

The Veto Problem In the United Nations

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PREFACE

International organizations occupy an increasingly important role in the world affairs. They are concerned not only with the major questions of peace and war but also with innumerable areas of economic and social activity. There are quite a few significant constitutional problems involved in constructing an international organization. An international organization composed of independent states is immediately faced with the problem of adopting a voting procedure for its various organs that will provide a representative decision on important issues and, at the same time, not prejudice the guarded rights of its sovereign members. The United Nations has been confronted with an extremely serious voting problem in the Security Council.

Indeed, no problem in the United Nations has gained as widespread public attention as the voting arrangement in the Security Council popularly referred to as the "veto". Article 27 of the United Nations Charter, which regulates voting in the Security Council, probably has aroused more controversy and inspired more demands for Charter revision than any other provision.

This study is an attempt to examine the veto provision of the United Nations Charter which ensures special or privileged position to the permanent members

of the Security Council. The object of this study is not merely to narrate the theoretical and constitutional aspects of veto provision but also its practical aspect and its impact on the development of United Nations.

In the introductory part, I have introduced the subject and raised several questions, regarding this provision to set forth the core and scope of this study.

The first chapter discusses the origin of the veto and the background to its adoption. It also examines the legal and political implications of the veto provision.

The second chapter discusses the efforts directed to elaborate, restrict or circumscribe the veto.

The third chapter examines the practice ^{from 1946-70,} to the extent to which it has been influenced by cold-war, power politics and related factors and their overall impact upon the functioning of the Security Council.

The fourth chapter sets forth the conclusions.

I am deeply indebted to my supervisor, Dr K. P. Saxena, who guided me and instructed me in the preparation of this dissertation. His valuable guidance and instructions have enabled me to undertake and plan this study. I am deeply obliged and express my sincerest

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INTRODUCTION

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No feature of the United Nations activity has raised more doubts about the ability of international organization to assure peace and security than the recurrent appearance of the veto in the Security Council.

Scarcely any other provision in the Charter has caused so much discussion or so many controversies in the practice of the United Nations, as the one contained in Article 27, especially the veto rule. This arrangement ties Security Council decisions directly to great power politics. Its use is symbolic of existence or non-existence of great power antagonism on a particular issue.

(Looking from a wider perspective, the use of the veto privilege in the United Nations is the one that has aroused the greatest dissatisfaction and even suspicion among average men and women.) Without the understanding and support of such men and women all over the world, the United Nations can never become what it was intended to be nor can it guarantee world peace until the majority of the world's population chooses to back the principles set forth in the Charter and demand that they be correctly applied.

(It is said that the veto has disrupted the work of the Security Council and weakened the United Nations as

a whole; it has blocked the admission of peace-loving nations and has prevented the peaceful settlement of disputes. It is regarded by many one of the most damaging part of the entire security arrangements as envisaged in the United Nations Charter.)

The Charter proclaims in Article 2 that the organization is based on the principle of sovereign equality of all its members. On essential points, the Charter violates both the principle of sovereignty and the principle of equality. To give greater weight to the votes of the more powerful states would offend against the principle of equality. Thus the Charter deviates widely and glaringly from the principle of equality by giving the great powers a privileged position, partly in the rules for the composition of the organs and partly in the voting rules.¹

The continual use of the veto has disheartened many who hoped that the Council would be able to function more effectively than it did to date. It has prompted widespread demand to revise the Charter or find other means of curtailing the veto.

On the other hand, it is a widely held belief that veto is the symptom of the melody not its cause. neco-

¹ Alf Ross, The United Nations: Peace and Progress (New York, 1966), p. 162.

gnizing the hard realities of power politics, one will have to agree that any decision by the Security Council which lacks the concurrence of all the major powers would aggravate a conflict rather than resolve it.

The cornerstone of the United Nations system is Big Power co-operation. The result of a vote on a given proposal involving questions of peace and security merely indicates whether or not such co-operation or agreement among the Big Five exists on a particular question. A veto is a reflection of disunity, rather than its cause. No solution of the problem of the veto is adequate unless it contributes to a solution of the conflict and tension among the permanent members of the Security Council. As Philip Jessup asserts, the veto is "the safety-valve that prevents the United Nations from undertaking commitments in the political field which it presently lacks the power to fulfil."²

Several questions can be raised relating to this veto problem. How the veto formula came about? What it amounts to as now interpreted? What are the implications of the veto in the functioning of the United Nations? To what extent it put limitations on the effective function-

² Inis Claude, Swords into Plowshares (London, 1970), 3rd edn.

ing of the United Nations? To what extent, if any, it provides elements of viability to the United Nations? Could one say that one of the secrets of survival of United Nations during the cold war period has been the veto system? Does this veto today really reflect the reality of power? Should a member state be allowed to be a judge of its own action? Can the veto rule be abolished or could an alternative method be substituted.

These and related questions form the subject-matter of the present study.

Chapter I

GENESIS OF THE VETO PROVISION

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The veto provision, or to put it in the formal language of the Charter - the provision that "the decisions of the Security Council on all other [than procedural] matters shall be made by an affirmative vote of seven members, including the concurring votes of the permanent members", has aroused much greater controversy than any other provision. Indeed, this provision, as now contained in Article 27, had led to so much of bitterness at the San Francisco Conference that at one stage it was seriously doubted whether the world organization would be able to see the light of the day. To understand the implications of this part of the Charter, it would be pertinent to recall the background as to how it was finally adopted.

A recapitulation of the war-time planning of the United Nations indicates, inter alia the strains of two different operational concepts of international security system: (i) a concert or "trusteeship" system of great powers and (ii) a universal security system. President Roosevelt's ideas, on the nature of desirable post-war machinery at the early stage, were in favour of concert system. He felt convinced that small nations under conditions of modern warfare, were incapable of defending

themselves against powerful aggressions. Consequently they might just as well remain unarmed after the war and leave the problem of their security to the Big Four or the 'Four Policemen' as he conceptualized.¹ He was interested in emphasizing the "trustee" aspect of the four policemen's role and, while at the same time, trying to take the edge off their dominating position in a world otherwise totally disarmed. This he proposed to do by a "watch dog" commission of neutrals, which would report to the four major states any violation of the armaments prohibition or any impending threat of aggression.

British Prime Minister, Winston Churchill, shared Roosevelt's views of "four policemen" although Churchill's emphasis was on three autonomous regional security arrangements. He asserted that "the United Nations, headed by three great victorious powers, the British Commonwealth of Nations, the United States, and the Soviet Russia, should immediately begin to confer about the future world organization." He placed stress on a European Council. He urged every effort "to make the Council of Europe... into a really effective League, with all the strongest

1 Ruth B. Russell, A History of the United Nations Charter (Washington, D.C., 1958), p. 95.

forces concerned woven into its texture, with a High Court to adjust disputes, and with forces, armed forces, national or international or both, held ready to enforce these decisions and prevent renewed aggression and the preparation of future wars." Such a post-war organization, he concluded, would harmonize the "highest permanent interests" of Britain, the United States, and the Soviet Union, and could only be brought about with "their cordial and concerted agreement and direct participation". He favoured that these three Big Powers along with "certain other powers" should form a Supreme world Council. Subordinate to it should then be three regional councils (for the western Hemisphere, Europe and the Pacific). The major powers were to be represented on all the regional councils in which they were directly interested. He also emphasized that "the last word would remain with the Supreme world Council, since any issues that the regional councils were unable to settle would automatically be of interest to the World Council... The central idea of the structure was that of a three-legged stool-the world Council resting on three regional councils".

American official opinion was divided on the regional aspects of the Prime Minister's proposals. United

states Secretary of State, Cordell Hull, and Chairman, Tom Connally of the Senate Committee on Foreign Relations, in particular, felt that the emphasis should be on a world organization in which all states would participate in some fashion to maintain peace, while regional organizations of the Inter-American type should be kept in a useful but subordinate relationship. Cordell Hull's views could be identified with the concept of universal security system. He envisaged a comprehensive global organization embracing all nations - big and small, bearing the responsibility for maintaining peace in all parts of the world. Department of State officials generally thought in terms of a single global organization that on the one hand would continue the negative function of preventing or punishing aggression and on the other would exercise the positive function of promoting conditions conducive to peaceful relations among the nations.

It was assumed that if the new organization was to succeed where the League had failed, it was necessary to determine how the causes of that failure so that the pitfalls could be avoided in the future. One of the

2 U.S., Department of State Bulletin (Washington, D.C.), vol. 7, 18 July 1942, pp. 639-47.

assumptions accepted in this process was that the post-war institution would have to include all the major states that would effectively control the military powers of the world once the Axis nations were disarmed. Recognizing that aggression might break out in spite of the pledges, it was considered that the new organization should be given something more in the way of authority than the League had. There were two aspects of the problem of preventing future aggression to be considered. The most obvious was to restrain the current enemy states from recovering the power of aggression. Aside from the fact that this was a delicate political matter to raise when all effort was being made to foster unity of nations within the United Nations, the real issue inevitably came to focus on the great powers. Their predominant military strength would give them the means to restrain the aggressions of smaller powers by police actions, provided they welcomed such an action. So far as they themselves were concerned, however, if one of them turned aggressive - the aggressor state could only be halted by the combined weight of the others.

The evolution of American ideas on the kind of international security organization evolved through four main stages - the draft constitution, the staff charter,

the outline plan for the President, and the tentative proposals.

The early and incomplete recommendations of the Department of State committees in 1942 represented an attempt to blend President Roosevelt's notions of complete great power control with at least nominal participation by the smaller states. They were also based on the assumption that an indefinite period of transition was desirable, during which the major allies would continue their war-time control of the security function under some form of interim arrangement until a permanent international organization could become operative. When the technical committees got down to a more systematic programme of study in 1943, the problem was refocussed on developing first a plan for permanent organization. Then if the situation was thought to require an interim provisional organization, it could be derived from the more comprehensive plan into which it would be expected to develop. The leading power in the war-time coalition, it was still assumed, would continue its current domination of international security action until either a provisional or a permanent agency could take over.

The key to the entire thinking on security problems in the Draft Constitution lay in the provision for

an Executive Committee. A complete monopoly by it of the enforcement function was avoided by having it shared with the large council, but a predominant position for the "Big Four" powers was guaranteed through the proposed structure and voting system of the Council. This organ was to include the four states as permanent members and seven other members, which would also form the Executive Committee.

Fundamentally the Staff Charter gave the same recognition to the special security role of the United States, Great Britain, the Soviet Union, and China, concentrating enforcement authority in a small Council in which these powers had permanent seats and special voting privileges. Moreover, it was argued, the smaller states would accept the authority of the Council more readily if the great powers were not so conspicuously a group apart. To this same end, the privileged position of the four was justified by specific reference to their "special position" as devolving upon them "exceptional responsibilities for the maintenance of international security."³

As for the size of the Council, there was general agreement that it should be kept a reasonably small working

3 Article 4. The text of the Staff Charter is given in Post-War Foreign Policy Preparation, pp. 526-32.

group. Provision was made for membership based on the fixed pattern of one less elected member than the number of permanent members - initially, seven. This basis was accepted on the argument that such a guaranteed majority would be necessary to obtain the participation of all four major powers. It was also argued, unsuccessfully at the time, that as it was intended to retain the same basic voting system as in the Draft Constitution, the permanent members would always have an effective veto, regardless of their number, and that therefore the Council could have any number of non-permanent members.

The theory which dominated the planning was that peace depended on the unanimity of those states which had the power to wage modern war. Based on these two ideas, namely, that peace depends on the unanimity of those who have power to wage modern war, and that, those who have power to wage modern war will not agree to create an organization with power to coerce any one of them that the veto grew.⁴

The first important step in the direction of the actual creation of an international organization was taken in the late summer of 1944 when representatives of the Government of China, the Soviet Union, the United Kingdom

4 James B. Heston, "Votes and Vetoes", Foreign Affairs (New York), vol. 25, 1946-47, pp.

and the United States met at Dumbarton Oaks for exploratory conversations. The conversations were in two phases. The first phase covered conversations between the representatives of the Governments of the Soviet Union, U.K. and U.S.A. The second phase covered the conversations between representatives of the Governments of China, U.K. and U.S.A. The agreements reached in these two phases of exploratory conversations were embodied in the Dumbarton Oaks proposals which were later submitted to the four Governments as the unanimously agreed recommendations of the four delegations. The proposals mostly concerned with defining the framework of the proposed organization and the basic obligations and responsibilities of the members.

