, 2021).

Most importantly, the power politics between the United States and the Soviet Union during the Cold War effectively prevented the Security Council from playing any meaningful role. The clashing interests of the permanent members, particularly the US and the Soviet Union, led to intermittent use or threats of the veto power, which left the Council largely ineffective (White, 1994). A scholar on UN affairs, Evan Lurad, provides further nuance, noting that the great powers envisioned the use of the Journal of Nautical Eye & Strategic Studies 122 veto only for securing their vital national interests, which were largely confined to Europe. He observed that the spread of the Cold War expanded these interests globally (O'Sullivan, 2005).

Even the mere threat of using the veto power by permanent members has prevented the Security Council from responding to threats to international peace. For instance, the threat of a veto by China in the Darfur case hampered Council involvement. Similarly, the threat of a Russian veto in the Kosovo case stymied progress on resolving the territory's political and legal status. Russia's intervention in Ukraine in 2014 further questioned the Council's ability to address crises effectively. Likewise, the consistent use of veto power by Russia has complicated efforts to hold the Assad regime accountable for human rights violations. Thus, the use of veto power, motivated by the strategic interests of the great powers, has resulted in the inaction of the Security Council, with serious repercussions for world peace.

# Weak Performance of the Security Council in the Pacific Settlement of Disputes

One of the stated aims of the Security Council is to make headway in resolving inter-state disputes to prevent any chances of war between states, thus laying long-lasting foundations for world peace. Chapter VI of the UN Charter provides a range of political and diplomatic tools to the Security Council helpful for the 'pacific settlement of disputes' (United Nations, 1945). To meet its stated objectives related to the peaceful resolution of international disputes, the Security Council offers contending parties the opportunity to find resolution through negotiation, arbitration, or other peaceful means. The Security Council's powers are not limited to soft measures; it also has coercive means available, including imposing sanctions or authorizing the use of force to address challenges related to international peace and security.

The Security Council is authorized to bring any dispute or issue into the limelight that could cause any chances of war between states, which could potentially endanger world peace. Therefore, the Security Council enjoys the power to take the initiative itself or be requested by a member state to intervene to defuse crisis situations that could escalate into conflict. A discussion among the permanent members provides avenues to assess the threats posed in any crisis situation arising between states involved in territorial or other disputes. However, the Security Council has not lived up to the expectations laid out in the Charter, demonstrating a dismal record in efforts to address inter-state disputes. Former UN Secretary-General U Thant (1978) explains why the Council could not effectively serve as a forum for the resolution of international disputes, attributing part of the blame to the states involved in disputes and their inability to take initiative, and partly to the enduring nature of conflicts. He noted that states involved in a dispute often found themselves unable to reach a pragmatic solution, thus referring these complex problems to the United Nations. He further highlighted that the disputes referred to the UNSC are often so intricate that a solution seems almost impossible to achieve (Thant, 1978).

Another explanation for the Security Council's weak performance is attributed to the great powers' lack of confidence in the Council, especially during the

Cold War years. Instead, they often relied on channels other than the Council to discuss disputes involving threats to international peace (Touval, 1994). The selfinterests of great powers could be better served by directly mediating between conflicting parties rather than bringing issues to the Council. For instance, motivated by its self-interest in enhancing its international stature, the United States offered mediation between disputing NATO allies, such as Greece and Turkey, and between its allies and anti-colonial forces, such as in the Anglo-Iranian and Anglo-Egyptian disputes. The US also effectively sidelined the Soviet Union while practicing its containment strategy, engaging in mediation for newly independent states involved in conflicts, such as Indonesia and Malaysia, as well as Egypt and Israel. Similarly, other great powers were mainly driven by self-serving interests; the Soviet Union's mediation between India and Pakistan at Tashkent and France's mediation between Mali and Senegal serve as examples (Touval, 1994). This trend inadvertently led to the diminishing role of the Security Council in the settlement of inter-state disputes, depriving the Council of legitimacy and credibility within the international community.

