

## RIGHT OF VETO

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### *Abstract*

Since the creation of the United Nations, composition, working methods and voting procedures of the Security Council had strong criticism by most member states of the UN. At least one proposal for a reform of the Security Council appears to have won broad support for increasing the number of non-permanent members in the Security Council, especially to add broader representation of the developing world.

Major crises around the world such as those in Palestine, Ukraine, Syria and not the intervention of the UN, clearly demonstrates the need for a profound reform of the right of Veto's. Giandomenico Picca, UN Assistant Secretary for Political Affairs, warned that if the UN continues to lose credibility and not to reform the Organization will become one of the next failure. The United Nations now more than ever must be regarded as a relic of the political climate after World War II.

### **Background**

The term “veto” originates from the Latin language (veto) and means ban or rejection of something that is offered. Veto is an instrument in global diplomacy, which superpowers possess. The right of veto was also used at the time of the Roman Empire when the popular tribes vetoed (prohibited) against proposed senate laws. In the Roman law the right of veto was used for different periods in different ways, ex. there were occasions (cases) where one council had the right to settle veto against the other council. Then The Right of Veto was the right of Intercession, a Magistrate against an official action.<sup>1</sup>

The right of veto, in form, content and the dimension in which it is today, for the first time is predicted as an exclusive right of Great Powers and premeditated for balance, reciprocity, causes and the consequences of their influence – at the Conference of Yalta and Potsdam in 1943 between the three great ones: United States, Soviet Union and United Kingdom. These three great powers – which also constituted the pillar of the anti-Hitler coalition and the war against the neo-fascism in the world, after the win against the Hitler axle thus Germany, Japan and Italy, they gathered two years before the Second World War ended, and decided or “invented” this innovation, under the auspices of its own global power in all directions. In its historical journey the right of veto has had a variety of its operating framework, it has been used by Emperors of East and West wanting to show their power either in internal or external adjustment (regulation), thus between the states, or in international relations.

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<sup>1</sup> Drita M. Fazlia, “Право на veto”, “недемократски инструмент во однос на референдумо”, Evrodijalog, nr. 17

The introduction of the right of veto after World War II or the attempt of the states to undermine the influence and the organization of states and organizations and international organizations, it has not been new with the United Nations Organization, but it had its own history also in the League of Nations (1920) and in its arrangement of permanent and non-permanent members that had some defects that even led to the disagreements of the Powers of that time for its functioning which caused the dissolution of this first organization which it was intended to be with overall global dimensions.

The right of veto has evolved in a doctrine and even that in a so rigid doctrine that removing it or minimizing and making such efforts it is very difficult.

Democratization of the United Nations is very necessary even in general of all the nations in the world and their political and juridical awareness.<sup>1</sup>

The XXI century carries on its own the epithet of the democratic era and the rule of world democratic values, where decisions directly or indirectly are brought by the majority of citizens. However, we must not overlook the fact that in this era the world decision making center we also have the right of veto, which in the full sense of the word represents unreasonable power, which power directs the world order in superior states and those “inferior”.

Great nations have gained this superiority by self-proclaiming sovereign power compared over other sovereign states. But, it should be noted that in the recent years different talks have been held on the appropriateness of the right of veto in the Security Council. The main arguments are those that, five major states are no longer the most stable and most responsible in the United Nations and that their right of veto slows down and hampers the approval of the decisions, which are important for international peace and security.

Additional argument for the aforementioned is that the right of veto has been introduced in the UN Charter due to the need of power in extraordinary situations.

The Soviet Union, specifically, would have not accepted the UN as it was conceived without the establishment of the right of veto in order to protect itself from the western bias that the Council and the General Assembly had at that time.<sup>2</sup>

The term “Democracy” originates from the Greek language which consists of the union of two words (*dēmos* ‘the people’ -*kratia* ‘power, rule’). The notion of democracy is defined as the governing of the people ((*dēmos* ‘the people’ -*kratia* ‘power, rule’)) so, it is a form of political regime where the people govern, i.e. the majority of the people over the minority. In this exercise of power, it is essential for the people to have their own will, which they set themselves and which is not imposed by the state.<sup>3</sup>

