

Vetoing the Veto: Voting Reform and the United Nations Security Council

by

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Abstract

The subject of reform within the United Nations Security Council locates itself as part of a larger academic discourse involving the concept of democratization within international organizations. This paper posits a little discussed strategy for reforming the veto system which calls for an override mechanism, or “vetoing the veto” (hereafter referred to as the ‘double-veto’). This proposal has its genesis in the “double majority voting” proposal of Major Keith L. Sellen, included in his thesis *The United Nations Security Council Veto in the New World Order* and presented to the United States Army in April 1992. From research undertaken thus far, the double-veto is an original formulation which argues for a system of *vetoing* unpopular vetoes in the Security Council, but with a re-vote that requires supportive votes from two Permanent Five members themselves.

Keywords: UN; Security Council; veto; democratization; reform; proposal

Dedication

To expert parents, kindred spirits, inspiring educators and ideal strangers - to all those who have added and multiplied my life. Thank you for being the persistent winds underneath these sometimes tired wings.

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List of Acronyms

Term	Definition
UNSC	United Nations Security Council
IO	International Organization
LON	League of Nations
P-5	Permanent Five members of the UNSC Note: the French Republic, the Russian Federation, the Peoples' Republic of China, the United States and the United Kingdom

1. Introduction

October 24th, 1945 witnessed the emergence of the world's most comprehensive international organization to date: the United Nations. Its blue and white emblem and the emboldened U.N. abbreviation have come to represent a familiar sighting for many people across the globe. 1945 is also significant for another reason: it marked the end of the Second World War. The UN's emergence during this auspicious year purposely coincided with the conclusion of one of history's most destructive eras and came to embody the hopes of fifty-one nations aspiring for a future of assured peace and security. Various scholars have argued that the presence of the United Nations' "delicate balance amongst the first, second and third worlds" has been the key factor behind the world evading a third world war thus far. (Nanjundan, 1995, p. 2734)

The world has evolved dramatically since 1945. Decolonization has resulted in many newly independent nations seeking a seat at the UN. Since the mid 20th century, some former colonies have registered exponential growth and now stand as considerable economic giants themselves. The UN has played a critical role in this process. Indeed, its capacity to foster, incorporate and assist self-determination and development across the globe has been highlighted as one of the organization's major achievements.

The UN can be credited for successfully handling the job of decolonization and the resulting four-fold increase in UN membership. The UN and particularly the specialized agencies have contributed substantially to economic, social and human development, despite overlapping, wastage and often cost- ineffectiveness. (Nanjundan, 1995, p. 2734)

The UN's founders, ushering the fledgling organization into the world after a catastrophic world war, recognized that for it to succeed it had to be seen as representing the values of fairness and equity. However, they also recognized that it was necessary to balance the principles of universality with those of efficiency and to be

cognisant of prevalent political realities. In the pre-WWII era, the powerhouses of the day had been given permanent seats on the League of Nations. The UN followed suit, allocating permanent seats to the great powers of the post-WWII era. (Wilcox, 1945, p.944) In addition, with the introduction of the veto provision, the Council afforded its permanent members an even greater safeguard: the ability of an individual P-5 member to block any resolution it deemed unfavorable. (Wouters & Ruys, 2005, p.3)

The UN's founders believed that it was crucial to have great powers such as the United States on board and avoid, for instance, the "American separatism that had spelled weakness for the League of Nations". (Eban, 1995, p.42) According to Eban (1995), Cordell Hull, [Franklin D. Roosevelt's Secretary of State], had told the Senate that the veto provision was 'an absolute condition' for the US' participation in the UN. (p.43) While avoiding the failures of the League of Nations seemed to be a primary concern, so was the ability of the newly created body to enforce its decisions. The latter, however, seemed to have been attained with the understanding that the guarantors of international peace and security themselves needed some independence from the rest of the UN's membership.

Since then, efforts to reform the Security Council have been ineffective, not because member states are satisfied with the status quo but due to the far-reaching provisions of the veto. Despite this, intense debates surrounding reform have persisted- though with little practical impact. Most proposals thus far have focused on increasing external consultation, expanding the number of seats and removing the veto (or a combination thereof). (UN General Assembly, A/60/L.41, 46, 49)

This project focuses on a relatively neglected part of the international debate surrounding reform of the UN Security Council - namely the veto system that gives each Permanent Five member the right to veto any resolution that they perceive to be contrary to their interests. This extraordinary privilege, which is denied to the Council's non-permanent members, is widely believed – except by the five states yielding the advantage – to be unwarranted in today's world. However, attempts to remove or modify the veto system have made little progress – not least because the P-5 have the ability to veto such attempts. Article 108 of the UN Charter stipulates that amendments to the

Charter shall themselves be entertained only if ratified by two thirds majority that includes the Permanent Five. (Luck, 2005, p.457)

The literature reviewed in this paper, albeit limited, suggests that the post-WWII rationale behind institutionalizing the veto was driven largely by the pragmatic concerns of power-politics. The founders of the United Nations recognized the need to have the world powers of the day on board in order to “give teeth” to the new organization and thus avoid the pitfalls of its predecessor. In turn, the victors of WWII needed their autonomy guaranteed if they were to serve as guarantors of international peace and security. (Eban, 1995, p.42)