In fact it was proposed that the members of the organization should confer on the Security Council "primary responsibility for the maintenance of international peace and security" and the General Assembly should not on its own initiative make recommendations on any matter relating to the maintenance of international peace and security which was being dealt with by the Security Council. The delineation of functions, taken together with the proposals governing Security Council voting procedure which was agreed to at the Yalta Conference in

February 1945, had the effect of establishing the permanent members of the Council, the so-called great powers, in a firm entrenched position of dominant influence.

All four Governments at Dumbarton Oaks favoured an organization with a broadly representative assembly, a small and selective council, a court, and a secretariat - a basic structure, in short, modelled on the League of Nations.

The United Nations Security Council, throughout the negotiations from Dumbarton Oaks to the end of the San Francisco Conference was designed to occupy a special position in the organization. It was assigned the primary responsibility for the maintenance of peace and security especially the use of armed forces for the peaceful settlement of disputes. The duties and responsibilities of the Council constitute one context within which voting had to be formulated.

The other governing consideration was the composition of the Security Council. In order to fulfil its purposes it had to have overwhelming power concentrated in its membership and also a sufficient number of elected members to be representative. Therefore, a voting formula was required to bring the bulk of the military

5 Lee Dwight E., "The Genesis of the Veto",
International Organization, vol. 1, 1947,
pp. 33-42.

forces behind the Council's decisions and at the same time to give scope for the operation of checks and balances on the part of the elected representatives of the United Nations. The more important question was how to balance the democratic procedures with the realities of the concentration of power among the five permanent members. By fixing the majority at seven out of eleven votes and requiring for all, but procedural matters, the concurrence of the five permanent members, a preponderance of military force behind any decision was assured. At the same time the addition of at least two votes of the non-permanent members offered something of a check to the great powers.

The voting procedure of the Security Council was one of the few questions upon which the Dumbarton Oaks Conference was unable to reach agreement. There was little sentiment in favour of requiring unanimity of all members for substantive decisions. Nor was there any willingness to accept the principle of majority or special majority vote, without some qualification protecting the interests of the powers that were to have permanent membership in the Council. There was willingness to accept in principle the requirement of concurrence of the permanent members for all decisions on questions of substance but there was sentiment in favour of relaxing the requirement

so far as parties to a dispute were concerned.

At Dumbarton Oaks, the United States, Great Britain, the Soviet Union, and China were in complete agreement that the function of maintaining peace and security should be controlled by the Security Council and that the great powers were entitled to special position in the Council by virtue of their exceptional responsibility for world security. There was also complete accord that their special position should consist of permanent membership in the security organ, with the right-in principle-for each power to veto Council decisions that it was not prepared to support in action.

The whole atmosphere of discussion at the Dumbarton Oaks was, of course, dominated by the national interest of the great powers.⁶ Each of the big powers approached the unanimity arrangement in terms of its own national interest. Security was the overriding consideration for the Soviet Union. The protection of veto meant to the Soviet Union a permanent and equal status for it in all political questions of world importance. The United Kingdom saw in the concert principle, at the back

6 M. V. Subba Rao, The Use of Veto in relation to the Pacific Settlement of Disputes in the Security Council of the United Nations 1946-65 (Unpublished Ph.D. thesis submitted to the Indian School of International Studies, New Delhi).

of the voting procedure in the Council, a powerful protection for its global interests and influence. The United States adopted a conciliatory approach. Preservation of a new status quo was not its vital concern. Living in peace with the Soviet Union and contributing to the stability of the post-war world was its major pre-occupation.⁷

The most important issue on which the Dumbarton Oaks Conference was unable to reach agreement, was whether or not a member of the Council, particularly a permanent member, should vote on matters in which it was itself directly involved. Should a nation be allowed "to sit in judgement on its own case."⁸ United States, at Dumbarton Oaks, proposed the requirement of unanimity among the permanent members of the Security Council on any vote concerning substantive matters, and sought to work out with the United Kingdom and the Soviet Union the procedure in cases where one of these great powers was party to a dispute. Russians not only agreed that the great powers should vote unanimously upon substantive

7 Leland Goodrich & Edvard Hambro, Charter of the United Nations: Commentary and Documents (London, 1949), 2nd edn., p. 214.

8 Ibid., p. 214.

matters, but also took the position that no great power should be required to abstain from voting when directly involved in a dispute. They seemed to imply that perhaps the organization could best function for security purposes if it were run solely by the great powers. The British delegation maintained that a party to a dispute, whether it was a permanent member or not should abstain from voting in the Council. The Chinese also held the same view.

It was the difference of opinion over whether or not a great power member of the Security Council should be compelled to refrain from voting on its own case that prevented agreement at Dumbarton Oaks concerning voting in the Security Council.

At the Yalta Conference on February 4, 1945, President Roosevelt proposed a compromise formula which was accepted by Marshal Stalin and Prime Minister Churchill. This came to be known as the Yalta-formula. It provided that each member of the Council shall have one vote and that decisions on procedural matters shall be made by a vote of any seven members upon all the matters. Decisions were to be taken by an affirmative vote of seven "including the concurring votes of the permanent members" - provided that in decisions under the provisions for "peaceful settlement" a party to a dispute should abstain from voting. Thus the unanimity rule, or the right of

"veto" was to apply in making decisions on every aspect of maintaining peace and security. A great power could not, however, block the processes of peaceful settlement if it was a party to the dispute before the Council. The Russians took the position that the Council should make the decision by a majority vote, that unanimity of the permanent members should be required except on procedural questions; and that the unanimity rule should pertain even when one of the permanent members is a party to a dispute.

The British took the position that the Council's decisions should be made by a two-thirds majority vote, except that procedural questions might be settled by a simple majority vote, that unanimity of the permanent members should be required on all substantive matters; and that parties to a dispute should not vote. The Chinese position was similar to that of the British.

According to the interpretation issued by the State Department on March 5, 1945, there were three types of matters on which the Security Council could vote; (1) procedural; (2) quasi-judicial and (3) political. If the question under consideration is a simple matter of procedure, the vote of any seven members is sufficient to determine the position of Council. In all other cases, decisions are made by an affirmative vote of seven members,

including the five permanent members, except that when action for the pacific settlement of a dispute is under consideration, parties to the dispute must refrain from voting. When the Council is performing its quasi-judicial function of promoting the pacific settlement of a dispute, no nation whether large or small, can be a judge in its own case. When the Council is performing its "political" functions of action for the maintenance of peace and security a unanimous vote of the five great powers is necessary.⁹

At San Francisco the smaller states made every effort to reduce the balance of power between the great and small nations as outlined in Dumbarton Oaks proposals. The sponsoring governments were not unanimous in the interpretation of the voting formula. Seventeen delegations put forward amendments to Security Council alone and dozens of other amendments were offered to loosen up the voting procedure in various parts of the Charter. For the most part, the amendments were designed to qualify the principle of unanimity and thereby strengthen the

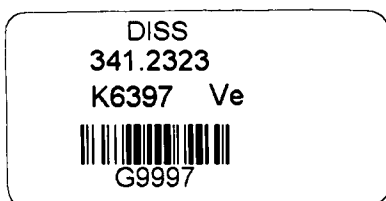
9 See, "Statement by the Secretary of State Regarding Voting Procedure in the Security Council of the Dumbarton Oak Proposals", Department of State Bulletin, vol. 12, 11 March 1942, pp. 396-97.

position of the small states.

Despite the efforts, made by the four sponsoring governments at San Francisco, to justify the voting formula, the most serious crisis of the Conference on international organization arose over the so-called veto power of the permanent members. At the opening of the Conference, seventeen of the forty-four other states, including France, offered amendments to the proposed voting procedure. These ranged from suggestions for the complete elimination of the unanimity rule and the substitution of various types of qualified majorities to minor changes designed to make the application of the formula more clear.¹⁰

The fight over the Yalta formula indicates two conflicting views concerning the nature of the international organization and also the uncertainty and mistrust of Soviet Russia as one of the great powers to exercise the right of veto. The attitude of the sponsoring governments towards the organization was that peace and security could only be achieved by the great powers acting as a unit. This meant that if the great powers could not agree, there would be war. The contrasting attitude was that every nation, great and small, should be

¹⁰ Lee Dwight E., n. 5, pp. 33-42.



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bound by the obligations that would make the General Assembly a dominant organ of the United Nations. This implied that the great powers were to be trustees or servants rather than masters in the maintenance of peace and security.

When the issue of voting in the Security Council came before the Committee III (I) representatives of the contesting states requested the sponsoring governments to interpret paras 2 and 3 of the Chapter VI and indicate the manner of applying them in specific cases. A Sub-Committee of the Committee III (I) was created with nine states,¹¹ to clarify the meaning of the paragraphs. The members of the Sub-committee prepared a list of twenty-three questions and submitted it to the sponsoring powers on 22 May 1945 for their reply and on 7 June 1945 the Four sponsoring governments released their statement¹² on voting procedure in the Security Council.

The "statement" declared that the decision would have to be taken by the affirmative votes of seven members "including the concurring votes of the permanent members". The "statement" provided that no member of the Council could "alone" prevent consideration and discussion by the

11 UNCIO Documents, vol. XI, pp. 817-18.

12 Ibid., pp. 710-14.

Council of a dispute or situation brought to its attention under para 2, Section A, Chapter VIII. No party to a dispute could be prevented from being heard by the Council.

The following summary of the statement was released to the press on 10 June 1945:

The agreement reached preserves the principles of unanimity of the permanent members of the Council in all actions taken by the Council, while at the same time assuring freedom of hearing and discussion in the Council before action is taken. We believe both are essential to the success of the world organization.

Under the terms of the agreement, unanimity of the permanent members of the Council is required as provided by the Yalta agreement in all decisions relating to enforcement action and in all decisions for peaceful settlement. But the requirement of unanimity does not apply to the rights of any nation to bring a dispute before the Council as provided by para 2, Section A, Chapter VIII, and no individual member of the Council can alone prevent a consideration and discussion by the Council of a dispute or a situation brought to its attention.

In Committee III/1 Herbert Evatt of Australia

13 United Nations Conference on International Organization, "Agreement on Voting in the Security Council", Department of State Bulletin, vol. 12, no. 311, 19 June 1945.

pointed out that the interpretation was "far more restrictive" with reference to peaceful settlement. He questioned the correctness of the interpretation and argued that the function of the peaceful settlement of disputes was not a power of the Security Council but its duty. He presented for an amendment to eliminate veto on the pacific settlement of disputes.¹⁴

On 17 May 1945, Prime Minister Frasser of New Zealand opened the debate on the problem of voting in the Security Council in Committee III/1 which lasted till 12 June 1945, when the final efforts of Herbert Evatt to amend the voting formula were rejected.¹⁵ The Canadian and Belgian delegates suggested the removal of veto on the pacific settlement of disputes.¹⁶ The delegate of Peru held that the requirement of unanimity among the great powers was likely to cause trouble because it would encourage dissidence among the permanent members instead of cementing their unity.

The delegates of the sponsoring governments made it clear that no modification of the Yalta-formula as

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- 14 UNCIO Documents, no. 41, XI, pp. 438-40.
- 15 For the debate see, UNCIO Documents, no. 41, XI, pp. 333-62 & 430-39.
- 16 Summary Report of the 10th Meeting of the Committee III/1, Documents 459 (English) III/1/22, p. 1.

they had interpreted it, was acceptable and they pledged that the "veto" would be used "sparingly" and 'in the interest of the world organization'. They argued that the principle of unanimity was inserted in the Charter on the assumption that unity among them was the basic condition and also the only sure guarantee for the preservation of peace in post-war period. The Yalta-formula was shown as a means of keeping the great powers together and encouraging them to work as a team at every step in the settlement of disputes. The sponsoring governments suggested that serious consequences would follow if the proposed text was rejected.

When the smaller countries hesitated to accept this formula and insisted on "veto-free" consideration of matters involving peaceful settlement of disputes, the U.S. delegate Senator Tom Connally then took the floor to warn the assembled delegates; holding a copy of the Charter draft in his hands, he said: "You may go home from San Francisco - if you wish and report that you have defeated the veto - yes you can say you have defeated the veto - but you can also say "we tore up the Charter".¹⁷

17 Tom Connally, My Name is Tom Connally (New York, 1954), pp. 282-83.

To dramatize the effect he, as he noted in his memoirs later, "sweepingly ripped the Charter draft in his hands to shred and flung the scraps on the table". He stressed that this voting formula was much more liberal than that adopted by the League of Nations and noted that: "We believe that the Security Council, when united, can preserve peace; we fear that if it is not united, it cannot preserve peace". He closed on a high note of expectation that all the permanent members of the Security Council would weigh heavily their responsibilities."