A serious impediment to the Council's international role is its inability to act independently without the support of great powers. The Council does not hold any military power or economic resources on its own (Touval, 1994). It is entirely dependent on member states, especially great powers, for the military and financial resources necessary for resolving disputes between states. Although member states, particularly stronger ones, might contribute resources to enhance the Council's credibility and efficacy, such cooperation is challenging to attain, especially when states are motivated by self-interests and are only compelled to act when their interests are affected. Due to these structural issues, the Security Council lacks the ability to pursue a coherent, flexible, and dynamic negotiation process that could fulfill the aspirations of all contending parties. Additionally, the dominance of the five permanent members in the Security Council's affairs further erodes its dynamism and flexibility as a mediating body. In recent times, conflicting interests among members have repeatedly thwarted the Council's ability to handle interstate conflict or natural disasters, as evidenced by the Syrian civil war, the Russian occupation of Crimea, and the COVID-19 pandemic.

# The Insufficient Enforcement Authority of the Council

The Council is empowered, as noted by Hans Kelsen, "to maintain international peace and security by enforcement actions" (Kelsen, 1950, p. 283). In order to maintain international peace and security, the Security Council is authorized to identify any serious challenges to peace or imminent aggression from either party involved in a dispute and take steps to defuse any crisis situation that could lead to military conflict, potentially disrupting international peace and security (United Nations, 1945). The Council has a range of options it might employ, including sanctions, dispatching peacekeeping troops, and offering mediation. However, it has remained largely inefficient in conflict prevention due to several factors.

The Council's role in conflict prevention is largely contingent upon the

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resolve of the great powers to take the lead, whose policies are primarily motivated by their own national interests. The self-serving policies of these powers leave little room for the Security Council to intervene in conflicts where the strategic interests of great powers are at stake (Cousens, 2004). The Council's lack of interest in addressing the conflict in Chechnya or responding to human rights violations in Uyghurdominated areas of Western China illustrates this position.

Additionally, the Security Council lacks the necessary powers to implement its decisions related to maintaining world peace (Laurenti, 2005). Part of the problem can be explained by states' reluctance to contribute troops when their vital interests are not endangered (Laurenti, 2005). For example, the United States has stated that its national interests would determine whether it needed to engage in peacekeeping or peace-enforcement activities (Sutterlin, 1995).

A strong resolve on the part of the great powers is a prerequisite for the Council to play any meaningful role in the resolution of outstanding international disputes. Consequently, the involvement of the Council without the commitment of great powers would not inspire much hope for progress in resolving disputes. For instance, the Security Council has been engaged in attempting to resolve the Israeli-Palestinian conflict for decades; however, the lack of interest or conflicting interests among great powers has prevented any significant progress (Cousens, 2004). Without strong political will and resolve from the great powers, the Security Council will remain a largely non-functional body in the prevention of domestic and international conflict, posing a continuing challenge to international peace.

# Breach of the UN Charter by the Security Council's Members

The UN Charter prohibits the use of force by a state against any other state or any act of aggression in the international system. The Charter clearly lays down principles that allow the use of force in certain situations, such as in self-defense and when approved by the Security Council. Although the Security Council bears primary responsibility for preserving international peace and security, it cannot violate the Charter and international law in fulfilling this role (O'Connell, 2019). Notwithstanding these principles, since the establishment of the UN in 1945, many states have committed acts of aggression while attempting to resolve disputes. Permanent members have circumvented these rules when their national interests sanctioned the use of force unlawfully.

Universal principles and morality have remained irrelevant in state interactions; instead, states' actions are largely driven by their perceived national interests, involving competition for power and the continuous shifting of interests. Superpowers during the Cold War frequently resorted to military power, as demonstrated by the U.S. invasion of Nicaragua and the Soviet Union's intervention in Afghanistan in 1979 (Lupu, 2006).

Likewise, in March 1999, NATO (North Atlantic Treaty Organization) forces launched a military campaign against Serbian forces in Yugoslavia without seeking approval from the Security Council, despite the campaign's intention to protect the Albanian population in Kosovo. The Kosovo rebels and the Serb-controlled government had engaged in a battle in 1998, which created the prospects of mass murder, reminiscent of the situation in Bosnia several years prior. Anticipation of a veto from Russia led the U.S. and European powers to bypass the Security Council and rely on NATO troops to fulfill their interests (Lupu, 2006). The NATO military campaign without the Security Council's authorization further tarnished the Council's image in the international community, reinforcing the perception that the Council is almost a redundant body regarding the establishment and maintenance of international peace (Perle, 2003).