Whereas the term ‘Veto’ – originates from the Latin language (*veto*), which means stopover, in international communication, or disagree with something that has been offered to you. From the so far practice, the right of veto is used to emphasize that a certain subject of international law (right) unilaterally may prohibit the approval of any decision. In other words, the right of veto represents an unlimited power of entities possess and other hand they initiate changes and not allowing their approving. Respectively, the right of veto represents the “legal” right of disobedience.<sup>4</sup>

Despite the fact that the right of veto is more in line with the democratic era, but the right of veto originates since the time of roman magistrate, when the magistrates the elected

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<sup>1</sup> Drita M. Fazlia, “Право на вето”, “недемократски инструмент во однос на референдумот”, *Evrodijalog*, nr. 17.

<sup>2</sup> Jean –Baptiste DUROSELLE, “Historia e Marrëdhënieve Ndërkombëtare”, Tiranë, 2009

<sup>3</sup> <https://sq.wikipedia.org/wiki/Demokracia>

<sup>4</sup> Drita M. Fazlia, “Demokracia dhe e drejta e vetos”

officials of the roman state, had the right to unilaterally reject the law which was proposed from the roman Senate.<sup>1</sup>

Then the Right of Veto was the right of Intercession, a Magistrate against an official action. In modern times similar votes are pronounced as the Right of **Veto** which means: It is forbidden to undertake an action, issue of laws, regulations or making any decision.<sup>2</sup>

Historically, the introduction of the right of veto was inevitable requirement from the states of the bloc of great powers. The right of veto was introduced under the Charter of the United Nations due to the need of power in extraordinary situations. For instance, the Soviet Union in particular, in order to protect itself from the western bias that the Council and the General Assembly had at that time, would have not accepted the UN Charter as it was conceived without the establishment of the right of veto.

If on the one hand, the introduction of the right of veto promises global stability, on the other hand, it is exactly what can be considered as a beginning of the criticism of UN, or more concretely the Security Council, due to the accumulation of the power for maintaining the international peace and security in certain states that actually create monopoly of power and strength in relations to the other actors on the international scene. So, since then, the right of veto introduced one very sensitive issue regarding the representativeness and transparency of the great powers in relation to the “smaller” ones.<sup>3</sup>

The right of veto can be reviewed by both sides of its positivity and negativity. On the one hand the right of veto guarantees security for extraordinary issues, which guarantees world security and stability. On the other hand, it is exactly what can be considered as a beginning of the criticism of UN, or more concretely the Security Council. The right of veto for the five permanent Security Council states presents accumulation of power, for maintaining the international peace and stability based on their policymaking, which also create monopoly of power in relation to the other actors of the international scene. Respectively, since then it was introduced one very sensitive issue regarding the representativeness and transparency of the great powers in relation to the smaller “ones”.<sup>4</sup>

### **The Right of Veto – The Right of Great Powers**

Branimir M. Jankovic "Concepts that justify the status of great powers in the Security Council and their special right of veto constitute a theory which is more of a political justification of a particular right rather than a legal theory for the simple reason that the status of the great powers as the permanent members of the Security Council and their right of veto are not based on the principle of sovereign equality of the states, but in the rule of international political motive. "Article 27 of the UN Charter is a result of the particular circumstances prevailing at the end of World War II and, more precisely, at the time of the Yalta Conference in February 1945. The United States, the United Kingdom, the Soviet Union agreed that three of them and later China and France should not only take the lead in establishing an international postwar organization but also permanent in order to play a dominant role in this Organization. The power of veto was a perfect solution to secure their dominant position, to protect the interests of great powers, to prevent any future conflict, and

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<sup>1</sup> Drita M.Fazlia,"Organizatat Ndërkombëtare",Tetovë,2014,fq,64

<sup>2</sup> Arif Riza,"E drejta e Organizatave Ndërkombëtare dhe Organizatat Ndërkombëtare",Prishtinë,2012,fq,189

<sup>3</sup> [http://studiorum.org.mk/evrodijalog/17/pdf/Evrodijalog-17\\_15\\_MAMUTI-FAZLIA\\_ang.pdf](http://studiorum.org.mk/evrodijalog/17/pdf/Evrodijalog-17_15_MAMUTI-FAZLIA_ang.pdf)