Nevertheless, many agree that the Security Council, as it stands now, is a poor reflection of the political realities in the UN’s current membership and the shifting balance of power in contemporary world politics. In what follows, I briefly survey the current literature. My analysis is by no means comprehensive as UN reform has been the subject of vast amounts of academic investigation. In Chapter I, I examine the origins of the veto system and the initial debates surrounding its inclusion in the UN charter. Chapter II looks at its place in contemporary world affairs and arguments for and against reform. Chapter III considers proposals already in existence and examines some challenges and roadblocks to reform. Chapter IV posits, from a normatively pro-reform standpoint, a formulation that I argue could offer a less radical, but more practical, reform proposal that would restrain, but not eliminate the Security Council’s veto system. To this end, I examine the rationale and practicalities of including an “override mechanism” in the veto system, which I refer to as the “double-veto”. This idea was inspired by the “double majority voting” proposal of Major Keith L. Sellen, in his thesis *The United Nations Security Council Veto in the New World Order* presented to the United States Army in April 1992. The double-veto argues for a mechanism that has a provision for overriding a veto on the Security Council, via a re-vote with affirmative votes from a majority of all Council members, including at least two Permanent Five members themselves. My research up to this point has not shown any such formula being proposed before, although I fully acknowledge the already existing principles and ideas on which the “double-veto” proposal is founded upon.

It is important to note that the UN was not the first 'international' organization that sought to safeguard international peace and security. It came on the heels of the League of Nations, and indeed much of the contentious debate about the structure of the UN was generated by the determination of the major powers to avoid the flaws that had brought down the league. Chadwick F. Alger, in his article *Thinking about the Future of the UN System*, highlights the precedent set by the League of Nations after World War I. "If we look back in time from San Francisco, we readily see that the UN is a child of the League of Nations". (Alger, 1996, p.344) He writes that the UN became a "council of the victorious"; an organ armed with the Security Council's provision for permanent membership and veto powers designated for the five major victors of WWII. (Alger, 1996, p.350)

The highly inequitable nature of the world body, particularly the Security Council, has from the very beginning led to demands for democratization and for the removal – or at the very least the tempering- of the extraordinary privileges granted to the victors of WWII, the so-called Permanent Five (P-5) of the Security Council. The resulting debate has focused on issues and values that are not all that different from those that surround democratic frameworks inside states: "values such as legitimacy, accountability, transparency, participation, and inclusion [that] are in fact key ingredients of traditional democratic theory". (Archibugi, 2010, p.85) However, this does not imply a direct internationalization of domestic democracy. As Archibugi notes:

It should be clear that any form of democracy at the post-national level could not, and should not, be just a replica of the forms of democracy we have experienced at the national level. First of all, because the scale is different. Second, because the issues at stake at the post-national level require innovative forms of governance. (2010, p.85)

Instead, the framework articulated in this paper builds upon the understanding that while proponents for democracy in international relations "do not necessarily desire to impoverish the function of that state", it is crucial to "recognize that the era of states as exclusive depositories of legitimacy has ended". (Archibugi, 2010, p.84) Within the larger conversation regarding the implementation of 'democratic' ideals in international relations, there is a growing consensus that institutions such as the United Nations, and the Security Council in particular, are the closest approximation we have to a global

“government” and must be the forerunners in this regard. This paper therefore locates the subject of reform within the United Nations Security Council as part of this larger academic discussion.

2. Chapter I

This chapter looks at the creation of the Security Council within the larger context of the UN's emergence in the post WWII environment and how the failings of the LON provided a rationale for stronger mechanisms such as the veto to be vested within the Council. With a focus on the multilateral negotiations at Yalta surrounding the veto provision, this section discusses the first articulation of the veto framework and early opposition to it. It argues that the veto provision came about largely as a result of power politics and came to be seen as a necessary concession to ensure the participation of the WWII victors in the newly created world body.

2.1. International Organizations in the post-WWII Era

A growing number of international organizations have emerged in the post-WWII era. Over the years, this vast network of international organizations has entertained its fair share of criticism. The main debate centers on whether this 'system' of supranational institutions is even necessary. Proponents argue that amidst increasing multilateral cooperation between both rich and poor nations, international organizations are not only necessary but effective. On issues of security, for instance, scholars maintain that "multilateral alliances are more attractive to [global powers like] the United States because they accord with American ideals, since multilateral arrangements at least seem more democratic and representative". (Press-Barnathan, 2003, p.16) And it is international organizations that help foster such alliances. IOs also serve as avenues through which ideologies and discourses are shaped and advanced. Cox and Jacobson (2005) articulate this claim:

The ideals of international organizations have been seen as the logical extension of the ideas of democracy, universal respect for the rights of the individual and the need to provide opportunities for his social fulfillments. (p.125)

Some international organizations, however, exercise their mandates towards cooperation a little too fervently for the likes of some of their member states. Powerful nations increasingly attempt to exercise caution when it comes to authorizing jurisdictions to international organizations. "IO independence is highly constrained: member states, especially the powerful, can limit the autonomy of IOs, interfere with their operations, ignore their dictates or restructure and dissolve them". (Abbott & Snidal, 2005, p.27)

Another critique of international organizations from a democratic perspective is their generally uneven membership and the fact that richer, more powerful states exert disproportionate influence within them. The United States has greater influence than Canada, Austria or Brazil in any international organization irrespective of its purpose and one could in turn expect Canada, Austria and Brazil to have greater influence over decisions than Guatemala, Mali or Vietnam. For example, decisions in the GATT (General Agreement on Tariffs and Trade) are undoubtedly affected by the position of GATT member states in the world economy-their share in the world trade and the proportion of their GNP derived from trade. (Cox & Jacobson, 2005, p.124) Since influence is a function of power, we may expect a strong association to exist between a state's power in relation to other states and its influence within international organizations.