The sponsoring powers were successful in defeating the efforts of the small nations. When voting took place on Australian amendment only ten states supported it, twenty voted against and fifteen abstained from voting. As the New Zealand delegate subsequently affirmed in the General Assembly, "the veto power was insisted upon by the five great powers at San Francisco... it was forced upon the remainder. The marriage of the veto to the Charter was a shot-gun wedding. If this matter had been left to the free and untrammelled vote of the delegates at the Conference, it would unquestionably have been defeated."¹⁸ And the Philippine delegate added, "We had a

¹⁸ U.N. General Assembly, Journal, no. 17, Supplement A, A/PV/39, October 29, 1946, p. 597.

choice. We could have a Charter with a 'veto', or we could have no Charter. The result was a Charter with a 'veto'.¹⁹

Thus, the veto was written into the Charter of the United Nations (Article 27).

19 U.N. General Assembly, Journal, no. 61, Supplement A, A/PV/61, December 17, 1946, p. 597.

Chapter II

CHARTER PROVISION - IMPLICATIONS AND PROBLEMS

Chapter II

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The Charter of the United Nations leaves several questions, regarding the use of the veto, unanswered.

The first question is whether the phrase, including the concurring votes of the permanent members is to mean the votes of those among them who are present and voting. International jurists do not all agree on this subject, in practice the phrase has been interpreted to mean the concurrence of those present and voting; there have been a number of instances where, despite the voluntary abstention or absence of one of the members a resolution has been passed. In this connection, the affirmative votes of seven members¹ are required even under the provisions of Article 27(3) which provides that in decisions under Chapter VI, and under para 3 of Article 52, a party to a dispute shall abstain from voting." Therefore, the requirement of seven affirmative votes also applies to voluntary²-abstention or absence.

1 The amendment of Article 27 of the Charter was adopted in the General Assembly on 17 December 1963 and came into force on 31 August 1965. The amended Article 27 provides that decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members (formerly seven) and on all other matters by an affirmative vote of nine members (formerly seven), including the concurring votes of the five permanent members of the Security Council.

2 Arlette Moldaver, "repertoire of the veto in the Security Council, 1946-48", International Organization, vol. 11, 1957, pp. 261-77.

The matter of abstention assumes chief importance in connection with the voting of permanent members. If a member of the Security Council, having attended a meeting and participated in the debate, does not exercise its vote either in the negative or in affirmative on a matter under consideration by the Council, it is said to have abstained from voting. This abstention could be either obligatory or voluntary. No member of the Security Council is under an obligation to abstain from voting, even if it is a party to a dispute, when the Council is considering a clearly procedural matter, since Chapter VI of the Charter and para 3 of the Article 52 deal with only non-procedural matters. If the nature of matter under consideration by the Security Council is itself in doubt the requirement of obligatory abstention in this context presents a problem. Voluntary abstention means abstention by a member of the Security Council on non-procedural matter, when its abstention is not strictly required by the term of para 3 of Article 27 of the Charter. Voluntary abstention by a non-permanent member on a non-procedural matter does not pose a major problem but such an abstention by one or more of the permanent members on a substantive matter before the Council creates problems of considerable legal and political significance, since paragraph 3 of Article 27 of the Charter requires the

positive concurrence of the permanent members for adopting substantive resolutions by the Council.³

The practice of abstention has assumed chief importance as a device by which some flexibility has been introduced into rather rigid voting procedure of para 3. The practice of not counting abstentions as negative votes and of requiring only concurring votes of those permanent members voting has considerably reduced the number of vetoes and made it possible for the Security Council to function more effectively than it otherwise could. By abstaining a permanent member avoid responsibility for supporting a proposal of which it does not approve in full, while at the same time he permits a decision to be taken if there is the necessary support for it by other members of the Council.

If a permanent member is not completely in favour of a non-procedural proposal, but at the same time he does not have any objection if the proposal is carried by the Council with the necessary support of other members. Under such circumstances, through the process of voluntary abs-

3 "The practice of voluntary abstention by permanent members of the Security Council under Article 27, para 3 of the Charter of the United Nations", American Journal of International Law, vol. 61, no. 3, July 1967, pp. 737-52.

tention, by not using a negative vote, the permanent member permits its adoption by the Council if the requisite number of other members positively vote for it.⁴

But the practice of abstention still technically permits a permanent member to abstain from voting on a substantive issue before the Council and later to declare that he considered his abstention to be a veto. This possibility should be prevented by formally establishing the practice of not counting the abstentions as negative votes in the Council.

Moreover, the question of the "double-veto" has offered a number of problems. When voting on the preliminary question whether a given proposal is a matter of procedure or of substance, it may be decided that the preliminary question is governed by the principle of unanimity of the five permanent members, then any permanent member may establish the non-procedural character of a particular proposal by using the veto, and then veto

4 At the 39th meeting of the Security Council on 29 April 1946, in connection with the Spanish question, USSR voluntarily abstained from voting against Australian draft resolution to make its adoption possible. SCOR, mtg. 39, p. 243.

At the 131st meeting of the Council on 18 April 1947, in connection with the Greek question, USA voluntarily abstained from voting. SCOR, mtg. 131, p. 813.

the proposal itself. This has come to be called the "double veto".⁵) The statement of the delegations of the four sponsoring governments on voting procedure in the Security Council attempted to give a definition of substantive matters, while the interim committee of the General Assembly made an effort in its report, "The problem of voting in the Security Council", to specify certain criteria for a definition of procedural matters. In practice the President of the Security Council has made rulings as to whether a matter is to be considered procedural but his right to do so is still contested.

Alexander W. Rudzinski, formerly legal counsellor, Polish delegation to United Nations, stated: "The double-veto has come to be limited to doubtful cases only, thus the double-veto would remain only and when a reasonable doubt exists whether a matter is procedural or not. The unlimited anarchical right of the double veto was restricted to its proper place and put under the control of the Council's majority.) Thus the preliminary vote is at the discretion of the President and although it has been accepted by most member states as a procedural one, it may be that some presidents will still adhere to the concept of the

5 "The double-veto and the four power statement on voting in the Security Council", Harvard Law Review, no. 72, December 1953, pp. 251-80.

unlimited veto. In concluding, Rudzinski states that the Czechoslovak and Formosa precedents have established the Security Council regular majority of any seven members as the final judge deciding whether the right to exercise the veto privilege applies to a particular matter.⁶

Ernest Gross, the U.S. representative to U.N., on the other hand, stated that the Formosa case does not offer a precedent, that the use of the double-veto is but an extension of the use of the veto and that both have been and will continue to be the reflection of the political situation. Prevailing practice has nevertheless shown that Presidential interpretations have varied and the presidential rulings, if challenged, require a majority of seven to be over-ruled.⁷

The difference between the "double-veto" and the regular veto is that the casting of a negative vote by a permanent member on a matter of substance results in blocking the adoption by the Security Council of the vetoed draft resolution and creates thereby a vacuum, whereas

6 A. W. Rudzinski, "The So-called Double Veto", American Journal of International Law, vol. 75, 1951, p. 457.

7 Leo Gross, "The Double-Veto and the Four-Power Statement on Voting in the Security Council", Harvard Law Review, vol. 72, December 1953, pp. 279-80.

casting of a negative vote by a permanent member on a preliminary question results in a positive decision of the Council to apply the voting procedure foreseen in Article 27, para 3 (or non-procedural matters) to the draft resolution under consideration.

Article 27 marked a distinction as to voting procedure between procedural and substantive questions without, however, defining these terms. The statement of the sponsoring governments explicitly states that a procedural veto will govern the decisions taken under articles 28-32 inclusive. It also states that a question whether a particular dispute or situation is to be discussed and the question whether interested parties are to be given the opportunity to be heard are not to be treated as substantive questions. Beyond this point, according to the statement, "decision and actions by the Security Council may have major political consequences and even initiate a chain of events which might in the end require the Council under its responsibilities to invoke measures of enforcement... This chain of events begin when the Council decides to make an investigation..." The application of article 27 was bound to raise difficult questions of interpretations.

8 Ibid., pp. 279-80.

The statement took the position that any question whether a matter before the Council was procedural or substantive should be decided by the Council as to a substantive question. This inevitably has resulted in a strict view being taken of the limits of application of the procedural vote.

In the practice of the Security Council questions arising under Articles 28-32 of the Charter, the establishment of subsidiary organs for concluding investigations and inquiries, have been regarded as procedural matters. Decisions to invite states, whether members of the United Nations or not, to take part in the discussion of questions before the Security Council have been taken by a majority of seven in spite of the adverse vote of a permanent member. In addition, the Security Council has treated as procedural, though not explicitly mentioned in these articles, the placing of a question on the agenda for discussion and the removal of a particular question from the list of matters before it for action. The Council has treated as substantive a matter for the establishment of a commission to investigate a dispute pursuant to Article 34, and the request to the General Assembly to give recommendations on matters with which the Council is dealing. The question whether the establishment of a commission of investigation is procedural

or substantive is complicated by the fact that whereas according to Article 29, the establishment of a subsidiary organ is procedural, according to the statement of sponsoring governments, a decision to conduct an enquiry is substantive.

Considering that neither the Charter nor the statement of the sponsoring governments at San Francisco contains list of matters to be regarded as procedural, that there are differences of opinion with respect to the legal value of non-indications contained in the statement, and that in any case, honest differences of opinion are bound to arise, the question of procedure by which the determination whether or not a matter is procedural is to be made assumes great importance. The Security Council has thus made the determination itself without consulting the International Court of Justice or any other body and in making the determination has been guided by the provision of the statement of sponsoring powers that if the matter is to be regarded as substantive the concurrence of the permanent member is required for a decision. Some of the non-permanent members of the Council have expressed the view that the statement is binding on the Security Council, but the permanent members have thus far abided by it with the same result as it were generally accepted.

Invisioning the possibility that one of the Big five might become an aggressor and use its veto to block Security Council action against itself, Secretary of State, Stettinius, asserted that the plain answer was that "a major war would result, no matter what the membership and voting provisions of the Security Council might be". The official British commentary on the Charter recognized that, "if such situation arises, the United Nations will have failed in its purpose and all members will have to act as seem best in the circumstances."

The rule of para 3 regarding voting on substantive matters is subject to one important proviso which was apparently the result of President Roosevelt's insistence, that a party should not be judged in its own case. The application of this proviso raises serious questions.

The exception is limited to the case of a dispute. This presents a serious problem. Since by the terms of Article 35 the Security Council may have before it either a situation or a dispute, and the Charter does not explain that a state directly involved in a situation under this article must abstain from voting. If the distinction between a dispute and a situation is to be maintained, so far as voting procedure is concerned, it then becomes necessary that the Security Council take a decision, if

the question is raised, as to whether it is dealing with a dispute or a situation. The Security Council has not taken any decision on this question in any matter before it. During its consideration of the matter raised in the letter of February 4, 1946, from the Lebanese and Syrian delegations, the suggestion was made that the Security Council should decide this question before considering the substance of the matter, but the Council decided first to hear statements by the parties. Also, the Council decided against taking a decision on the question whether the determination of the existence of a dispute was to be regarded as a procedural or substantive question.

In certain cases the members of the Council have voluntarily refrained from voting. The United Kingdom and France refrained from voting on the resolution before Council in the Lebanese and Syrian case, and the United Kingdom refrained from voting on the resolution requesting the parties to refer the Corfu Channel question to the International Court of Justice. During the consideration of the Lebanese and Syrian question, the Netherlands representative argued that, if a state says there is a dispute, the Council is bound to accept it as a fact.⁹ The representative of United Kingdom argued: "If any

⁹ Ibid., p. 274.

accuser state says there is a dispute; and if a state makes a charge against another state, and the state against which it is made repudiates it or contests it, then there is a dispute, and the Council can make its recommendations.¹⁰

The United States proposed to the interim committee of General Assembly that, "all parties involved in matters arising before the Security Council, whether technically they be deemed disputes or situations, must abstain from voting."¹¹

It is argued that the requirement for abstention does not flow from the fact that the states primarily involved are parties to a dispute in any technical sense, but rather from the principle of justice, that no state shall be judge and party in its own case. It is assumed that if the American proposal were to be accepted by the Security Council, it might frequently happen that the number of members required to abstain from voting would be so large as to make it impossible for the Council to take a decision.

Dissatisfaction with the operation of Security Council voting procedure has led to various proposals for

10 Ibid., p. 276.

11 U.N. Documents A/AC.18/SC 3/4, p. 2.

reforms. The question was brought before the General Assembly during the second part of its session. After extensive discussion, General Assembly adopted a resolution requesting "the permanent members of the Security Council to make every effort, in consultation with one another and with fellow members of the Security Council to ensure that the use of the special voting privilege of its permanent members does not impede the Security Council in reaching decisions promptly", and recommending the early adoption by the Security Council of "practices and procedures consistent with the Charter, to assist in reducing the difficulties in the application of Article 27 and to ensure the prompt and effective exercise by the Security Council of its functions".