<sup>4</sup> Drita M.Fazlia,"Organizatat Ndërkombëtare",Tetovë,2014,fq,64

to allow small states to be protected from great powers, in case that their rights have been violated.<sup>1</sup>

Soviet law theorists justify the legitimacy of the right of veto as a "historical merit" of the winning countries of World War II. They also argue that the right of veto implies the responsibility of permanent members for the future peace. How they are the main forces in the political world. Moreover, according to Lenin, the principle of unanimity of the permanent members of the Security Council is a guarantee that the United Nations Organization will not be used as an instrument to impose the will of permanent members in other states. As Anjali V. Patil reported, the veto was created in the belief that permanent members would collectively unite each time that international peace and security would have been threatened, but one of them should be in comparison with the measure or act, Security Council will not go forward.

He adds that Permanent members of the Security Council took on themselves major responsibilities and that the veto helps to maintain a certain political balance and a balance in international affairs.<sup>2</sup>

Smaller states are particularly powerless to influence in these issues which are foreseen in article 39 of the United Nations Charter. Finland's Ambassador Mr. Jacobson who criticized The Security Council for limiting the ability of smaller states to act on important international issues.

This dissatisfaction has been expressed several times, but the changes in the Charter have never been considered seriously. Even the former General Assembly presidents admitted in a meeting on the forty anniversary of the United Nations that since the beginning of the organization, the Security Council rarely acted as it did initially. They recall that the authors of the chart have claimed that great powers will continue to cooperate with each other and rarely use the right of veto.

Although this has been made possible in recent times to pass resolutions on regional conflicts (e.g. 598 [1987] during the Iraqi and Iranian war and 665 [1990] in the conflict between Iraq and Kuwait, where were taken collective measures of security), it is incorrect to conclude that the East-West conflict has been reduced, the work of UN is on a rigid ground. An industrialized polarization between the North and South economically is unfavorable.<sup>3</sup>

Great powers definitely would have not initiated the establishment of the United Nations, without the involvement of the veto privilege in the Charter.<sup>4</sup>

### **Double Veto**

The word Double Veto cannot be found in the UN Statute, but this has been derived from the meeting held on 07.06.1945 at the Conference of San Francisco. Back then, the four Great Powers have mentioned the Right of Veto, but they have never verified in an open

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<sup>1</sup> Branimir M. Jankovic, PUBLIC INTERNATIONAL LAË, New York: Transitional Publishers, cop., 1984, pp. 170-175 and 179-201.

<sup>2</sup> Hans Köchler, "The Voting Procedure in the United Nations Security Council" - Examining a Normative Contradiction in the UN Charter and its Consequences on International Relations

<sup>3</sup> Branimir M. Jankovic, PUBLIC INTERNATIONAL LAË, Neë York: Transitional Publishers, cop., 1984, pp. 170-175 and 179-201.

<sup>4</sup> Harry Almond, in The Reagan Administration's Foreign Policy. Facts and Judgment of the International Tribunal. Ed.

conference. This has been criticized by Australia. Hans Kelsen thinks that the four Great Powers had just stated for that time The Right of Double Veto, but even they are not related in its interpretation. It is known that the interpretations in this issue don't have the meaning of an agreement. After the treatment of the well-known issue, on 27.11.1950 at The Security Council, the Right of Double Veto was undermined. Even the privileges that the permanent members have had were questioned as it appeared to be a barrier for the functioning of the organization.<sup>1</sup>

The legal nature of the fourth Declaration of the opportunity "double veto" became subject of debates in the late 1940s and early 1950s. The law scholars were divided into the question of whether the document constituted an authentic interpretation of the Chart and if it's binding for the members.

In 1946, the General Assembly approved Resolution 40 (I), in which he expressed his concern that the misuse of Veto could impede the functioning of the Security Council and has therefore recommended that the Council accept the practices and procedures to help reducing the difficulties in implementation of Article 27 of the Charter. A year later, the General Assembly established an Interim Commission to come up with a list of procedural issues. The Report of Commission was approved by the General Assembly in Resolution 267 (1948). In this resolution, General Assembly recommended the Security Council that the decisions listed in the annex to be considered procedural. The General Assembly is more recommended to the five permanent members to exert the veto only when they consider the issue of vital importance, "taking into account the interest of United Nations."<sup>2</sup>