The United Nations itself emerged following the demise of another international organization: the League of Nations (LON). The failings of the LON during WWII and its subsequent collapse signalled the need for a more effective organization to help maintain the peace and security that was won at such high a price. It was this need that the founders of the UN sought to address. Grigorescu (2005) underlines the normative similarities between the defunct League of Nations and the newly formed United Nations. He writes that the foundations of both organizations were the principles of universality and equality. (p.33) However, Grigorescu also maintains that although these ideals were accepted and promoted in principle, both organizations realized early on that democratic principles may not always be adequate to guide the decision-making process and that deliberation "should sometimes reflect the relevance of power politics".(2005,

p.33) In a similar fashion, the newly created United Nations embraced the principle of collective security, but was cognisant of the tension between that particular norm and another, arguably more significant tenet of international relations: national sovereignty. The attempt to reconcile these two value sets compelled the UN to draw upon the standard operating procedures of its predecessor, which included reinstating mechanisms for peaceful conflict resolution, the possibility for economic sanctions as well as the allowance for collective military action. (Grigorescu, 2005, p.33)

Although the UN drew on the various structural strengths of the LON, it was also keenly aware of its flaws and weaknesses. The founders of the UN acknowledged the tension between the principle of equity and the lack of efficient and effective governance inside the LON, and this became the point of departure for the new organization. (Grigorescu, 2005, p.33) Grigorescu (2005) notes that post-WWII leaders recognized that an idealistic emphasis on equality and universality was largely to blame for the ineffective governance and subsequent demise of the League. (p.35) Consensus existed, therefore, around the necessity of a relatively more 'realist' paradigm. (Grigorescu, 2005, p.35) This interpretation affirmed the politics of power and made clear that great powers were the "principal potential enforcers of collective decisions" and therefore required more benefits and fewer costs than their participation in the LON had previously afforded them. (Grigorescu, 2005, p.35)

Based on the aforementioned understanding, the Security Council was established, with five permanent members (the victors of WWII) and six non-permanent members for a total membership of eleven states. It was to serve as the highest operational organ of the United Nations and was tasked with the maintenance of international peace and security. The United Kingdom, the Soviet Union and the United States stood as the primary drivers behind the conceptualization of this new world body. (Kirgis, 1995, p.506) The plan was improved upon at Yalta in 1945 and crafted into the UN Charter at San Francisco a few months later. (Kirgis, 1995, p.506) Hotz (1961) outlines some of the assumptions that framed this objective. There was an acceptance of the possibility that Western and Eastern ideologies could indeed coexist peacefully. (p.128) In addition, there was also the understanding that diverging national interests could be balanced and that the process of doing so was sustainable. (Hotz, 1961, p. 128)

2.1.1. *Institutionalizing the Veto*

While the creation of a stronger and more efficient world body was the primary objective in the early 1940s, Kirgis (1995) notes that Stalin, Churchill and Roosevelt all insisted on institutional buffers to protect their national interests. (p.506) One such safeguard was a provision for veto powers to be given to the Council's permanent members. There was a clear need for the inclusion of this sort of mechanism if the great powers were to put their full weight behind the newly established world body. (Kirgis, 1995, p.506) It was evident that they did not wish to be subject to pressure from minor powers and find themselves in any position that was against their perceived great power interests. It was these concerns that led to the development of the veto system and its subsequent institutionalization within the UN Charter. The system essentially meant that the victors of WWII- the US, the USSR, China, France and the UK retained the right to veto any UN Security Council resolution that they believed was contrary to their interest.

Wilcox (1945) notes that in the maintenance of international peace and security, the Council's heavy reliance on the five great powers and their military and economic prowess was an almost given assumption. (p.944) Taking note of these political realities, the Dumbarton Oaks Proposals assigned permanent seats to the five major powers but also recognized the international nature of their mandates and subsequently made allowances for six non-permanent members who were to be elected by the General Assembly. (Wilcox, 1945, p.944) But this formation of course meant that five allied WWII victors constituted a minority in the Council and were at a voting disadvantage. To ensure their continued participation, the veto system was introduced in the form of the Yalta voting formula.

At the Yalta summit in 1945, US President Roosevelt presented a voting formula which had the support of Stalin, Churchill and was later also accepted by China. (Wilcox, 1945, p.944) The formula sought to reinforce the status of the permanent members by ensuring that no significant decision could be taken without their joint consent. (Wilcox, 1945, p.944) The American resolve to spearhead the discussions surrounding the voting procedure was quite pronounced. A statement during a meeting of the US Senate Committee on Foreign Relations on July 9, 1945 maintained that Yalta conferred upon the great powers no additional power which they did not exercise already. (Wilcox, 1945,

p.952) US Senator Connelly had proceeded to tear up a copy of the Charter during one of his speeches seeking to illustrate that the Yalta voting formula was an indispensable part of any negotiations aimed at the newly created world body. (Wilcox, 1945, p.954) Connelly reportedly told the small and medium state delegations that “you may, if you wish, go home from this conference and say that you have defeated the veto. But what will be your answer when you are asked: ‘where is the Charter’?” (Wilcox, 1945, p.954)