The matter was again brought before the General Assembly in its second session. Two proposals were submitted, one to convoke a conference to abolish the veto,¹² and the other to consider the extent to which the earlier resolution of the General Assembly had been carried out.¹³ After consideration of these proposals the General Assembly adopted a resolution requesting its interim committee to consider the problem and make its recommendations.

12 Proposal by Argentina, U.N. Document A/351.

13 Proposal by Australia, U.N. Document A/346.

The interim committee referred the matter to Sub-committee III for study and report. The proposals presented by the Sub-Committee involved Charter interpretation, working understandings among members of the Council, the statement of the sponsoring governments at San Francisco¹⁴ and the amendment of the Charter.

The report of the interim committee to the General Assembly contained recommendations that still another appeal be made to the permanent members for moderation, that certain enumerated matters be declared procedural, that another enumerated matters, including questions under Chapter VI and the preliminary question, whether a matter is procedural or substantive, be declared non-vetoeable, and that the calling of a revision Conference be postponed pending the results of other measures.

The practice established in the Czechoslovak case and confirmed and extended in Formosa case, which consists in always applying a procedural vote when a ruling of the President is challenged, also when the "preliminary question" whether or not a resolution is of a procedural character is involved, has an overlooked and almost revolutionary result. It opens the door to the limitation of

14 See Memorandum prepared by the Secretariat, U.N. Secretariat, Uj Document A/AC 18/SC. 3/2, pp. 12-18.

the scope of the veto privilege itself. Thus, a theoretical possibility exists that in contravention of the law of the Charter the new practice may be used in order to restrict, by a regular majority vote, the very field of the veto privilege by transferring non-procedural matters such as recommendations for admission of new members, recommendations for the appointment of the Secretary General or recommendations under Chapter IV (Pacific Settlement of Disputes) to the realm of procedural matters.

Given goodwill and co-operation among the permanent members of the Council, the problem would not be incapable of solution. The fact that resort to double veto has almost disappeared would suggest the presence of such goodwill.

Chapter III

VETO IN PRACTICE

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(The Charter of the United Nations places no limit upon the use of the veto. The only commitment which all five powers have given is contained in the four power statement on voting in the Security Council where it is said: "It is not to be assumed...that the permanent members, any more than the non-permanent members, would use their "veto" power wilfully to obstruct the operation of the Council".¹) Senator Connally of U.S.A. declared that, "far from being frequently used, the veto would seldom, if ever be exercised. Far from being used preniciously, it would be used by the great powers not for their own selfish interest but in the interests of the world organization."

Impact of Cold War

(However, what happened in practice, shaped as it was by the changing political forces, could bear little resemblance to these declarations. The United Nations had hardly been organized into an operative system that the underlying assumption of the world organization - unanimity of great powers - was shattered and ensuing cold war)

1 See, Statement by the delegations of the four sponsoring governments on Voting Procedure in the Security Council in the Appendix I.

almost paralyzed the security functions of the United Nations.) The cold war division of United Nations membership into two blocs had its impact. The United States attempted to use the United Nations as an instrument of its anti-communist and containment policies. The Soviet Union tried to hold its own and to score an occasional propaganda point or tactical defeat on the United States. In these circumstances, the United Nations slowly became a special forum in which the two super-powers could communicate dislike and the limits of their own commitment to any policy suggested by the other or by some third member. Western bloc led by the United States had two-thirds membership lined up on its side and could muster the needed votes within the General Assembly or the Security Council (except for the Soviet veto) to get approved any resolution.) (The western powers pressed their advantage by putting to vote the proposal which they knew could be opposed by the Soviet Union. The Soviet delegate on his part, whenever he felt pushed to the corner, resorted to the veto privilege.) Every international problem that arose was judged by the two power blocs in the process of the world strategy and they took their guard in the arena of the United Nations accordingly. (The real issue dwindled into insignificance and the United Nations itself a pawn of this world strategy failed to

deal with the situation effectively. The result was that the high hopes which the creation of United Nations in 1945 have raised, soon disappeared.

The confrontation that developed between East and West - essentially between the Soviet Union and the United States - was hardly conducive to the full implementation and carrying out of the Charter provisions for keeping the peace. On questions such as the question of Soviet intervention in Iran (1946), alleged aid to Greek guerrilla forces by Greek northern neighbours (1947-48), and the presence of British and French troops in Syria and Lebanon (1946), the Soviet Union found itself consistently in a minority position and used its "veto" to prevent decisions being taken which did not meet with its full approval. The frequent exercise of the "veto" by the Soviet Union was technically consistent with Charter provisions but was claimed by the west to be an "abuse" since according to the four power statement at San Francisco, it was not to be assumed that the permanent members, any more than the non-permanent members would use their "veto" power wilfully to obstruct the operation of the Council." The acrimonious exchange which developed over the frequent exercise of the "veto" by the Soviet Union was one aspect of the cold-war. A review of early years of the Security Council functioning demonstrate how the rift among the

major powers that had already manifested itself in the San Francisco Conference had hardened and that their rivalry had penetrated the very citadel of the organization. The clash came on the very first question that came before the Security Council on 19 January 1946.

On January 19, 1946 the Security Council received its first complaint; it came from Iran, and unfortunately it was directed against the U.S.S.R., alleging Soviet refusal to withdraw her troops from Iranian soil and interference in Persian internal affairs. Two days later, the U.S.S.R., in clear retaliation, as it seemed, complained of interference by British troops in the internal affairs of Greece. From the discussion that followed on these questions, it was apparent that great power rivalry had penetrated the very citadel of the organization and that the supposition of unity amongst the permanent members of the Security Council on which the Charter had been based, was unlikely to be realized. A few days later the implications of this for the functioning of the organization were painfully clarified when a dispute over the withdrawal of French forces from Syria and Lebanon provoked the first use of the "veto" by the U.S.S.R.

On 16 February 1946, in the Syrian-Lebanon case the Council was faced with charges by Syria and Lebanon that the continued presence of British and French troops

in their territory violated their sovereignty and gave rise to a dispute under Article 34. The Soviet Union proposed a resolution definitely "recommending" that the two powers "withdraw their troops" and enter into "immediate negotiations" to that end. When a United States resolution stating that the Council should merely "express confidence" the troops "will be withdrawn as soon as practicable" was brought up, the Soviet Union declared that this had too many loopholes in it and accordingly voted against its passage.² The Soviet veto accomplished nothing other than giving the USSR satisfaction that it had not voted for the United States resolution. In this situation the USSR wanted the Council to take definite action notwithstanding British and French readiness to negotiate. In the Iranian case whereas an amicable settlement on all points had been reached between the Soviet Union and Iran as was made known from the joint communique of April 4, 1946, the United States successfully resisted the adoption of the Soviet proposal supported by Iran itself, that the item³ be removed from the agenda of the Security Council.

2 Security Council Journal, 1946 , no. 16, p. 347.

3 The Soviet Union did withdraw its troops by May 6, 1946, and its dispute with Iran has no longer been in existence, yet because of US opposition then, the "Iranian-question" after nearly 27 years of its settlement still remains on the agenda of the Security Council.

four early Soviet vetoes - in 1946, on the question of Spain were cast in order to obtain more severe action against the Franco regime for its association with the Axis during the World War II. In the first veto on the Spanish question on June 18, 1946, the Council was considering a Polish charge that the activities of the Franco government endangered peace and security, with a request that action be taken under Articles 34 and 35. Here the Russian veto was exercised on a motion which called for adoption of the report of an Australian-sponsored sub-committee which recommended bringing the matter up in the General Assembly. USSR was opposed to the transferring of the action on maintenance of peace and security to the General Assembly. The Soviet delegate Gromyko feared that a "very bad" precedent would thereby be created, and remarked that a "right and just" decision was more important than unanimity. Vishinsky added, "We are gratified that the Soviet "veto" prevented the Security Council from making an unsound and unbinding recommendation".⁴

Another Soviet veto was exercised against a British Australian resolution to keep the Spanish situation under Council observation "without prejudice to the right of the General Assembly under the Charter". Here the Soviet Union

4 Official Records of the second part of the First-session of the General Assembly, Plenary Meeting, Verbatim Record, p. 1242.

was opposed to the use of the language which appeared to recognize the existence of co-ordinate powers in the General Assembly on matters relating to the maintenance of peace and security. It wished to see no compromising of the Council's authority. The third Soviet veto (and also shared by France) on the Spanish question was exercised against British-Australian resolution against the proposition that it was a procedural resolution.⁵ The fourth Soviet veto on the Spanish question had to do with the same point. On this occasion parts of a Polish resolution to keep the situation on the agenda under observation had been passed when Australia again introduced the proposition that keeping the matter before the Council did "not prejudice the rights of the General Assembly under the Charter".⁶ This was vetoed by the Soviet delegate, Gromyko, revealing clearly the jealous regard of the Soviet Union for the prerogatives of the Security Council in which it has a veto in comparison with the General Assembly where it does not. Thus, in this case, the Soviet Union was determined to defeat the substance of the draft resolution, since, in its view, it was not "strong enough". But the United States and the United Kingdom took the position that any strong action against General Franco regime might increase the chances of Spanish

5 Security Council Journal, 1946, no. 42, pp. 834-40. *

6 Ibid., p. 864.

Communists to grab power. Thus, a deadlock developed in the Council.

Another question with which the Security Council became involved, as a result of the ensuing cold war, was when in January 1946, the Ukrainian Republic complained that the British were using Japanese troops to resist the independence movement in Indonesia. The Ukrainian delegate demanded the appointment of a commission to investigate the situation and to "establish peace in Indonesia", a proposal supported only by the Soviet Union.⁷ The matter was then dropped without further action. In August 1947, the dispute was brought to the attention of the Council by Australia, which claimed that the hostilities constituted a breach of peace under Chapter VII of the Charter. The Council adopted the resolution calling upon the parties "to settle their disputes by arbitration or other peaceful means and keep the Security Council informed about the progress of the settlement". The Netherlands challenged the competence of the Council to deal with matter. A resolution to establish a cease-fire commission was vetoed by France. However, the United Nations role under the auspices of its Security Council continued to play its part constructively and finally the Conference was held in the Hague in 1949 between the Indonesians and the Dutch, which eventually resulted in

7 United Nations Year Book, 1946-47, pp. 338-40.

the Republic of Indonesia becoming the sixtieth member of the United Nations in September 1950.⁸ This showed that the Security Council could act with some effectiveness only when it was possible to achieve a measure of agreement among the permanent members of the Council.

The vetoes exercised by the Soviet Union to shield Balkan satellites against international investigation, or charges of threatening peace consists of four vetoes in the Greek case and one in the Corfu Channel incident. In the first veto on the Greek case, the Soviet Union objected to the appointment of an international commission (proposed by the United States) to investigate on the spot the facts of border trouble between Greece and Albania, Bulgaria and Yugoslavia. It alleged that responsibility for the trouble lay with Greece, not Albania, and that the resolution carried an assumption that Bulgaria and Yugoslavia had committed wrongs whereas up to that point they had not been heard by the Council as having connection with the situation. Three months later, on 19 December 1946, the USSR consented to the appointment of a commission to investigate on both sides of the borders. On July 29, 1947, the commission having a dominated majority of western countries and their

8 For details see, United Nations Year Book, 1947-48, p. 362, and 1948-49, p. 212, and also "The United Nations and Indonesia", International Conciliation, no. 459 (March 1950).

allies, reported that Greece's northern neighbours had aided the guerrilla warfare in Greece. By then the United States had already embarked upon a programme of aid to Greece under the "Truman Doctrine". This was a challenge to the Soviet policy in the Balkans. As such the Soviet Union undertook to bar the passage of a United States resolution which recommended a new International Commission.⁹ Thus hereby using a veto the Soviet Union defeated a proposal which had also the chances of adoption by a Security Council having predominantly a "Western" membership.

The third and fourth vetoes, in this series, were exercised on August 19, 1947 and September 15, 1947. The first of these was against an Australian resolution which alleged that the Greek border situation constituted a "threat to peace" under Article 39, Chapter VII of the Charter.¹⁰ The second veto was applied to a United States resolution calling upon Greece's neighbours to "cease and desist" from aiding the guerrillas.

In this case, the debates were filled with bitter attacks against each other and the efforts of the "Western" loaded Council to defend Greece were defeated. The Soviet Union could successfully prevent the Council from taking any action which it obviously thought were against its own

9 Documents 3/P.V. 170; International organization, I, p. 503.

10 Documents 3/P.V. 188; International organization, II, p. 86.

interests.