### **Procedural Vote**

The voting procedure of the Security Council is governed by Article 27 of the UN Charter and Rule 40 of the Provisional Rules of Procedure. Article 27 provides that decisions of the Security Council are made by an affirmative vote of nine members, whereas each member has one vote. The Charter distinguishes, however, between votes on "procedural matters" and votes on "all other matters". Article 27 stipulates that the concurring votes of the permanent members are required for the adoption of substantive decisions. Accordingly, when voting on procedural matters, a negative vote cast by a permanent member does not invalidate a decision, it stands if it secured nine affirmative votes. (Conversely, Article 27 of the Charter, by requiring the concurring votes of all permanent members for a non-procedural decision to be adopted, establishes the veto system.) In resolution 267(3) of 14 April 1949, the General Assembly recommended to the Security Council to consider as procedural several types of issues listed in detail in an annex.<sup>3</sup>

This includes:

- Submission to the General Assembly of any questions relating to the maintenance of international peace and security;
- Request to the General Assembly that it make a recommendation on a dispute or situation the Council is seized of;

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<sup>1</sup> Arif Riza, "E drejta e Organizatave Ndërkombëtare dhe Organizatat Ndërkombëtare", Prishtinë, 2012, fq, 190-191

<sup>2</sup> JAN WOUTERS AND TOM RUYS - SECURITY COUNCIL REFORM: A NEW VETO FOR A NEW CENTURY- BRUSSELS, AUGUST 2005

<sup>3</sup> <http://www.securitycouncilreport.org/un-security-council-working-methods/procedural-vote.php>

- Request to the Secretary-General for the convocation of a special session of the General Assembly;
- Approval of annual reports to the General Assembly;
- Holding of meetings at places other than the seat of the UN; or
- Establishment of subsidiary organs the Council deems necessary for the performance of its functions.

Early in its history, the Council occasionally found it necessary to first decide by a vote whether a particular matter was procedural or substantive in nature and resorted to voting on the so-called “preliminary question”. Depending on the outcome of the vote on the preliminary question it would then proceed to a procedural or substantive vote.

In the period 1946-1989, 153 procedural votes were recorded. Since the end of the Cold War, resort to procedural votes has been infrequent. Most procedural decisions—such as the adoption of the agenda, an invitation to an individual to participate in Council meetings, adding a new item to the seizure list or the suspension or adjournment of a meeting—have been arrived at by consensus.

However, some procedural votes were recorded during the period since 1990, the most recent one of them on 22 December 2014 on the adding of the situation in the Democratic People’s Republic of Korea to the Council agenda. (As stated in rule 9 of the Council’s rules of procedure, the first item of the provisional agenda for each meeting of the Council shall be the adoption of the agenda. It has been the practice of the Council to adopt the agenda without a vote unless an objection is raised. If differences over the agenda cannot be worked out among Council members, they are resolved by a procedural vote.)<sup>1</sup>

The Security Council is organized so that it can implement its functions continuously (on a continuous basis). For that purpose each member of the Security Council has one permanent representative at the Security Council headquarters.<sup>2</sup> It realizes (carries out) temporary meetings, where each member can, if he /she wishes, to be represented from any member of the government or by someone else appointed as a representative.<sup>3</sup>

The Security Council, except at the headquarters of the Organization, may also gather in other places if this would serve best to his work.<sup>4</sup>

Each member who is not a member of the Security Council has the right to participate, without the right of vote, in reviewing each issue presented to the Security Council, when it considers that it is in the interest of that member. Each member of the United Nations, which is not a member of the Security Council, as well as each state which is not a member of the United Nations, if it is a party of the dispute which examines Security Council, will participate without the right to vote, in the reviewing of that dispute. The Security Council sets the conditions, which it considers to be eligible for taking part in a state that it is not a member of the UN.

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<sup>1</sup> <http://www.securitycouncilreport.org/un-security-council-working-methods/procedural-vote.php>

<sup>2</sup> Neni 23 pika (1 – 2) i Kartës së OKB-së

<sup>3</sup> Neni 28 pika (3) i Kartës së OKB-së

<sup>4</sup> Neni 28 pika (2) i Kartës së OKB-së

## **Voting**

*Voting*- the way of making decisions in the Security Council is arranged according to the formula approved in the Conference of Yalta. According to the article 27 of the Charter, the decisions in the Security Council are taken in any case by the majority of votes.