The British Government was of a similar persuasion. It viewed the UN Security Council as an alliance of the allied forces and instead regarded the General Assembly as the forum in which to encourage political settlements. (Wilcox, 1945, p.952) Joseph Stalin, then leader of the Soviet Union, articulated the Soviet position in a similar manner, calling for the continuation of the partnership between the great powers that had taken on the lion’s share of WWII responsibilities. (Hotz, 1961, p.129) The USSR was not comfortable with the General Assembly’s voting system, which had the numerical capacity to allow the body to pass resolutions condemning unpopular Soviet policies. (Hotz, 1961, p.129) Therefore, the Soviets insisted on an ‘executive committee’ i.e. the Security Council to “exercise hegemony over international affairs without undue interference from the lesser states in the United Nations”. (Hotz, 1961, p.129) They also advanced a seemingly extreme position regarding the veto. They maintained that even if a permanent member was involved in a dispute, any discussion, resolution or enforcement action of said conflict should be subject to its veto. (Kirgis, 1995, p.507) This was unequivocally opposed by the UK, France and the medium and small states in attendance. (Kirgis, 1995, p.507)

To better inform their positions, small and medium states gathered their collective queries in the form of a questionnaire and submitted it to the delegations sponsoring the Yalta formula. (Wilcox, 1945, p.949) In response, the British, American, Soviet and Chinese representatives prepared a joint statement that was meant to better articulate and integrate their positions on the matter. This came to be known as the *Statement of the Sponsoring Governments*. (Wilcox, 1945, p.949) It represented the “highest common denominator” of agreement amongst the four powers. (Wilcox, 1945, p.950) The Statement of the Sponsoring Governments expressed the joint American, Soviet, Chinese and British position, with France joining the signatory list soon after. (UNCIO Vol. XI, pp. 710-14) Among many affirmations, Section I, Sub-section XII makes explicit

the need for “investing them [permanent members] with a new right”, that of the veto, which permanent members of the League of Nations had also enjoyed. (UNCIO Vol. XI, pp. 710-14)

Wilcox (1945) notes that the small and medium sized countries in attendance attempted to challenge what they regarded as an imbalance of power within the Council. (p.946) Numerous amendments sought to relax the voting procedure, while others were aimed at changing the size of the Security Council and the nature of its powers. (Wilcox, 1945, p.946) Some delegations proposed the removal of the permanent seat allocation in its entirety, while others favoured enlarging the Council or giving the General Assembly a more comprehensive mandate in the realm of international peace and security. (Wilcox, 1945, p.946) There were also some notable counter-proposals on the table. The delegation from Ecuador, for instance, suggested that eight affirmative votes be required for all decisions made in the Security Council. (Wilcox, 1945, p.947) The Iranian delegation increased that number to nine, while Egypt proposed eight, along with affirmative votes from four permanent members. (Wilcox, 1945, p.947) Next was the delegation from Cuba, in favour of a simple majority vote for questions of procedure and a two-thirds vote (including two-thirds of the permanent members) for matters of a substantive nature. (Wilcox, 1945, p.947) The representative from El Salvador also weighed in on the issue and proposed a particularly distinct voting mechanism in which questions not receiving unanimous support from the great powers were to be referred to the General Assembly for final decision. (Wilcox, 1945, p.947) Australia maintained that while it supported the veto for enforcement decisions requiring force, it regarded affirmative votes from three great powers sufficient when dealing with questions surrounding the peaceful settlement of disputes. (Wilcox, 1945, p.947)

During the debates, consensus arose among the small and medium states who viewed the veto provision as particularly “discriminatory and a violation of the principles of democracy and sovereign equality”. (Wilcox, 1945, p.947) They also expressed widespread support for the Australian initiative and argued that the absoluteness of the veto could weaken the Council in the future and would instead encourage the proliferation of dispute settlements *outside* the United Nations’ framework. (Wilcox, 1945, p.947) However, as the talks evolved from the Dumbarton Oaks sessions into the Yalta Conference of 1945, an implicit recognition seemed to have emerged that the

question of whether or not to include the veto was almost a non-starter. Wouters & Ruys (2005) write that although there was vocal protest, the veto power was framed and presented as a "*conditio sine qua non*" for P-5 participation.(p.5) Emphasis, therefore, shifted from whether or not to institute the veto to what limits to place upon its subsequent use.

Among other contentious issues was the question of new member states and the exercise of veto powers over their admission. The UN Charter stipulated that support from the Security Council was necessary in order to regulate admission of former enemy states that would "touch upon essential aspects of world security". (Wouters & Ruys, 2005, p.9) By itself, this stipulation was not very controversial. What created tension was the fact that this was also subject to the veto powers of the permanent members. (Wouters & Ruys, 2005, p.9) Small to medium states argued that not only does the veto prevent enemy states of the P5 from joining the UN, it can also shield their friendly states from political or economic reprimands by the world body. (Wouters & Ruys, 2005, p.14) In addition, the veto could block nominations for the Secretary-General's office under Article 97 of the UN Charter, if the said candidate was not favoured by a P-5. (Wouters & Ruys, 2005, p.18) Despite vocal challenge, both these provisions were left largely unaltered and continue to be part of the Council's framework.