Yet another instance: during 1946 a crisis developed between Communist Albania and the United Kingdom regarding the mining of a British ship in Albanian territorial waters. The United Kingdom appealed to the Council on January 10, 1947. After an examination of the facts by a Council Subcommittee appointed under Article 29, a British resolution finding Albania responsible for the damage to the British ship was lost owing to a Soviet veto. The Council then adopted another British suggestion and recommendation that the two parties refer the dispute to the International Court of Justice. The Soviet Union acquiesced to this to the extent of abstaining on December 15, 1949.

The Soviet veto in the Corfu Channel case was interposed to stop Security Council's approval of a charge that the minefield which caused damage to a British destroyer had either been laid with Albanian knowledge or connivance, or could not have been laid without its knowledge. The Soviet Government defended its frustration of the judgement of the Council's majority with the argument that the incident was "tendentious", and that Britain had "ignored the true facts". This showed that the great Power veto can be used to protect satellites in the general game of power politics.

Czechoslovakia fell victim to the cold war in February 1948. Chile requested the Secretary General of the United Nations on 12 March 1948, that the Security Council should

investigate the situation in Czechoslovakia. He stated that the Soviet interference in Czechoslovakia constituted a threat to international peace and security. On 17 March 1948 the Council included the question on its agenda. On 26 May 1948, after the Chilean draft resolution failed to be adopted because of the Soviet veto, the British delegate declared:

...I am shocked at his misuse of the double veto.... My government stands by the San Francisco declaration, although I don't know how it will be affected by the Union of Soviet Socialist Republics representative's use of one of its paragraphs to nullify another paragraph of the same document.

A majority proposal to appoint a Subcommittee under Article 29 to gather evidence in the case was blocked when the Soviet Union applied the "double veto". In this case the Soviet Union insisted in casting the "double veto" in order to ensure the planting of a pro-Soviet Government in Czechoslovakia.

Thus from the very beginning the Security Council became a victim of growing antagonism between Russia and the West, and its proceedings were reduced to just a part of an arena of trial of strength between the two power blocs. March 1948 witnessed the establishment of Brussels Treaty Organization which eventually emerged into NATO. On the other side, Russia initiated formal defence alliance with East Europeans and built up the Warsaw Pact. Brussels

treaty came close on the heels of Communist coup d'etat in Czechoslovakia and was followed, in June 1948, by the Berlin blockade which brought the two giant powers almost to the brink of military combat. The problem of Berlin was brought to the Council on September 29, 1948, by France, United Kingdom and the United States as a threat to the peace under Article 39. The Soviet Union did its best to prevent the item from being placed on the Council's agenda, claiming that the matter lay beyond its competence. A resolution providing that the lifting of the blockade should coincide with the settlement of a related currency problem in Berlin drew a Soviet veto.¹¹ However the settlement was reached outside the Council.

In the case of Korean War, the confrontation between USSR and the West was carried further and because of concatenation of circumstances (e.g., absence of USSR from the Security Council),¹² the United States successfully obtained a rump UN sanction to undertake military operations in Korea. Security Council resolution of June 25, 1950, declaring the crossing of the 38th Parallel by North Koreans to be a breach of peace and calling for immediate withdrawal of the invading forces was adopted on United States initiative. The USSR being absent could not veto it. In similar

11 United Nations Year Book, 1948-49, pp. 284-87.

12 The Soviet delegate had boycotted the meetings of the Security Council since January 10, 1950, in protest against the presence of Nationalist China in the Council.

circumstances, resolution of June 27 calling upon member states to furnish such assistance as was necessary to repel the North Korean attack was adopted. So was the resolution of July 7, 1950, which designated the United States forces¹³ as the United Nations forces.

Things became different when Soviet delegate returned to the Security Council on August 1, 1950, and took the first opportunity to challenge the resolutions adopted in his absence:

The Security Council is not the Security Council when it fails to act in strict conformity with the Charter, and in particular, with Article 27 of the Charter, when it acts in the absence of the two of the five permanent members of the Security Council whose participation and unanimity are an essential pre-requisite for the legality of the Council's decisions. 14

The issue raised by the Soviet delegate, and the effect upon the vote of the absence of a permanent member from the Council table, was of great legal significance. But politics and not legalities have longer dominated the proceedings of the Security Council. Soviet objections were aptly answered in the Security Council by various representatives who held the view that voluntary absence amounts to voluntary abstention. However, Soviet presence in the Security Council from August 1, 1950 obstructed the Security

13 For details of events and of these three resolutions, see United Nations Year Book, 1950, p. 220.

14 SCOR, 5th year, 480th meeting, pp. 15, 16 and 20.

Council from taking further action in Korea. But then the Korean issue was transferred to the General Assembly which effectively circumvented the Soviet veto.

After Korea, the confrontation between the two blocs largely took place outside the United Nations. The United States' efforts to mobilize United Nations machinery for resistance to Communist expansion declined. And as if the United Nations could serve no other purpose, it suffered neglect at least till autumn of 1956.

Only abortive attempts were made mainly for propaganda purposes to involve the United Nations in situations involving threats to peace and security, for example, when French forces, and consequently the West, had lost grounds in Indochina, the question was brought before the Security Council by Thailand in June 1954.¹⁵

However, during 1950-56, one question which had far reached ramifications came up - the Guatemalan question. A United States resolution which supported to refer the dispute to the organization of American States was defeated by the Soviet veto.¹⁶ The Council then adopted that part of the vetoed resolution which did not mention referring the matter to the organization of American States. Here again,

15 United Nations Year Book, 1954, pp. 52-55.

16 Soviet delegate claimed that OAS was dominated by USA and could not be expected to investigate the matter impartially. For details see, United Nations Year Book, 1954, pp. 96-99.

the United States was able to make use of substantial majority of votes, and despite USSR's veto on resolutions supporting United States' point of view, the United States was able to secure its objectives.

Thus during the first ten years Superpower rivalry and not the objective application of the Charter characterized the functioning of the United Nations as a collective security organization.

Question of Membership

The same Superpowers rivalry characterized the question of membership. Indeed, the vetoes imposed in connection with the membership applications have been a continuing phase of a competition which has gone on since the Yalta Conference over United Nations membership. Due to the number of States inclined to stand with the western powers on crucial political issues, the Soviet Union had been anxious to increase the percentage of members favourable to its views within the organization. This it sought to accomplish by: (1) bringing into the organization as many political entities as possible willing to follow its leadership (e.g. Albania and the Mongolian Peoples Republic); and (2) preventing the margin against itself from increasing further the increase of its opponents by blocking the entrance of states which it believed would be generally opposed to it (e.g. Ireland, Portugal, Trans-Jordan). Borderland states between East and West which might not normally work against it, such as Sweden,

Afghanistan, Siam, Pakistan and Yemen, it had been willing to pass. Soviet opposition to Trans-Jordan, Ireland and Portugal was argued on the ground of lack of diplomatic relations with these states, and the fact that two of them had been pro-Axis neutrals during the war.¹⁷ Furthermore, that Trans-Jordan had been a British Mandate, and that Ireland and Portugal were both Catholic countries. The inference which the Soviet Union drew, therefore, was that these countries would be in the anti-Soviet column most of the time.

The political character of the membership veto was highlighted by the Soviet hint on August 18, 1947, that it would withdraw its ban on Trans-Jordan, Ireland and Portugal if the Western States would vote for Albania and Mongolia, and also its insistence that all the Axis satellites - Italy, Bulgaria, Romania, Hungary, Finland - came in if any were to be admitted. When others condemned political "horse-trading", the USSR renewed its veto on Trans-Jordan, Ireland and Portugal and vetoed the admission of Italy and Finland.¹⁸

17 These three states were each vetoed twice by USSR on August 29, 1946 (Document S/P.V. 57, International Organization, vol. I, p. 92) and August 18, 1947 (Document S/P.V. 186, International Organization, vol. II, p. 94).

18 Vetoes on Italy and Finland, Documents S/P.V. 205 and S/P.V. 206, International Organization, vol. II, p. 94.

In the case of the veto on the admission of Austria the Soviet Union argued that defeated states should not be admitted until after a treaty of peace had been concluded. There was a logic in that argument in as much as it would be impossible to tell until after peace terms had been settled whether a country would meet the Charter requirements of being "able and willing to carry out" the obligations of membership. Moreover, no other ex-enemy state had been admitted prior to the signature of a treaty of peace. To have done so here would have created an undesirable precedent even though the powers agreed so long ago as 1943 to recognize a free and independent Austria after the war.

In the similar way, USSR used the vetoes on Security Council voting on application of Italy on February 6, 1952; on the application of Libya on September 16, 1952; on the applications of Vietnam, Laos, Cambodia on September 19, 1952. Soviet Union used its vetoes on the applications of Republic of Korea, Vietnam, Jordan, Ireland, Portugal, Italy, Austria, Finland, Ceylon, Nepal, Libya, Laos, Spain, Japan and Cambodia. On December 13, 1955, China vetoed on the application of Outer Mongolia.

The vetoes on the membership cases have testified that "recommendation" to the General Assembly by the Security Council for admission of a new member is a "substantive decision" requiring conformity to the unanimity rule.

In an effort to break this membership deadlock, the two Superpowers (Soviet Union and the United States) negotiated directly and in 1955 reached agreement on a "package deal" that made possible the admission of sixteen new members, including most of the proteges of both Superpowers. In one sense, therefore, the Soviet vetoes attained their end: the admission of Communist applicants. But in another sense, they were superseded, since all the US candidates against which vetoes had been cast - save South Korea and South Vietnam - were also admitted to membership. A decision of the Superpowers taken outside the United Nations effectively resolved the membership stalemate. On December 14, 1955, Albania, Jordan, Ireland, Portugal, Hungary, Italy, Austria, Romania, Bulgaria, Finland, Ceylon, Nepal, Libya, Cambodia, Laos and Spain - all became the members of the United Nations.

The Changing Pattern

The admission of sixteen states - four East Europeans of the Soviet bloc, six Afro-Asians, and six from Western Europe, three of which - Ireland, Finland and Austria were neutrals - had quite an impact on the working pattern of the United Nations. With this increase, the United States, for the first time, no longer had an "automatic" two-thirds majority. As the membership continued to grow to more than hundred by 1960s, a notable shift in political focus was produced. Almost all of the new members, after 1955, were

there who have emerged from colonialism in Africa or Asia - economically under-developed, intensely nationalistic and "non-aligned" in the Superpower conflicts. All this made it necessary to find a role for the United Nations, which was consistent with the policies and aspirations of the new members. Dag Hammarskjold's appointment as Secretary General in 1953 brought to that office a person who soon demonstrated a capacity for performance that won for him the confidence of governments and led to their vesting unprecedented responsibilities in him.

Political events in the 1950s both outside and inside the United Nations had also their impact on the real politik and consequently on the operational aspect of the United Nations. Stalin's death in 1953, and Khrushchev's enunciation of "peaceful co-existence" marked "softening" of Soviet policy. In 1955, in a surprising turn about, the Soviet government agreed to sign the Austrian peace treaty and the United States agreed to recognize Austria's neutrality. Meanwhile, Western Europe was entering a period of increased political stability and coming to its own--less dependent on the USA than it was in the period immediately following the Second World War. All these events helped in building up a complex of political forces with countervailing influences.

In this setting, the United Nations combined old and new devices to produce somewhat different pattern of activity

for preventing breakdown of order and restoring peace under certain circumstances. This change was clearly marked in the handling of the Suez crisis.

On 23 September 1956, France and the United Kingdom requested the President of the Security Council to call its meeting for considering the situation resulting from the nationalization of Suez Canal. On the very next day Egypt accused the United Kingdom and France for endangering international peace and security and demanded the urgent meeting of the Council to consider the serious violation of the Charter. On 13 October 1956, France and UK submitted a joint draft resolution.¹⁹ The second part of this joint draft resolution was not adopted due to the Soviet veto. On 30 October 1956, the representative of United States introduced a draft resolution²⁰ calling upon Israel, to immediately withdraw its armed forces. This resolution was not adopted due to the use of veto by United Kingdom and France. Subsequently the British, French and Israeli forces were vacated from the occupied area by the United Nations Emergency Force created by General Assembly.