The American invasion of Iraq in 2003, conducted without the approval of the Security Council, exemplifies the Council's irrelevance in creating conditions conducive to international peace. The Security Council had already passed Resolution 1441 in 2002, which called for serious action against Iraq if it failed to comply with protocols for international inspections of its nuclear facilities. While the international community supported diplomatic efforts to persuade Iraq to comply with UNSC resolutions, the U.S. insisted on using force as a means of coercion. Despite international disapproval, the Bush administration proceeded with military action against Iraq. President Bush claimed that UNSC resolutions, including Resolution 1441, provided authorization to use force (Taft IV & Buchwald, 2003). This stance was opposed by Kofi Annan, who asserted that "from our point of view and the U.N. charter point of view, [the invasion] was illegal" (Lupu, 2006, p. 886). Additionally, it is widely believed in the international community that the U.S. invasion of Iraq was unjustified and constituted a violation of the UN Charter, sidelining the Security Council (Murphy, 2004). A persistent violation of the Charter, especially by great powers, has seriously damaged the credibility and effectiveness of the Security Council.

# The Non-Democratic Character, Illegitimacy, and Inefficiency of the Security Council

Since the establishment of the UN and its different organs in 1945, the permanent members of the Security Council dominated the agenda and activities of the council that called into question the legitimacy of the organization. In particular, the developing countries have voiced their concerns that the Council existing structure does not correspond with changing geopolitical realities. Only one amendment is made in 1965 regarding the membership of the Security Council which expanded the non-permanent members from six to ten. This led to the failure of the Security Council to alter itself corresponding to the changing contours of the world geopolitics.

The world has significantly transformed both quantitatively and qualitatively which called for corresponding changes in the council composition and powers. First, the UN membership expanded as a result of the decolonization process and the disintegration of the former Soviet Union, and the former Yugoslavia and many states joined the organization. Second, this quantitative change provided further impetus to the even more important qualitative change when some of the permanent members of the council experienced a gradual decrease in their military and economic power. For example, France and the UK- notwithstanding their status as nuclear powers, experience decline in their international standing compared to their position after the World War Two. Likewise, the former Soviet Union lost its status as a superpower and several states withdrew from the Soviet federation and established as sovereign states, for example, Central Asian Republics, also known as CARs (Berdal, 2003, 11-13).

The Security Council's failure to respond to the regional and global strategic make up raised the question of the legitimacy of the organization, which could have serious repercussion for its effectiveness. A UN report's findings highlighter that since 1945 there has been a change in the configuration of power among member states, but the Security Council remained adamant in responses to these changes (UN Report, 2004). An editorial in the New York Times echoed the same concerns while noting that the Security Council's remained embedded in power structure of 1945, thus not reflecting the current power structure among states (New York Times, 2004). UN General Assembly President Volkan Bozkir in early 2021 emphasized restructuring of the Security Council recommended that the Council's legitimacy and its authority to enforce its decision could be improved by making it more representative of the international community and making it more accountable and transparent (UN News, 2021).

Various suggestions have been forwarded to reform the Security Council, including enlarging its membership or amending rules governing the veto right. It is believed that wider representation and participation would help to ameliorate the challenges to international peace (Ellen O'Connell, 2019, 11). In this regard, regional powers such as Brazil, Germany, India, Japan, Nigeria, and South Africa have moved proposals for expanding the Council and campaigned to get permanent seats for themselves. Others have objected France for holding on to permanent seat and not ceding to the European Union after Brexit. Moreover, in 2021, Britain extended its support to Germany for gaining a permanent seat on the Council. However, these moves have largely remained inconclusive. In addition, an agreement among the P5 is a prerequisite for making any amendment in the Council's membership structure. Any such move to alter the membership of the Council can be blocked using veto power by any of the permanent member. It is anticipated that the great powers would not be willing to relinquish these special powers and they are very much likely to block any suggestion regarding restructuring of the Council (Ellen O'Connell, 2019, 141).