There was also attention paid to the question of veto powers and Charter amendments. Small states argued that if the veto power was to be exercised over proposed amendments, it would have to discriminate between amendments targeted at the Council's operating procedures and those dealing with matters not concerning the permanent members. (Rao, 1955, p.358) Some delegations stressed that if this distinction was not made, one of the Council's permanent members could single-handedly prevent revision of the Charter. (Rao, 1955, p.358) The Australian delegation was especially vocal, stating that the veto would make amendments impossible and that this ambiguity ought to be addressed. (Rao, 1955, p.357) The Uruguayan delegate echoed this statement by highlighting the need for revision conferences to condemn any abuse of the veto power itself. (Rao, 1955, p.357) Nevertheless, Charter amendments continued to fall within the veto's reach and still do so today.

To ease the apprehension of small and medium states, the General Assembly was given some degree of input in peace and security matters and could make recommendations to the Council. (Rao, 1955, p.357) It was also granted the capacity to discuss and recommend matters independently, so long as matters of intervention and domestic jurisdiction were precluded. (Rao, 1955, p.357) However, the multilateral negotiations ended with the enactment of what became one of the Council's most distinctive features: the veto power. The five permanent members - UK, US, France, China and the USSR – were given the ability to veto and subsequently nullify any proposed resolution placed before the UN Security Council. Various small states expressed worry about the provision and called for the need to have a checks-and-balances component to rein in the Council if it went too far. (Kirgis, 1995, p.507) They presented proposals seeking to give the General Assembly an overseer role to keep the Council's actions in check. (Kirgis, 1995, p.507) These proposals, however, did not get the necessary momentum among the great powers and quickly dissipated.

The UN's founders certainly drew many references from the model of its predecessor the League of Nations. (Grigorescu, 2005, p.36) However, while they adopted a similar structure, they also sought to give more teeth, as it were, to the UN. Grigorescu (2005), for instance, highlights the prevalent disparity between the League's insistence on egalitarian principles and its effectiveness when he cites the example that all substantive decisions in the LON had the arguably impractical requirement of unanimity to pass. (p.36) The question of economic sanctions illustrates this point further. In the League of Nations, sanctions were the prerogative of the assembly. (Grigorescu, 2005, p.36) By comparison, the Security Council is mandated with the ability to impose economic sanctions, making the veto provision even more salient. (Grigorescu, 2005, p.36) As mentioned earlier, another major outcome of the Yalta formula deals with amendments to the UN Charter itself. In this regard, it was agreed that regular amendments would enter into force when ratified by two-thirds of all members including all of the permanent members of the Security Council. This was enshrined in what became Article 108 of the current UN Charter. (Rao, 1955, p.361)

More significantly however, the veto provision provided the much needed insulation actively sought out by the great powers in return for their participation in the newly created world body. Grigorescu (2005) contends that the provisions of the LON

made it possible to take action against great powers, and this discouraged the active involvement of countries such as the United States, Germany, Italy, Japan, and the Soviet Union, who had either left the organization or never joined it in the first place. (p.36) This, many argue, heavily contributed to the League's subsequent demise. The new proviso of the Security Council, however, was attractive to these same great powers mainly because it ensured that the world body would not be able to significantly impact their national interests. (Grigorescu, 2005, p.37) As Grigorescu frames it, "the change in decision-making procedures from the League to the UN altered substantially the cost-benefit calculations of great powers and has kept them involved in the global organization". (2005, p.38)

3. Chapter II

This chapter briefly reviews the evolution of the international system since the UN's emergence in the mid-1940s. This discussion is pertinent mainly because it seems to be the central theme undergirding debates regarding Security Council reform; the current Council's misalignment with the new international order, in particular with the rise of new major powers in Latin America and South Asia. This discussion has driven the debate over the past two decades about the Council's legitimacy, or lack thereof.

This chapter's central argument is that, while the number of vetoes cast by P-5 members has declined substantially in the post Cold-War era, the unrivaled privilege that the veto continues to give the P-5 threatens to undermine both the authority of the Security Council and that of the United Nations.

3.1. Arguments For and Against Reform

The international system has undergone dramatic changes since 1945, with membership in the UN increasing substantially in the post-colonial era. In the first wave of decolonization, UN member states doubled in number from 51 to 114, and while only six African and Asian countries were among the original founders, just two decades later more than half of the UN's membership was from the developing world. (Weiss, 2003, p.4) Some former colonies have experienced high levels of growth since the mid 20th century and are now economic powerhouses in and of themselves. As Alger (1996) has noted, since 1950 "the interstate system has been revolutionized by the breakup of overseas empires and multinational states and by the rise of new industrial powers". (p.350) This growth has been accompanied by growing demands on the Security Council to offer a more accurate reflection of the world. (Weiss, 2003, p.3) Alger, like many proponents who favor reform, contends that this "Big-Five formation is, in many respects, a relic of by-gone eras" and, rather than intensifying participation in global

problem-solving, it creates a “tendency of the powerful to control the interstate system”. (2005, p.348-350) Although a country like France, for example, no longer holds its previous ‘major power’ title, its permanent seat and its vested veto privilege gives it a substantial voice in international affairs. (Weiss, 2003, p.5)

The decline of the veto’s use in the post-Cold War era is one counter-argument presented by those against reform. According to this argument, the veto is used much less often and its utility to the P-5 is clearly much less than the critics claim. The reduction in resort to the veto since the end of the Cold War has indeed been substantial; only 12 substantive vetoes were invoked between 1990 and 2003 in contrast to the 193 cast over the preceding 45 years. (Weiss, 2003, p.4)