The Charter makes the difference between the issues that can lay down before the Security Council, by dividing them in “procedural issues” and in “all other issues”. The first group includes the issues related to the procedure for appointing the place of the meeting of the Council, setting the agenda, regarding the election of the President, participation of any member of the Council, election of the judges of the International Court of Justice etc. A majority of nine votes is enough to settle these issues (earlier when the Security Council had 11 members, a majority of seven votes were enough), of any member of the Council.

For all other issues, such as those that deal with the peaceful solution of disagreements, and those that deal with coercive measures, but among them must be all the votes of the permanent members of the Security Council. Based on what was said above, appears that the negative vote of only one permanent member of the Security Council, makes it impossible to make any decision, even if all other members have voted for. This is the so called right of “VETO”.<sup>1</sup>

### **Background Use Of Veto**

Article 27 of the Charter of the United Nations sanctioned the use of Veto from the 5 permanent members of the Security Council: United States of America, The United Kingdom of Great Britain and Northern Ireland, Republic of France, Republic of China (that replaced Taiwan from 1971-1972) and the Russian Federation. The main reason was the fact that, USSR (The Soviet Union) was one of the winners of the Antifascist Coalition of World War II and the only representative of the communist system. Meanwhile, the other four, members belonged to the capitalist system. The determination of the Veto was also made for two reasons: to reflect the historical, geopolitical and ideological reality of that time and for the sake of unity, relations and compromise in the newly established UN by the 51 member states from all continents of the world. Veto, at the Security Council, was first used by the USSR from Molotov on February 16, 1946 for the “Syrian-Lebanese Question”. In the media and diplomatic propaganda of that time, for the irony of the fact, fate and fatality, it was described as “Mr. Veto”.<sup>2</sup>

Up to 2007, the permanent members of the United Nations Security Council have used veto approximately 260 times. Of these, The Soviet Union had used veto 120 times (79 times in the first ten years life of UN. Whereas after the fall of USSR in 1991, Russia as the successor of USSR, has used veto only two times). The USA at the same time has used veto 82 times (nearly forty times to block the resolutions that had to do with Israel), Great Britain has used veto 32 times (23 times for the same resolutions that the USA has blocked); France has used veto only 18 times (13 times together with the USA and Great Britain, for ex. When these

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<sup>1</sup> Zejnullah Gruda, “E drejta Ndërkombëtare Publike”, Prishtinë, 2009, fq, 385

<sup>2</sup> <http://www.kosovapress.com/sq/arkiva/-261-veto-ne-keshillin-e-sigurimit-per-61-vjet-po-kosova-18315/?old=1>

three states had blocked the approval of resolution that condemned the US military intervention in Panama in 1889). China had used its veto five times in total. <sup>1</sup>

Year	Nr of cases	Agenda item	Right of veto
1946	9	Cases of Lebanon-Syria, Spain, Jordan, Ireland, Portugal, Ukraine etc.	9x USSR
1947	13	Corfu Channel, Case of Jordan, Finland, Italy, Greece	13x USSR
1948	7	Case of Czech Republic, Finland, Greek blockade etc.	7xUSSR
1949	12	Case of Republic of Korea, Portugal, Nepal, Italy, Finland etc.	12xUSSR
1950	3	Complaint of aggression upon the Republic of Korea, China etc.	3xUSSR
1952	8	Question of a request for investigation of alleged bacterial warfare, Libya, Japan, Vietnam etc.	8xUSSR
1954	4	The Palestine, Thai question etc	4xUSSR
1955	1	Admission of new Members like Japan	USSR
1956	3	Palestine issue, Hungary issue etc.	1X USSR France 2X England
1957	3	Admission of new Members Republic of Korea, admission of new Members like of Vietnam, the India-Pakistan question.	3x USSR
1958	5	Complaint of Lebanon and Jordan concerning the interference in their internal affairs by the United Arab Republic	5XUSSR
1960	5	Question of Congo etc.	5x USSR
1961	3	Question of Kuwait, Portugal etc.	3x USSR
1962	1	The India-Pakistan question	USSR
1963	2	The situation in Southern Rhodesia	USSR