The Suez episode marked the end of great power role for Britain and France. The Soviet Union sought to gain a foothold in Middle East by appealing to Arab nationalism for

19 SCOR, 3/3675, Yr. 11, Supplement for October-December 1956, pp. 47-48.

20 Ibid., 3/3710, Yr. 11, mtg. 749, para 186.

eliminating the western influence. The United States was eager to end the Anglo-French action in Egypt and close the scope for Soviet infiltration in this strategic part of the world. The Soviet Union could not effectively oppose the Uniting for Peace resolution in this case without courting the ill-will of the Afro-Asian bloc. Thus, the Soviet crisis gave evidence of the influence of the 'third world' on the voting policies pursued by the contestants of the cold war.

In November 1956, a section of people in Hungary revolted against the local government supported by the Soviet Union. The Soviet Union was helping the Hungarian Government in suppressing the revolt with arms. The United States, United Kingdom and France urged the President of the Council to consider the situation.²¹ The Soviet Union questioned the competence of the Council to discuss the situation in Hungary since it did not affect its relations with other states. The representatives of United Kingdom, United States, and France made efforts to secure the immediate withdrawal of the Soviet troops from Hungary. But these efforts were rendered futile by the Soviet veto. Subsequently, another resolution was adopted by the emergency session of the General Assembly, requesting the Secretary General to investigate the situation. The

21 SCOR, 3/3690, Yr. 11, Supplement for October-December 1956, p. 100.

reluctance of the Soviet supported government in Hungary, prevented any action by the United Nations.

In this case the Soviet Union used its veto because if a non-communist government came to power in Hungary, it was quite likely to release forces that would result in the liquidation of Soviet influence in East Europe. The United States so worded its draft resolution in the Security Council as to surely welcome the Soviet veto since this would clear the track for the use of Uniting for Peace Resolution.

On 22 May 1958, the Lebanon Government complained to the Security Council that the activities of the United Arab Republic would endanger the international peace and security. The United States sent its forces to assist Lebanon until the United Nations was able to safeguard the territorial integrity of Lebanon. Soviet Union charged the United States with the act of aggression against the peoples of the Arab world. On 17 July 1958, Jordan also complained to the Security Council that the UAR was trying to create internal disorder in Jordan. Through a draft resolution the United States tried to secure immediate cessation of all hostilities. This draft resolution was vetoed by the Soviet Union.

Unanimity among the permanent members became possible in this context because both contestants of the cold war were eager to move the matter from the Security Council to

the General Assembly. The USA as well as the Soviet Union, had declared in the Security Council that the latter had failed to discharge its primary functions for the maintenance of peace and security. While the former blamed the Soviet veto as responsible for the Council's failure, the latter blamed the Western Powers, particularly the USA and UK for acting in concert to prevent the Council from discharging its functions effectively. USSR regarded that the newly admitted African and Asian states could be mustered to support its version of the West Asian situation. Since these states were not adequately represented in the Security Council, the Soviet Union felt that it could expose Western Powers more effectively in the General Assembly than in the Security Council.

22

Thus the widening of the third bloc, accomplished by the admission of many African and Asian states to the United Nations, was largely responsible for effecting a change in the Soviet approach to the voting in the Security Council. Besides, within the General Assembly neither the Western Powers nor the Soviet bloc could score the two-thirds majority necessary to adopt resolutions without the co-operation of the third bloc. By this time, the third bloc

22 M.V. Subba Rao, The Use of Veto in Relation to the Pacific Settlement of Disputes in the Security Council of the United Nations 1946-1965, Unpublished Ph. D. thesis, submitted to Indian School of International Studies, New Delhi, p. 187.

could still prevent the contestants of the cold war from adopting resolution without its co-operation. It shows the growing influence of the third bloc on the voting behaviour of the great Powers in the political organs of the United Nations.

Consensus

From the early sixties, one could discern a change in the Council's functioning as it resorted to diplomatic process of negotiations and reconciliation on procedural and substantive aspects of some problems on its agenda. This was not a return to the unanimity of big Powers which continued to maintain their distinctive public positions on major issues. However, in order to find a feasible solution to a given problem attempts seemed to have been directed to find a consensus, and some of common objectives acceptable to major Powers as also to other members. The new trend obviously seems to be the outcome of a changed world situation, the mellowing down of the hard attitude of the two Superpowers that was characteristics of the international politics till mid-fifties, the phenomenal increase in membership of the United Nations and the desire of the Superpowers to woo the other members - 'third world' countries. This practice of reaching agreement through private informal consensus rather than through public, often acrimonious, debates is becoming known as the consensus approach.

As employed in the practice of the Security Council,

consensus has two-fold significance; in the narrow sense, it denotes decisions without a vote, or resort to voting only in cases where unanimous or near unanimous approval is likely. The broader and more significant meaning of consensus relates to the building up of maximum degree of understanding and agreement among the states most directly concerned with a particular problem.

The gradually increasing strength of the Asian and African states in the United Nations forged a temporary consensus between the Superpowers during the early stages of the Congo problem. Congo became independent on 30 June 1960. Kasavubu, a Conservative nationalist, became the President of the independent Congo, Lumumba, a militant leftist, was its Premier. On 12 July 1960, the President and the Premier of the Republic of Congo requested the Secretary General of the United Nations for immediate military help to vacate the unauthorized Belgian troops from the territory of Congo.²³ The Council adopted a Tunisian draft resolution authorizing the Secretary General to take the necessary steps to provide the Government of Congo the necessary military assistance to secure the withdrawal of the Belgian troops from Congo.

Thus, the first UN resolution on the Congo reflected at least a temporary consensus between the Superpowers. It

²³ SCOR, S/4382, Yr. 15, Document I, Supplement for July-September 1960, p. 11.

was in the national interest of the United States to interpose the authority of the United Nations between East and West and to prevent the Congo from becoming another battlefield in the cold war; it was in the Soviet interest to speed the withdrawal of the Belgian forces and thus to play its self-appointed role as the champion of anti-colonialism.

The consensus between the Superpowers continued to hold. Both the United States and the Soviet Union voted for a resolution sponsored by Tunisia and Ceylon which declared that "the entry of the United Nations force into the Province of Katanga was necessary", and demanded the immediate withdrawal of Belgian troops from the province.

The consensus between the Superpowers broke down, when, in the autumn of 1960, the new Congolese Government disintegrated into factions. A power struggle between President Kasavubu and Premier Lumumba erupted. The Superpowers took opposing positions. The USA supported the Kasavubu Government while the Soviet Union supported deposed Lumumba. On 17 September 1960 the Soviet Union vetoed a joint draft resolution submitted by Ceylon and Tunisia.²⁴

Subsequently, the USA submitted a draft resolution calling for an emergency session of General Assembly. This resolution was adopted by the Security Council though the Soviet Union voted against it.²⁵ On February 21, the Council

24 SCOR, yr. 15, mtg. 906, para 157.

25 SCOR, yr. mtg. 906, para 198. Resolution S/4526.

passed a strong resolution, with Soviet Union and France abstaining, urging that "the United Nations take immediately all appropriate measures to prevent the occurrence of civil war in the Congo, including the use of force, if necessary, in the last resort". America supported it because most of the African and Asian states were supporting this resolution. The Soviet Union, also fearful of alienating the African states if it vetoed the "force in the last resort" resolution, abstained. The African states had thus been instrumental in restoring a partial consensus between the Superpowers.

Thus it shows that the two Superpowers considered their national interests better served through UN action than through UN paralysis. The USA permitted the United Nations to act because it hoped to neutralize a "no man's land" in Africa from the East West struggle and it was impressed with the powerful African backing for UN action. The Soviet Union was keen to press the withdrawal of the Belgian troops and to boost the prestige of Lumumba, as the symbol of African nationalism. So long as the states of Africa - Asia were united in their support to the United Nations action in Congo, the Superpowers were however reluctantly, forced to stand together.

Located between Saudi Arabia and Iraq at the northern end of the Persian Gulf, Kuwait was claimed by Iraq to be an integral part of its territory. On the other hand, Kuwait

brought the situation to the Council on July 1, 1961, and complained that Iraq was threatening the "territorial independence of Kuwait". The draft resolution calling upon all states to respect the independence of Kuwait was vetoed by the Soviet Union. The Council was faced with the problem of determining whether Kuwait was a part of Iraq or an independent state. In October 1961, British troops had been evacuated from Kuwait and were replaced by forces from the Arab League. Although its application for membership was vetoed by the Soviet Union in November, Kuwait became the one hundred and eleventh member of the UN in May 1963.

The Council met on December 18, 1961, to consider a Portuguese complaint that Indian Military Units had entered its tiny enclaves of Goa, Daman and Diu. Acting Secretary General U Thant, cabled both parties to the dispute, urging negotiations to prevent the situation from becoming a threat to peace and security. Two draft resolutions were introduced and both were defeated by the Soviet veto. The first was sponsored by Ceylon, Liberia and the UAR which would have rejected the Portuguese complaint and called upon Portugal to co-operate with India. The second was proposed by Turkey, USA and UK which would have deplored the use of force by India, called for a cease-fire and withdrawal of Indian forces. The Soviet veto killed the resolution although Ceylon, Liberia, and the United Arab Republic joined the Soviets in voting negatively.

On 3 September 1964, Malaysia asked for an urgent meeting of the Security Council, charging that an Indonesian aircraft has flown over South Malaya, dropping a group of armed paratroopers. On 9 September, the Security Council included the item on its agenda. Here again the Norwegian draft resolution was not adopted because of the Soviet veto.²⁶ Similarly, in the Rhodesian case, in 1965, a joint draft resolution submitted by Ivory Coast, Jordan and Malaysia was not adopted because of the four abstentions (France, USSR, UK and USA).²⁷ In this case, the Security Council was able to take, for the first time, explicit enforcement action under Chapter VII.

The Russian occupation of Czechoslovakia in 1968 damaged both the general fabric of international relations and highlighted the inescapable impotence of the UN in face of Great Power criminality. A resolution condemning the "armed intervention" and calling for immediate withdrawal was blocked by the Soviet veto. The Czech Government which originally joined in the protest was, of course, induced to recant and request the removal of the item from the Council's agenda.²⁸

Thus, the effect of the veto has been felt nearly in every area of the working of the Security Council. It is

26 United Nations Year Book, 1964, p. 135.

27 United Nations Year Book, 1965, p. 117.

28 United Nations Year Book, 1968, p. 298.

an established fact that by 1970, the Soviet Union has been responsible for 105 of the 113 vetoes which were either 'stuck' (no significant further action on the vetoed issue was taken by other organs of the United Nations), or circumvented (another organ of the United Nations provided alternative machinery), or superseded (the disputants negotiated the issue directly or the changing circumstances resolved the dispute). Apart from the Soviet Union, France and the United Kingdom are the other countries who used their vetoes rightly.

Chapter IV

CONCLUSION

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The foregoing study indicates that veto has been one of the most important factors in shaping the operational aspects, and consequently in the evolution, of the United Nations. It has promoted widespread desire to revise the Charter or find other means of curtailing the veto.

From its very inception the United Nations became embroiled in the conflict of power politics and the very cornerstone of the United Nations - the Big Power co-operation - was shattered. The United Nations membership in the formative years of the world organization, got increasingly split into two powerful blocs, one led by the United States of America and the other by the Soviet Union. Each was trying to increase its influence and to use the United Nations as an instrument of its policy. Thus, the war-time coalition among the great powers was largely replaced by discord in the post-war period. This situation was clearly reflected in the voting pattern of the Security Council. The United States led a group of states which formed, at least till 1955, nearly two-thirds majority of United Nations membership which could effectively be used for the adoption of any resolution to its liking but for veto which, for U.S.S.R., became a handy weapon to

obstruct a Security Council resolution which was not to its liking. Soviet spokesman asserted that one of the principal functions of the veto is to prevent the formation, within the United Nations, of hostile aggressions "of those who want to disrupt the organization in order to have a free hand in the implementation of their aggressive plans" and more particularly to prevent the United Nations from becoming an outright tool of the [U.S.] State Department.

This frequent use of vetoes by the Soviet Union precipitated a series of deadlock and prevented the Council from discharging its responsibilities in situations where United States and its allies wanted to take prompt action. In such a situation the dominating group of states led by the United States tried to work out alternative devices. In one such attempt, they sought, through a General Assembly resolution 267 (III) adopted in April 1949, to narrow down the area subject to veto by requesting the Security Council to consider thirty-six items listed in its annex to be procedural and to act accordingly. Such recommendations, as was expected, were not accepted by the Soviet Union. In another attempt, western Powers tried to circumvent the veto by building up the constitutional authority of the General Assembly. The formation of the Interim Committee (1947) and the

adoption of the Uniting for Peace Resolution was the culmination of a series of efforts to increase the political authority of the General Assembly and to circumvent the veto provision. These developments have left an indelible impact on the functioning of the United Nations. As of now (in 1973), the Uniting for Peace resolution is a dead letter except for one of its provisions - that when Security Council is deadlocked because of veto, the General Assembly may step in, to consider situations involving threat to international peace and security and could make recommendations thereon ... a very meaningful development which incidentally could develop only because of veto provision.