However, the evidence suggests that vetoes, although reduced in number, have less to do with ‘international’ peace and security and remain significantly driven by perceptions of national interest. The continued inequities of the Security Council become evident when one considers the intersection between veto power and the national interests of those who possess it. Notable examples exist that demonstrate this overlap. The United States seems to bear the brunt of the criticism regarding misuse of the veto provision in line with its national interests. It is not only through the blocking of unfavorable resolutions that the US exercises the privileges afforded by its Council seat. “By obtaining Security Council approval, the United States [has also] cast essentially unilateral actions as more legitimate collective actions”. (Abbott & Snidal, 2005, p.53) Apart from this, a majority of Security Council resolutions critical of Israel have been vetoed by the United States, along with the recent veto of the Palestinian bid for statehood. (Subjects of UNSC Vetoes, p.1) Caron (1993) considers the existence of a “double standard” in the context of the Council’s response to the Iraqi invasion of Kuwait; questioning whether the Council could ever be as assertive with Israel as it was with Iraq. (p.565) This double standard is also evident in the US’s adamant rejection of Iran’s nuclear aspirations, while staying relatively silent when its ally India proceeded to acquire nuclear capacity. (Nanjundan, 1995, p.2732)

Nevertheless, the US is not the only P-5 member whose national interest drives the Security Council’s agenda. Like many international arenas, the Security Council was strikingly marked with polarities during the Cold War. The USSR vetoed countless

resolutions and now holds the record for the highest number of vetoes cast, with 124 out of 261 vetoes from the UN's inception in 1945 to today. (Subjects of UNSC Vetoes, p.2) The United States follows as a close second in the total number of vetoes cast, especially in the 1970s and 1980s as it found itself at odds with many Third World states. (Snyder, 1997, p.5) As Butler (1999) notes, China's prevention of minor peace keeping operations in Guatemala and Macedonia and its threat to do the same in Haiti as retaliation for those countries' decision to engage with Taiwan are other striking examples. (p.10) In addition, the veto privilege's extension to P-5 allies is evident in Russia's desire to shield Serbia from stronger Council actions in the spring of 1993 and China's past opposition to sanctions on North Korea. (Caron, 1993, p.571)

In addition to extensive qualitative debates on whether reform is necessary, the Security Council's veto provision has also been the subject of some quantitative research, of which the Shapley-Shubik Index is one notable example. Proposed in the mid-1950s by Lloyd Shapley and Martin Shubik of Princeton University, the index defines a vote as the power of an individual over the voting body. According to these set of indices, in the current formation of the Security Council, each veto member's power is 0.196 while each non-veto member's power is 0.00186. (Table 6.1, O'Neill, 2005, p.148) This large disparity lends credence to the claim that the U.N.'s most operational organ is indeed highly undemocratic. The continued overlap between the national interests of the P-5 and their discretion in casting a veto has also contributed to a decline in favorable international public opinion for the United Nations. In a Gallup poll, people were asked whether, in their opinion, the UN plays a necessary role in the world today. In 1997, 85% of respondents replied in the affirmative, while in 2005 only 65% did so. (United Nations, 2012) Another indication of this skepticism can be found in the responses people gave to the question of whether they thought the UN was doing a good job in dealing with the problems it has had to face. In 1953, 55% of respondents replied affirmatively while 30% said no (that the UN was, in fact, doing a poor job). As recently as February 2012, the same question was posed. The affirmative reply fell to 32% while the number of those who thought the UN was doing a poor job rose to 61%. (United Nations, 2012) Despite this, the overall global rating of the UN remains at 44%. (Gallup-UN Approval, 2012) This neither casts a shadow on the call for reform within the United Nations, nor does it

undermine the urgent nature of such restructuring in line with the tenor of the times. It, in fact, amplifies it.

While reformists caution that the Council's loss of global legitimacy may result in decisions being taken without its consent, Weiss (2003) underscores the improbability of such scenarios, as many countries with strong political and economic ties to the great powers are "reluctant or even unwilling to acknowledge the legitimacy of military force that is not specifically sanctioned by the Council, even for humanitarian purposes". (p.8-9). While this might be the case, there have been, and I argue there will continue to be, instances where nations and other international bodies manage to overcome their reluctance. A clear example of this is NATO's initial military action against Slobodan Milosevic without seeking Security Council approval. This was because NATO countries had anticipated a Russian and Chinese veto to any resolution authorizing such action. (Butler, 1999, p. 9)

It is also important to note that while the great powers continue to frame themselves as guarantors of international peace and security, and therefore meriting the veto, they themselves have arguably caused many disruptions to this very same international security, colonialism and imperialism being historical examples. (Snyder, 1997, p.15) Indeed, France, the UK, the US and the USSR/Russia have the dubious distinction of having been involved in more international wars than any other states. The 'guaranteeing international security' argument, notwithstanding their veto privilege, is thus not very compelling. And the Council's declining legitimacy might convince nations to guarantee *their* own security with measures that fall outside the purview of the Security Council, thereby undermining the organization's *raison d'être* – the maintenance of 'international' peace and security.