<sup>1</sup> Zejnullah Gruda, "E drejta Ndërkombëtare Publike", Prishtinë, 2009, fq, 385-386



			England
1964	2	Question of Malaysia, Pakistan	2x USSR
1966	1	Question of Pakistan	USSR
1968	1	Question of Czechoslovakia	USSR
1970	2	Question concerning the situation in Southern Rhodesia	England 1XEngland USA
1971	4	The India-Pakistan question	3x USSR 1XEngland
1972	4	Admission of new Members Bangladesh, The situation in the Middle East.	2xEngland 1xChina 1xUSA
1973	3	Middle East, question of Latin America, etc.	2XUSA 1x England
1974	2	The situation in Cyprus, relationship between the UN and South Africa	France 1X England USA 1xUSSR
1975	6	The situation in the Middle East, the situation in Namibia, admission of new members Vietnam etc.	France 1x England USA 5XUSA
1976	7	Middle East, admission of new Members Angola	5xUSA 1xFrance France 1x England USA
1977	3	The question of South Africa	France 3x England

			USA
1979	2	Contest of China and Vietnam	2XUSSR
1980	3	The Palestine Question	2xUSSR 1x USA
1981	5	The question of South Africa	France 4x England USA 1x USA
1982	8	The situation in the occupied Arab territories, Middle East etc.	1x England USA
1983	3	The situation in the occupied Arab territories	2x USA 1x USSR
1984	3	Middle East etc	2x USA 1XUSSR
1985	3	Middle East, occupation or Arab territories etc.	2x USA 1x England USA
1986	8	The situation of South Africa, Middle East etc.	5x USA 2x England USA  France 1x England USA
1987	2	The question of South Africa, Middle East	2X England USA
1988	6	Middle East, South Africa etc.	5X USA 1X England USA

1989	5	The Situation in Panama, occupation of the Arab territories etc.	3X USA England 2X France USA
1990	2	The question of Nicaragua, occupation of Arab territories	2 X USA
1993	1	The situation in Cyprus	Russia
1994	1	The situation in the Republic of Bosnia and Herzegovina	Russia
1995	1	The situation in the occupied Arab territories	USA
1997	3	The situation in the occupied Arab territories, the Question of Central America	2X USA 1X China
1999	1	The situation in the former Yugoslav Republic of Macedonia	China
2001	2	The situation in the Middle East, including the Palestinian question	2X USA
2002	2	The situation in Bosnia and Herzegovina, Middle East	2X USA
2003	2	The Question of Pakistan, etc.	2X USA
2004	3	The Question of Middle East, Pakistan, Cyprus	3X USA
2006	2	Middle East situation, including the Palestinian question	2X USA
2007	1	Myanmar	1X China Russia
2008	1	Peace and Security - Africa (Zimbabwe)	1X Cina Russia
2009	1	Georgia	Russia
2011	2	Middle East situation, including the Palestinian question	1X USA 1x China Russia
2012	2	Middle East – Syria	2X China Russia

- The data are from the statistical of the use of veto that can be found in the following web-site [http://www.un.org/depts/dhl/resguide/scact\\_veto\\_en.shtml](http://www.un.org/depts/dhl/resguide/scact_veto_en.shtml)

From the statistical data we can see that in the period from 1946-2012 (a 66 year period) the right of veto was used for a total of 189 cases. Respectively, in the first period or more precisely during the 20th century the right of veto was used for 171 cases, whereas during the XXI century for 18 cases. Looking at the chronology of the use of veto we will see that since 1946 there has been a significant fall in its use by the permanent states of the Security Council.<sup>1</sup>

Only a minority of vetoes have been cast in cases where vital international security issues were at stake. 59 vetoes have been cast to block admission of member states. Additionally, 43 vetoes have been used to block nominees for Secretary General, although these vetoes were cast during closed sessions of the Council and are not included in the table above. Limitation of veto use to Chapter VII (threats to international peace and security), as many members propose, would be a long step towards total veto abolition.<sup>2</sup>

### **Proposals For Reforms In The Security Council – Right Of Veto**

Since the establishment of the United Nations, the composition, working methods and the voting procedures of the Security Council have provoked strong criticism from most UN member states. Along with the obvious failure of the Council to fulfill its task as a key actor regarding to international peace and security in the Cold War era, this dissatisfaction led the UN member states to approve the resolution for unification of Peace in the General Assembly in 1950. The Security Council thirteen years later, the continuous riots in 1963 have resulted in the change of the UN Charter, the expansion of the number of non-permanent seats from 6-10. The effect of this reform was quite short: as in the ongoing UN membership states, from 131 countries in 1961 to 191 today, the composition of the Council remained as a representative, especially in relation with the developing world. Moreover, the organ is still perceived as very secretive and undemocratic.