Furthermore, a vivid decrease in their relative strength of the permanent members of the Security Council has seen a gradual decline of great powers' interest in this world body. This bears serious repercussions for their role in in maintaining international peace and security. A high-level panel report noted that the five permanent member of the Council had largely failed in providing financial and military resources to the international body that commensurate to their designated status and power in the body, whereas the Council's non-permanent members often showed little interest in supporting the organization in material terms (UN Secretary General Report, 2003) The security council carrying greater international

representation reflecting the geopolitical realities of today's world would likely to act more authoritatively and decisively in responding to the challenges to the world peace and security (Frechette, 2005, 13).

#### Suggestions for Enhancing the Efficacy of the Security Council

The preceding discussion highlights significant questions regarding the weaknesses of the UN Security Council, particularly its composition, which lacks broad international representation, and the exclusive right of veto power granted to the permanent members, commonly known as the P5. Most importantly, the use or threat of the veto by any permanent member has proven detrimental to the Council's functionality. Removing this obstacle could potentially enhance the legitimacy and efficacy of the Security Council. However, no concrete proposals to restrict or eliminate the veto power are currently underway, partly because P5 members are reluctant to relinquish their power due to its utility in protecting their respective national interests and international prestige. Furthermore, the UN Charter does not contain any provisions that compel them to give up this privileged position (Weiss, 2003).

The international community recognizes the need for a serious revision of the Security Council's structure to reflect changing regional and global strategic realities. The High-Level Panel on the UN observed that the outdated membership structure hardly garners legitimacy or support for Council decisions (UN Secretary General Report, 2003). They further noted that reforms based on equitable international representation and credibility are critical issues that require serious attention (UN Secretary General Report, 2003). Overcoming the challenges to the organization's legitimacy necessitates a significant overhaul of the Security Council's membership structure (Hurd, 2008). The panel also suggested expanding the Council's membership and establishing criteria for participation in decision-making processes that are proportional to the material contributions made to the UN (UN Secretary General Report, 2003). However, serious disagreements persist within the international community regarding membership expansion (Weiss, 2003).

Replacing power politics among great powers with cooperative strategies could facilitate smoother operations within the Security Council and significantly contribute to achieving the objectives envisioned by its founders. Mats Berdal highlights how power politics have hindered the organization's effectiveness. He identifies several factors, including the conflicting interests of the Council's permanent and non-permanent members, as impediments to the organization's ability to play a significant role in realizing international peace (Berdal, 2003).

# Conclusion

Despite the Security Council's serious limitations in establishing a durable peace through the resolution of international disputes, it would be erroneous to assume that the Council has lost all reasons for its existence. The Security Council continues to monitor regional and international issues that could destabilize world peace and strives to find solutions to international disputes. The existence of this international Journal of Nautical Eye & Strategic Studies 128

body keeps alive hopes for establishing durable peace and international security. Some critics even credit the organization for preventing another world war, despite ongoing disputes among states.

It is accurate to say that the Security Council has not fully lived up to the expectations of its founders; however, they may not have foreseen the challenges the organization would encounter in the years following its establishment. The deeply entrenched power politics in the international system, especially during the Cold War, and the frequent use of veto power by its permanent members have hindered the Council's ability to effectively tackle threats to international peace and security. The unwillingness of great powers or the Council's inability to adapt to the changing geopolitical landscape has raised questions about the organization's legitimacy, further eroding its international standing.

Possession of nuclear weapons by states involved in longstanding territorial disputes, such as the Kashmir conflict and the Palestinian issue, has seriously endangered global peace. Pakistan and India have come to the brink of war multiple times over the Kashmir issue, alarming the international community. Timely intervention by great powers has effectively prevented the escalation of conflicts that could lead to unprecedented catastrophe.

In addressing global challenges such as climate change, pandemics, and international terrorism, the entire international community—especially the great powers—must embrace a collective responsibility to invigorate the organization. They should prioritize effective steps to enhance its legitimacy, enabling it to resolve international disputes sustainably. However, reconciling the national interests focused on individual gains with the collective security interests of the global community presents a significant challenge.

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