Looking at things from another perspective, it should be noted that the number of vetoes cast by a permanent member need not necessarily serve as a proper index to determine the Security Council's failure in discharging its primary responsibilities for maintaining world peace. The nature of the proposals and the political context in which they were proposed should be critically evaluated to determine the ultimate effect of the vetoes on resolutions which failed to be adopted.

If we analyze the vetoes used so far, revealing conclusions become evident. The number of vetoes (113) till 1970 have not constituted as formidable an obstacle

to the solution of international problem as one might expect. This total is somewhat misleading. Over half the vetoes cast have been on the question of admitting new members. This could be interpreted as an abuse of the voting privilege but at the same time we should not ignore the fact that almost 34 of this membership vetoes were "repeat". The admission of Italy, for example, was vetoed six times by the Soviet Union. In a number of cases, proposals were introduced in the Council mainly to increase the record of the Soviet vetoes and in some cases Soviet Union was forced to veto repeatedly, as in the case of Greek frontier incident. Nearly 80 per cent of the Soviet vetoes have been rendered less effective in one way or another and 24 per cent have been circumvented by the action of the United Nations. In 53 per cent of the vetoed cases the issues were settled outside the United Nations by direct negotiations or changing circumstances.¹ About forty vetoes were used by the Soviet Union on Pacific settlement of disputes in the Council. Only in twelve cases the Soviet vetoes seemed

FOOTNOTES

1 This analysis is based on the study of figures as quoted by John G. Stoessinger, The United Nations and the Super Powers (New York, 1970).

to have prevented the organization from taking any action.² Moreover the threat of the "double-veto", that would allow a great power to veto anything it chooses, has not materialized in practice. The "double-veto" was used only three times, the last occasion arising in 1948. Thus, it may be assumed that the actual exercise of the veto power has not proved to be as great threat to the effective functioning of the United Nations.

At the same time, it should be noted that the assertion that the United States has never used the veto power is literally correct but highly misleading in a broader sense. Although the United States has so far refrained from using the veto singly, (it has used it twice in conjunction with the U.K. on the question of Southern Rhodesia and once on Middle East crisis) a threat to do so has been sufficient to obtain the result desired. The United States has used its considerable influence on many cases to persuade members of the Council to form a "negative" majority. Regarding admission of new members, the United States has used its considerable influence on many cases to persuade members of the Council to form a negative majority. Regarding admission of new

² Sydney Bailey, "Veto in the Security Council", International Conciliation (New York), no. 566, January 1968, pp. 60-61.

members, the United States blocked the admission of Soviet sponsored candidates not by veto but by prevailing upon its allies to back its position. The Soviet Union on the other hand had to cast fifty-one vetoes to block the admission of American sponsored candidates. Many times a threat of a veto can be as effective as the actual casting of it as it happened in 1950 when the United States was determined to veto any candidate, but Trygve Lie for the Office of the Secretary-General. The threat itself was sufficient and the term was extended by the General Assembly, after the USSR had cast a veto in the Security Council.

The United States had joined United Kingdom twice in casting a negative vote against the majority on the question of Southern Rhodesia. As Norman J. Padelford pointed out:

It is clear from the record that when the Soviet Union find its vital interests at stake, there are no other great powers generally inclined to stand with it, the negative votes of the Soviet delegate usually becomes a sole veto, when other great powers particularly the USA and UK find national interests at issue they can usually persuade other permanent members to go along with from either casting and multiply negative votes sufficient to support a proposal without the stigma of exercising a sole vote or to join in introducing and passing a resolution more suitable to their desires. (3)

3 Padelford J. Norman, "The Use of Veto", International Organization, vol. II, 1948, pp. 227-46.

It is true that at times veto has paralyzed the work of the Council, lessened its ability to deal adequately with the matters brought before it and greatly undermined the confidence in it in popular terms, as an effective instrument for the maintenance of international peace and security. Each time a veto was used, it meant a failure. But it was not the United Nations machinery that was at fault; nor would abolishing the veto do away with the trouble. The clanging of a fire bell indicates failure, somewhere down the line, but abolishing the alarm would not put an end to the carelessness or arson. The veto is such an alarm bell; when its harsh tones jar us, we should do well to find out where the fire is and how it was caused. It is the general political situation and the lack of confidence among the great powers, and not the veto itself, which has caused the difficulty.

The veto might be bad, but it is the product of hard realities of international politics. It reflects and expresses the antagonism which has divided the world. The veto stands as an ineradicable symptom of a divided world.

Sometimes a question has been raised; could this distribution of five permanent seats be justified among present five powers? In this regard, it should be noted that Japan has claimed a permanent seat by virtue of its being a dominant economic power and a peace-loving state,

so has Germany on similar grounds. Some political commentators have suggested India on the plea of population, if nothing else. But the question is merely of academic interests for one reason that any change in this existing distribution of permanent membership cannot be brought about without the consent of any of the five. Replying to the question regarding the issue of a big power status for India in the United Nations, Secretary General Dag Hammarskjold observed: "...I feel it cuts deep into the constitution of the United Nations". In foreseeable future no change is likely to happen. To a large extent, the present distribution of permanent membership is understandable, because only these five have to-date reached the status of being the nuclear powers. Veto is the institution of manifestation of such relationship between power and responsibility and will continue to play a vital role in the conflict resolution of international disputes.

It is useless to speculate on any alterations in the voting procedure. It is not possible to avoid veto altogether. Some form of weightage or safeguard in the interest of the big powers must remain in this world dominated by power politics. None of the permanent members, particularly the United States and Soviet Union, is likely to agree to a situation whereby the United Nations could

undertake sanctions without their consent.

The veto provides element of viability. Without veto the United Nations must have ended its role as a neutral, non-partisan world organization dedicated to the maintenance of world peace, either in late 1940s or in 1950 during the Korean war. Without veto, probably, the United Nations would have died or it might have turned into a western alliance.

The basic assumption on which the United Nations is based is the principle of great power unanimity. This principle is not likely to be abolished in foreseeable future. Abolition of the veto, as such, will not be tolerated by any of the Big Five. The abolition of the veto might increase, not diminish, international tensions and the danger of war. No removal or modification of the present voting formula will bring about the necessary cooperation. Since 1960s, the consensus approach (the practice of reaching agreements through private, informal consensus among the states most directly concerned with a particular problem), has reduced the number of vetoes to a large extent.

The veto is merely a symbol of the fundamental differences that exist among the great powers. It is a reflection of their disunity instead of its underlying

cause. No solution of the veto question is adequate, unless it helps resolve the friction and tension that embitter the relations among the permanent members. The real problem of the United Nations is the development of co-operation among its members and especially the Great Powers.

APPENDIX

Appendix I

Statement By The Delegations of the Four Sponsoring Governments on Voting Procedure in the Security Council

Specific questions covering the voting procedure in the Security Council have been submitted by a Subcommittee of the Conference Committee on structure and procedures of the Security Council to the Delegations of the four governments sponsoring the conference - The United States of America, The United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, and the Republic of China. In dealing with those questions, the four delegations desire to make the following statement of their general attitude towards the whole question of unanimity of permanent members in the decisions of the Security Council.

I

The Yalta voting formula recognizes that the Security Council, in discharging its responsibilities for the maintenance of international peace and security, will have two broad groups of functions. Under Chapter VIII, the Council will have to make decisions which involves its taking direct measures in connection with settlement of disputes, adjustment of situations likely to lead to disputes, determination of threats to the peace, removal of threats to

peace, and suppression of breaches of the peace. It will also have to make decisions which do not involve the taking of such measures. The Yalta formula provides that the second of these two groups of decisions will be governed by a procedural vote - that is, the vote of any seven members. The first group of decisions will be governed by a qualified vote - that is, the vote of seven members - including the concurring votes of the five permanent members, subject to the proviso that in decisions under Section A and a part of Section C of Chapter VIII parties to a dispute shall abstain from voting.

2. For example, under the Yalta formula a procedural vote will govern the decisions made under the entire Section D of Chapter VI. This means that the Council will, by a vote of any seven of its members, adopt or alter its rules of procedure; determine the method of selecting its President, organize itself in such a way as to be able to function continuously, select the times and place of its regular and special meetings; establish such bodies or agencies as it may deem necessary for the performance of its functions; invite a member of the organization not represented on the Council to participate in its discussions when the member's interests are specifically affected; and invite any state when it is a party to a dispute being considered by the Council to participate in the discussion relating to that dispute.

3. Further, no individual member of the Council can alone prevent consideration and discussion by the Council of a dispute or a situation brought to its attention under paragraph 2, Section A, Chapter VIII. Nor can parties to such dispute be prevented by these means from being heard by the Council. Likewise the requirement for unanimity of the permanent members cannot prevent any member of the Council from reminding the members of the organization of their general obligations assumed under the Charter as regards peaceful settlement of international disputes.

4. Beyond this point, decisions and actions by the Security Council may well have major political consequences and may even initiate a chain of events of which might, in the end, require the Council under its responsibilities to invoke measures of enforcement under Section B, Chapter VIII. This chain of events begins when the Council decides to make an investigation, or determines that the time has come to call upon states to settle their differences, or make recommendations to the parties. It is to such decisions and actions that unanimity of the permanent members applies, with the important proviso, referred to above, for abstention from voting by parties to a dispute.

5. To illustrate: in ordering an investigation, the

Council has to consider whether the investigation - which may involve calling for reports, having witnesses, dispatching a Commission of inquiry, or other means - might not further aggravate the situation. After investigation, the Council must determine whether the continuance of the situation or dispute would be likely to endanger international peace and security. If it so determines, the Council would be under obligation to take further steps. Similarly, the decision to make recommendations, even when all parties request it to do so, or to call upon parties to a dispute to fulfil their obligations under the Charter, might be the first step on a course of action from which the Security Council could withdraw only at the risk of failing to discharge its responsibilities.

6. In appraising the significance of the vote required to take such decisions or actions, it is useful to make comparisons with the requirements of the League covenant with reference to decisions of the League Council. Substantive decisions of the League of Nations could be taken only by the unanimous vote of all its members, whether permanent or not, with the exception of parties to a dispute under Article XI, under which most of the disputes brought before the League were dealt with the decisions to make investigations taken, the unanimity rule was invariably

interpreted to include even the votes of the parties to a dispute.

7. The Yalta voting formula substitutes for the rule of complete unanimity of the League Council is a system of qualified majority voting in the Security Council. Under this system non-permanent members of the Security Council individually would have no "veto". As regards the permanent members, there is no question under the Yalta formula of investing them with a new right, namely, the right to veto, a right which the permanent members of the League Council always had. The formula proposed for the taking of action in the Security Council by a majority of seven would make the operation of the Council less subject to obstruction than was the case under the League of Nations rule of complete unanimity.

8. It should also be remembered that under the Yalta formula the five major powers could not act by themselves, since even under the unanimity requirement any decisions of the Council would have to include the concurring votes of at least two of the non-permanent members. In other words, it would be possible for five permanent members as a group to exercise a "veto". It is not to be assumed, however, that the permanent members, any more than the non-permanent members, would use their "veto" power wilfully to obstruct the operation of the Council.

9. In view of the primary responsibilities of the permanent members, they could not be excepted, in the present condition of the world, to assume the obligation to act in so serious a matter as the maintenance of international peace and security in consequence of a decision in which they have not concurred. Therefore, if a majority voting in the Security Council is to be made possible, the only practicable method is to provide, in respect of non-procedural decisions, for unanimity of the permanent members plus the concurring votes of at least two of the non-permanent members.

10. For all these reasons, the four sponsoring governments agreed on the Yalta formula and have presented it to this conference as essential if an international organization is to be created through which all peace-loving nations can effectively discharge their common responsibilities for the maintenance of international peace and security.

II

In the light of the consideration set forth in Part I of this statement, it is clear what the answers to the questions submitted by the sub-committee should be, with the exception of question 19. The answer to that question is as follows:

In the opinion of the Delegations of the sponsoring governments, the Draft Charter itself contains an indication of the application for the voting procedures to the various functions of the Council.

In this case, it will be unlikely that there will arise in the future any matters of great importance on which a decision will have to be made as to whether a procedural vote would apply. Should, however, such a matter arise, the decision regarding the preliminary question as to whether or not such a matter is procedural, must be taken by a vote of seven members of the Security Council, including the concurring votes of the permanent members.