Under the continuous pressure of the Non-Aligned movement, the General Assembly in 1993 established an Open-ended Work Group on the question of equal representation and increasing membership of the Security Council. National conflicting points, as evidenced by the annual reports of the General Assembly working group, so far have prevented it from drafting concrete recommendations. However, the expectations are that the existing blockade will be treated – at least partially – when the UN member states meet in New York in September 2005 to discuss a fundamental reform of the world organization. In fact, the idea that the United Nations is in urgent need for restructuring has gained momentum. Reports commissioned by the Secretary-General, such as the Report of the High-level Panel on Threats, Challenges and the Change (the following: High Level Panel) and the Sachs Report, paved the way for negotiations. At least one reform proposal with the Security Council seems to have gained support, i.e. to increase the number of non-permanent members of the Security Council, particularly to enhance the representation of the developing world.<sup>3</sup>

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<sup>1</sup> Drita M. Fazlia, "Demokracia dhe e drejta e vetos"

<sup>2</sup> <https://www.globalpolicy.org/component/content/article/102-tables-and-charts/32810-changing-patterns-in-the-use-of-the-veto-in-the-security-council.html>

<sup>3</sup> JAN WOUTERS AND TOM RUYSS - SECURITY COUNCIL REFORM: A NEW VETO FOR A NEW CENTURY- BRUSSELS, AUGUST 2005

The UN effectiveness peaked between 1987 and 1991, where the international organization has played a key role in facilitating the conflict in Afghanistan, Namibia, Lebanon, and Cambodia. However, in the recent years we are witness of a decrease in UN efficiency, in the early 1994, Giandomenico Picca, UN Assistant Secretary for General Political Affairs, warned that if the UN continues to lose credibility and not reforming the organization, will become no more than the amount of failure of its members. The United Nations now more than ever must be considered as a relic of the post-World War II political climate, incapable of solving the biggest crisis of our era, and in great need for reform. <sup>1</sup>

**Scott Sheeran** – University Professor says: Conflicts in Ukraine, Gaza, and Syria are symptoms of the deepest problems in the international systems. If the Security Council wants to fulfill its role according to the UN Charter, the treatment of these tragic situations would have been more possible. But, as things stand, permanent members of the Security Council (USA, UK, France, China and Russia), continue to protect the privilege and use of their veto power to prevent interference where necessary. In recent weeks we have seen many Palestinian civilians killed in Gaza as a result of military action. Israeli civilians also face missiles that go over them, launched by Hamas – but fortunately they are protected by the Iron Dome defense system. The prospect of UN or international law limited to these unacceptable attacks on innocent civilians, not because of inaction, but because of the US veto that limits the possibilities of the Security Council. <sup>2</sup>

Salil Shetty- General Secretary says: The United Nations Security Council has failed in the most miserable way to protect the civilians. Instead of thinking of the latter, five permanent members, Britain, China, France, Russia and The United States of America have used veto to promote their political or geopolitical interests, by putting them over the interest of civilians.

Amnesty International – sees resolving this situation at least partially by handing over the veto on issues related to mass murder and genocide.

Among other arguments offered, it was that tightening the use of this right would have prevented Russia from blocking continuously the UN actions on violence in Syria. If Moscow couldn't use the veto, Syrian President Bashar al-Assad would have appeared before the International Criminal Court, the report says. <sup>3</sup>

### **Russian Veto on Kosovo Question**

The right of veto from the five permanent members of the Security Council has been questioned in the present form. During the Korean War (1950-53), the biggest western part of the United Nations did not accept that the Security Council can be blocked by action and influence from using the veto from the Soviet Union at a time when peace and security were being threatened or broken. The so called "Union for Peace" Resolution, approved by the UN General Assembly in November 1950, allows a qualified majority of the Council to assume responsibility for maintaining international peace and security whenever the Security Council was not able to do it. <sup>4</sup>

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<sup>1</sup> Bryan Reines, "The P-5 Veto Requires Reform", <http://emoryglobe.com/2014/11/05/the-p-5-veto-requires-reform/>

<sup>2</sup> Scott Sheeran is a senior lecturer at University of Essex.