3.1.1. *Legitimacy and the Security Council*

Why should concepts such as legitimacy, accountability and positive public opinion matter to an international organization, much less one the size of the United Nations? What indeed is legitimacy? Academic discourse on the concept of 'legitimacy' and its relevance to global governance is extensive. This paper shall employ the conceptualization formulated by Hurd (2008):

“Legitimacy,” as I use the term, refers to an actor’s normative belief that a rule or institution ought to be obeyed. It is a subjective quality, relational between actor and institution, and is defined by the actor’s perception of the institution. The actor’s perception may come from the substance of the rule or from the procedure or source by which it was constituted. Such a perception affects behavior, because it is internalized by the actor and comes to help define how the actor sees its interests. (p.8)

Bodansky (2011) writes that over recent years, political scientists and international lawyers, for more pragmatic reasons, have opted to water down the normative standards necessary for international governance. (p.11) “If international legitimacy requires international democracy, then it is unachievable according to many writers, given the lack of a global demos – a community that is the precondition for democracy”. (Bodansky, 2011, p.11) However, while attempting to introduce democracy on the international arena seems impractical, so does relying on state consent as the only apparatus for governance.

While democratic legitimacy seems too utopian to serve as a useful standard, state consent seems too apologetic. State consent was, of course, the traditional basis of international legitimacy: institutions could trace their legitimacy back to the treaties that created them. But most international lawyers and international relations scholars now reject state consent as a sufficient basis of normative legitimacy. (Bodansky, 2011, p. 11) Hurd (2008), much like Bodansky, equates legitimacy with perceived authority. “An institution that exercises legitimated power is in a position of authority”. (p.4) He goes on to reference Inis L. Claude’s 1966 article in which the latter argued that being perceived as “legitimate” renders international organization credibility; their obligations are viewed as “acceptable and correct”. (2008, p.6) Hurd concludes that “it is not too much to say that the Council has power when it is seen as legitimate and loses power as that perception recedes”. (2008, p.1)

From veto reforms, to controversies over new members, to the increasingly unilateral military plans of the P-5, debates over the legitimacy of the Security Council have been extensive. The Security Council of the 1960s had power legitimacy, Hurd notes, because its statements and resolutions were recognized as representing the views of a large segment of the world’s states. (2008, p.6) The Council was authorized to speak and act on behalf of the “global community,” and thus its utterances and

behavior carried more force than had they been carried out by individual Council members. (Hurd, 2008, p.6)

Nevertheless, the concept of legitimacy is deeply contested, in part because different actors conceive its meaning differently. (Bodansky, 2011, p.18) Caron (1993) notes that the concept of legitimacy is not straightforward:

As an occasional feature of political discourse, perceptions that a process is "illegitimate" are difficult to describe because they reflect subjective conclusions, perhaps based on unarticulated notions about what is fair and just, or perhaps on a conscious utilitarian assessment of what the process means for oneself. (p.557)

Hurd (2008) also acknowledges that legitimacy is indeed not a readily accessible concept; "it is both internal to actors and inter-subjective". (p.9) However, he notes that various disciplines have found the concept pertinent and necessary to analyze. One such discipline, Hurd notes, is international law. Drawing upon the work of Thomas Franck, he suggests that the relevance of legitimacy is more pronounced when considering what "it might add to legality when considering the compliance pull of rules and institutions". (Hurd, 2008, p.11) Hurd also notes the relevance of the democratic peace literature. He contends that "the empirical regularity central to that research project is often explained as the result of democracies taking into account their views on the legitimacy of their rivals' domestic constitutions before deciding to use force". (Hurd, 2008, p.12)

3.2. Summary

Of the five formulations Caron (1993) outlines for how illegitimacy may promote ineffectiveness, this chapter pays particular attention to his last two hypotheses. Caron argues that the Security Council's perceived illegitimacy can mean that nations may find it harder, for example, to build domestic support or grant necessary air, land and/or sea access to a UN-mandated action. (p.558) He also contends that increasing perceptions

of illegitimacy would give nations impetus to conduct business outside the Security Council-UN framework, further exacerbating international insecurity. (1993, p.558)

It seems clear then that the legitimacy principle does indeed matter for the effective operation of the Security Council. Legitimacy provides a more benign alternative to brute coercion. (Hurd, 2008, p.23) It lends 'authority' to institutions and a justification for their actions. Hurd articulates the link between legitimacy and authority as follows:

We will see that legitimacy matters to social institutions (formal or informal, international or otherwise) because it affects the decision calculus of actors with respect to compliance; it empowers the symbols of the institution, which become political resources that can be appropriated by actors for their own purposes; and it is key to their being recognized by actors as "authoritative". (2008, p.13)

Hurd also notes that Claude, for example, had identified the relatively high political legitimacy enjoyed by the Security Council in its early days as a result of the perception that it genuinely represented the collective sentiment of the international community. This power of "collective legitimation" is a one potential source of the Council's influence in international relations which does not rely on the choice or consent of individual states; its effects do not come from states choosing to recognize them. Rather, they come from processes of socialization and symbolism which operate on a different level than instrumental decision-making. (Hurd, 2008, p.7)

The issue of Security Council reform also has larger implications on the evolution of global governance mechanisms in an era of increased insecurity. As Slaughter notes, UN reform is central to redefining sovereignty as responsibility-based instead of its traditional definition as right-based and reorienting the focus of the world's largest international organization from state security to human security. (1997, p.631) Sharing in this understanding, the following chapter discusses the roadblocks to reform and some of the proposals presented to the Security Council to date.

4. Chapter III

This chapter considers some of the roadblocks that impede efforts to reform the Security Council. It also looks into some of the reform proposals tabled so far. I note that very few of the latter offer a voting alternative that would maintain the veto provision while curtailing its use – and potential abuse – and that such alternatives are a necessary component in any viable effort to restructure and democratize the Council's voting mechanism.