* Documents of the United Nations Conference on International Organization, 1945 (London & New York, United Nations Information Organization, 1945-1946), XI, pp. 710-14.

BIBLIOGRAPHY

SELECT BIBLIOGRAPHY

Primary Sources

Dumbarton Oaks Proposals for the Establishment of a General International Organization, U.S. Department of State, Dumbarton Oaks Documents on International Organization Publication 2267, 1945, pp. 15-16.

Yalta Agreements on World Organization, 11 February 1945. U.S. Department of State Press Release 239, 24 March 1947.

Questionnaire on Exercise of Veto in the Security Council, UNCIO, Document 855, 111/I/2(9) (Documents XI), pp. 699-709.

Statement by the Delegations of the Four Sponsoring Governments on Voting Procedure in the Security Council, 7 June 1945. UNCIO Document 852, 111/1/37 (1), (Document, XI), pp. 710-14.

Security Council Official records, Meetings 1946-1970.

Security Council Official records, Supplements and Special Supplements, 1946-70.

Proposals of the United States of America on the Problem of Voting in the Security Council Submitted to the Interim Committee of the General Assembly: Document A/AC.18/41, 10 March 1948.

United States Senate, 83rd Congress, 2nd session. Committee on Foreign Relations Subcommittee on the United Nations Charter. The Problem of Veto in the United Nations Security Council, Staff Study No. 1 (Washington, Government Printing Office - Committee Print - 1954).

Year Book of United Nations 1946-70 (New York).

United Nations Bulletin 1946-54 (New York).

United Nations review 1954-70 (New York).

BOOKS

Arechaga, Eduardo Jimenez de., Voting and the Handling of Disputes in the Security Council (New York, Carnegie Endowment for International Peace, 1950).

Attlee, C. n., The Future of the United Nations (New Delhi, 1961).

Bailey, Sydney D., The United Nations: A Short Political Guide (London, Carnegie Endowment for International Peace, 1963).

Bauer, John, Make the United Nations Effective for Peace (New York, 1952)

Bentwitch, Norman and Martin, Andrew, A Commentary on the Charter of the United Nations (London, Knight and Forster Ltd., 1950).

Boyd, Andrew, United Nations: Piety, Myth and Truth (Middlesex, Penguin Books, 1964).

Chase, Eugene P., The United Nations in Action (New York, McGraw-Hill, 1950).

Cheever, Daniel S. and Haviland, H. F. Jr., Organizing for Peace: International Organization in world Affairs (New York, Corneigie Endowment for International Peace, 1954).

✓ Claude, Inis L. jr., Power and International Relations (New York, Random House, 1962).

_____, Swords into Plowshares: The Problems and Progress of International Organization, rev. edn. (New York, Random House, 1963).

Comay, Joan, The United Nations in Action (New York, MacMillan Company, 1954).

✓ Connally, Tom, My Name is Tom Connally (New York, 1954).

Courlander, Harold, Shaping Our Times: What the United Nations Is and Does (New York, 1960).

Cox, Arthur M., Prospects for Peacekeeping (Washington, D.C., The Brookings Institution, 1967).

Coyle, David C., The United Nations and How It Works (New York, 1963).

Eagleton, Clyde, The United Nations and How It Works (New York University Press, 1963).

Ennals, David, The United Nations on Trial (London, 1962).

Evatt, Herbert V., The United Nations (London, Oxford University Press, 1948).

_____, The Task of Nations (New York, Duell, Sloan and Pearce, 1949).

Falk, Richard A. & Mendlovitz, Saul H., The United Nations (New York, 1968).

Feiler, A. H., United Nations and World Community (Boston, Little Brown and Company, 1953).

Galt, T., How the United Nations Works (New York, 1955).

✓ Goodrich, Leland M., The United Nations (New York, Stevens and Sons Ltd., 1959).

- ✓ Goodrich, Leland M. & Hambro, Eduard, Charter of the United Nations: Commentary and Documents (Boston, World Peace Foundation, 1949). ✓
- ✓ Goodrich, Leland M. and Simmons, Anne, P., The United Nations and the Maintenance of International Peace and Security (Washington, D.C., The Brookings Institution, 1955).
- ✓ Goodspeed, S. S., The Nature and Function of International Organization, 2nd edn. (New York, Oxford University Press, 1967).
- Gregg, Robert W. & Barkun, Michael, eds., The United Nations System and Its Functions (Princeton, 1968).
- Gross, E. A., The United Nations: Structure for Peace (New York, Harper for the Council on Foreign Relations, 1962).
- Hadwen, John G. & Kaufmann, Johan, How the United Nations Decisions Are Made (New York, 1960).
- Hayter, William, The Great Powers (New York, 1961).
- Jacob, P. E. & Atherton, A. L., The Dynamics of International Organization: The Making of World Order (Homeswood, 1965).
- Jenks, Wilford C., The World Beyond the Charter (London, Ruskin House Museum Street, 1970).
- Kay, David A., ed., The United Nations Political System (New York, 1967).
- Koo, Wellington, Jr., Voting Procedures in International Political Organizations (New York, Columbia University Press, 1947).
- Lee, Marc, The United Nations and World Realities (New York, Pergamon Press Ltd., 1965).

- Leonard, Larry L., International Organization (New York, McGraw-Hill, 1951).
- Luard, F., ed., The Evolution of International Organization (London, 1966).
- MacIver, Robert M., The Nations and the United Nations (New York, 1959).
- MacLaurin, John, The United Nations and Power Politics (London, George Allen & Unwin, 1951).
- Mangone, Gerard J., A Short History of International Organization (New York, McGraw-Hill, 1954).
- Moore, Raymond A., ed., The United Nations Reconsidered (Columbia, N. L. Bryan Company, 1963).
- Nicholas, H. G., The United Nations as a Political Institution (London, Oxford University Press, 1962).
- Padelford, Norman J. & Lincoln, George A., International Politics: Foundations of International Relations (New York, 1954).
- _____ & Goodrich, Leland M., eds., The United Nations in Balance: Accomplishments and Prospects (New York, 1965).
- Pearson, Lester B., A Critical Evaluation of the United Nations (New York, Columbia University Press, 1961).
- Potter, Pitman B., An Introduction to the Study of International Organization (New York, McGraw-Hill Book Company, 1952).
- Riggs, Robert E., Politics in the United Nations (Urbana, University of Illinois Press, 1958).

Roosevelt, Eleanor, and Dewitt, William, United Nations Today and Tomorrow (New York, Harper & Brothers, 1953).

✓ Moss, Alf, The United Nations: Peace and Progress (Totowa, The Bedminster Press, 1966).

✓ Russell, Ruth B., A history of the United Nations Charter (Washington, D.C., The Brookings Institution, 1958).

Scott, A. M., The Functioning of the International Political System (London, 1967).

Setalvad, M. C., The Role of the United Nations in the Maintenance of World Peace (Bombay, 1967).

✓ Stoessinger, John G., The United Nations and the Super Powers: United States-Soviet Interaction at the United Nations (New York, 1965).

Townley, Ralph, The United Nations: A View From Within (New York, 1968).

Vandenbosch, Mary and Hogan, Willard N., United Nations: Background, Organization, Functions and Activities (New York, McGraw Hill Company, 1952).

Webster, Charles K., The Making of the Charter of the United Nations (New York, Oxford University Press, 1946).

Wilcox, Francis O. & Marcy Carl M., Proposals for Changes in the United Nations (Washington, D.C., The Brookings Institution, 1955).

Articles

Armstrong, Hamilton Fish, "UN on Trial", Foreign Affairs (New York), vol. 39, 1961, pp. 388-415.

Bailey, Sydney D., "Veto in the Security Council", International Conciliation (New York), no. 563, 1968, pp. 1-66.

- Barisic, Marijan, "The United Nations and the Super Powers", Review of International Affairs (Belgrade), vol. 20, 1969, pp. 14, 19-20.
- Bebler, Ales, "The future of the United Nations", Review of International Affairs, vol. 20, March 1969, pp. 7-9.
- Boyd, Andrew, "The role of the Great Powers in the United Nations System", International Journal (Toronto), vol. 25, 1970, pp. 358-69.
- Briggs, Herbert W., "Power Politics and International Organization", American Journal of International Law, vol. 39, 1948, pp. 664-79.
- Brezaric, "Power and the Helplessness of the United Nations", Review of International Affairs (Belgrade), vol. 20, 1969, pp. 10-11.
- Brinkley, George A., "The Soviet Union and the United Nations: The Changing role of the Developing Countries", The review of Politics, vol. 32, January 1970, pp. 91-123.
- Claude, Inis, L., Jr, "The Management of Power in the Changing United Nations", International Organizations, World Peace Foundation, vol. 15, 1961, pp. 219-35.
- _____, "The United Nations, the United States and the Maintenance of Peace", International Organization, vol. 23, 1969, pp. 621-36.
- Colombos, C. J., "The United Nations Charter", International Law Quarterly (London), vol. 1, 1947, pp. 22-33.
- Dennet, Raymond, "Politics in the Security Council", International Organization, vol. 3, 1949, pp. 421-33.
- Eagleton, Clyde, "Proposals for Strengthening the United Nations", Foreign Policy Reports (New York), vol. 25, 1949, pp. 102-11.

- _____, "The United Nations: aims and Structure", Yale Law Journal (New Haven), vol. 55, 1946, pp. 974-96.
- Emerson, Rupert and Claude, Inis L., Jr, "The Soviet Union and the United Nations: An Essay in Interpretation", International Organization, vol. 6, 1952, pp.1-26.
- Engel, S., "The Changing Charter of the United Nations", Year Book of world Affairs, vol. 7, 1953, pp. 71-101.
- Finch, George A., "The United Nations Charter", American Journal of International Law (Washington, D.C.), vol. 39, 1945, pp. 541-46.
- Forester, W. A., "The Great Power Veto: what Should be Done", Political Quarterly (London), vol. 19, 1948, pp. 40-49.
- Francis O. Wilcox, "The Rule of Unanimity in the Security Council", Proceedings of the American Society of International Law nos. 26-27, April 1946, p. 52.
- Gordenkar, Leon, "International Organization and the Cold War", International Journal, vol. 23, 1968, pp. 357-68.
- Greaves, H. A. G., "International Voting Procedures", Political Quarterly (London), vol. 18, 1947, pp. 331-40.
- Green, L. C., "The security Council in Action", Yearbook of World Affairs, vol. 2, 1948, pp. 125-61.
- Gross Leo, "Voting in the Security Council, Abstention from Voting and Absence from Meetings", Yale Law Journal, vol. 60, 1951, pp.209-57.
- _____, "The Double Veto and the Four Power Statement on Voting in the Security Council", Harvard Law Review (Cambridge), vol. 1953, pp.273-87.

- _____, "Voting in the Security Council: Abstention in the Post-1965 Amendment Phase and Its Impact on Article 25 of the Charter", American Journal of International Law, vol. 62, 1968, pp. 315-34.
- Hoffmann, Stanley, "The role of International Organization Limits and Possibilities", International Organization, vol. 10, 1956, pp. 357-73.
- James, Robert A., "International Crisis, the Great Powers, and the United Nations", International Journal, vol. 25, 1970, pp. 345-55.
- Knowland, W. R., "The United States and the U.N. Five Major Defects in the Functioning of the United Nations", Vital Speeches of the Day (New York), no. 23, March 1957, pp. 301-5.
- Lee, Dwight L., "The Genesis of the Veto", International Organization, vol. 1, 1947, pp. 33-42.
- McDougal, Myres & Gardner, Richard, "The Veto and the Charter: An Interpretation for Survival", Yale Law Journal, vol. 60, 1951, pp. 258-92.
- Pedelford Norman J., "The Use of Veto", International Organisation, vol. 2, 1948, pp. 227-46.
- Pasvolsky, L., "The Veto Problem", World Affairs (Washington), vol. 115, # Fall 1952, pp. 67-70.
- Weston James B., "Votes and Vetoes", Foreign Affairs vol. 25, 1946, pp. 13-22.
- Russell, Ruth B., "Powers Politics and the United Nations", International Journal (Toronto), vol. 25, 1970, pp. 321-32.
- Stolle, Jane, "Big Powers Vs. the United Nations", The Nation (Colombo), vol. 191, 31 December 1960, p. 519.

Todd, James F., "An Analysis of Security Council Voting Behaviour", Western Political Quarterly (London), vol. 22, 1969, pp. 61-78.

White, Thomas A., "A Comment on the Veto", World Affairs (Washington, D.C.), vol. 117, 1954, pp. 72-73.

Wortley, B. A., "The Veto and the Security Provisions of the Charter", British Year Book of International Law, vol. 23, 1946, pp. 95-111.