<sup>3</sup> <https://www.amnesty.org/en/about-us/secretary-general-and-senior-leadership-team/>

<sup>4</sup> Ove Bring, Professor of International Law - Swedish Defence College and Stockholm University.

Under Article 27 (3) of the Charter of the United Nations, Security Council decisions should be made by affirmative vote of nine members, including the votes of permanent members.<sup>1</sup>

In 1999, Russia vetoed the UN for taking military action to force the withdrawal of Yugoslav forces from Kosovo, leaving NATO to intervene to stop the oppression of ethnic Albanians in the autonomous province of former Yugoslavia.<sup>2</sup>

This episode of veto power occurred in the context of ethnic cleansing carried out by Serbian forces in the territory of Kosovo during 1998 and 1999. Throughout 1998, members of NATO in the Security Council tried informally to secure a resolution that authorizes the use of force to prevent Serbian forces carrying out ethnic cleansing in Kosovo. Germany and Italy insisted that NATO must receive the permission of the Security Council before engaging in military action.<sup>3</sup>

Russia and China, however, made it clear that they would sanction equally any use of force against the authorities in Belgrade, because they consider Kosovo's crisis as an inter problem of the Federal Republic of Yugoslavia. This put the NATO in an awkward position. It conclusively continued by launching the Allied Operation Forces in March 1999, without the authorization of the Security Council.<sup>4</sup>

United Nation Secretary General, Kofi Annan on 22<sup>nd</sup> and 23<sup>rd</sup> of March 1999 demanded that the Yugoslav armed forces immediately stop their offensive in Kosovo. On March 23, NATO Secretary General, Javier Solana sent a letter to the UN Secretary General, informing him of series of incidents that expressed a dramatic deterioration of FRY military action, after the departure of the OSCE Verification Mission in Kosovo. Also NATO Secretary General drew attention for the humanitarian catastrophe which was in progress as a result of the excessive use of FRY force.<sup>5</sup>

On March 24 1999 as there was no other alternative to force Milosevic to stop brutality and repression against the civilian population that continued with the destruction of everything that was Albanian for over a year, the NATO military forces around 18:15 began attacks against Yugoslavia with air defense targets, radars, military command centers, military airports. NATO Secretary General Javier Solana said on Wednesday evening: "I was informed from SACEUR (Supreme Allied Commander for Europe), General Clark that at this moment NATO started air operations against FRY's targets. Responsibility for the air strike belongs to President Milosevic, who refused to interrupt violent acts in Kosovo and refused to negotiate with good will. Our actions are directed against the oppressive policy of Yugoslav leadership."<sup>6</sup>

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<sup>1</sup> <http://www.un.org/press/en/1999/19990326.sc6659.html>

<sup>2</sup> <http://www.nytimes.com/2012/08/15/opinion/russias-veto-diplomacy.html>

<sup>3</sup> Seventh Street S.E. • Washington, DC 20003-2769 • 202-546-3950 TEL • 202-546-3749 FAX

<sup>4</sup> [http://responsibilitytoprotect.org/Responsibility\\_not\\_to\\_Veto\\_White\\_Paper\\_Final\\_7\\_14\\_2\\_.pdf](http://responsibilitytoprotect.org/Responsibility_not_to_Veto_White_Paper_Final_7_14_2_.pdf)

<sup>5</sup> Arsim Bajrami, "E drejta e Kosovës në tranzicion", Prishtinë, 2001, f, 90.

<sup>6</sup> Qazim Tepshi, "Kosova dhe diplomacia imponuese", Tiranë, 1999, fq, 170.

## Conclusion

In this data we saw that with the Right of Veto:

- No fair balance exists between international entities;
- With the use of veto, there is often a crash between states;
- With the use of Veto's right we create a dependence between states that have this privilege and those who do not have this right;
- With this privilege of the states, the UN is not so powerful in preventing conflicts and disagreements in the world;

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