4.1. Roadblocks

Although Weiss (2000) refers to the calls for reform from internationalists as “loud but ultimately wistful”, he nevertheless contends that “the need for a more cohesive and effective multilateral system is logical and evident”. (p.811) It is this “logic” that supporters of reform constantly invoke. While reformers are not trying to rid the state of its dominion, they believe that “the era of states as exclusive depositories of legitimacy has ended”. (Archibugi, 2010, p.84) The need for reform is seen as self-evident. There have been, for example, many cases in which the veto has been used, or threatened to be used, not to further international peace and security, but in the narrow self-interest of individual P-5 states. As Luck notes:

The United States has not only built an unrivalled power position, including importantly in the projection of military force, but has also shown a growing willingness to go at it alone on a number of issues of great concern to the rest of the membership”. (2005, p.457)

However, Weiss equates efforts to rid the US of its veto and increase the oversight capabilities of the other Council members to the “Roman Senate's efforts to control the emperor”, noting that US primacy is one of the strongest forces pushing against reform. (2003, p.6) The continuing recalcitrant stance of Washington on Security

Council reform was evident in the US response to the 2004 report from the Secretary General's High Level Panel on Threats, Challenges and Change. The Administration announced that it would support the addition of only "two or so" new permanent members without veto and two or three non-permanent members. Any wider enlargement would be "possibly injurious" to the Council's effectiveness. (Blum, 2005, p.647) In addition, the US also spelled out its criteria for admission, which included consideration of the size and population of candidate nations, their financial and military contribution to the organization, their adherence to democracy and human rights and their contribution to the fight against terrorism and the spread of weapons of mass destruction. (Blum, 2005, p.647)

Washington is not the only P-5 country vehemently opposed to veto reform. While Beijing has expressed its support for Security Council enlargement and better geographical distribution, it has specified that the granting of veto powers to new members should be determined by consensus among the current P-5 members. (Malik, 2005, p.25) Furthermore, as one of the five principles stated in a commentary by the Chinese Foreign Ministry analyst, Wu Miaofa, Beijing also maintains that efforts to democratize international relations should locate themselves *outside* of Security Council reform and instead "deserve full exploration on other occasions". (Malik, 2005, p.26) Both these articulations arguably render the veto issue a non-starter for the Chinese as well.

Reform momentum has also been slow due to the far-reaching provisions of the veto itself. Article 108 of the UN Charter reads that amendments to the Charter itself shall be entertained only if ratified by two thirds majority that includes the Permanent Five. (Luck, 2005, p.457) Art. 108 of the UN Charter therefore presents a structural obstacle because any proposal to amend the veto provision within the Charter can itself be vetoed. Weiss (2003) underlines the relatively unhindered veto privilege made possible by Article 108, which he argues provides each permanent member a "trump card" to override any and all efforts aimed at weakening or limiting its powers. (p.4)

4.2. Proposals

Nations whose interests are affected by the Security Council's decisions have been especially keen on reform. Developing countries, who have increasingly become the subject of many of the Council's efforts in dispute resolution and peacekeeping, have been especially vocal. (Luck, 2005, p.451) As such, there have been various reform proposals submitted to the UN's General Assembly. Some call for measures to increase the legitimacy of the Council, while others advocate greater representation and accountability. The 2005 draft resolution submitted by the African Union, for instance, calls for increased membership and the granting of veto provisions to new permanent members. (UN General Assembly, A/60/L.41) Proposals such as these, concerned with the issue of legitimacy, are bound to run into numerous obstacles precisely because legitimacy is such a subjective and contested concept. For some, legitimacy locates itself in procedural justice, while others would argue it is illustrated in the speed and efficiency of a decision-making apparatus. (Bodansky, 2011, p.18) Still others stress "performance legitimacy" – the ability of a state, even an undemocratic state—to "deliver the goods" in terms of improving living standards. Views of legitimacy are also a function of perspective and position. Where states stand on an issue may be affected by where they sit on the international system. "The Security Council may be accepted as legitimate by the Permanent Five, but not by other states, which have lesser rights of participation and decision-making". (Bodansky, 2011, p.18)

Others argue that increased representation and accountability should be the focus of the reform agenda, and not necessarily legitimacy. Permanent members, such as China, have weighed in on the issue. "The Chinese argue that the present provision for one permanent member from Asia, one from North America and three from Europe is out of touch with the world's reality". (Alger, 2005, p.499) They have also made the claim that economic standing should not be the single determinant of a permanent or non-permanent seat on the Security Council. (Alger, 2005, p.499) Germany and Japan agree. Dubbed as the "ATMs" of the UN because they provide a significant portion of the organization's budget, Berlin and Tokyo are also seeking representation on the Council. In 2006, the General Assembly received the G4 draft resolution. This proposal suggested a membership increase from fifteen to twenty-five Council members and left

the veto question open for further debate. (UN General Assembly, A/60/L.46*) Proposals of this vein have been better received by the P-5 than those advocating the removal of the veto, for obvious reasons. Bodansky (2011) suggests that the accountability argument offers a broader agenda for reform than focus on legitimacy in its traditional sense. (p.13)

Another set of proposals offer gentler prescriptions. Weiss, for example, supports a number of voluntary mechanisms to curtail the veto, such as the P-5 exercising greater restraint, abstaining in humanitarian matters that are not of vital interest to them, or restricting their vetoes only to matters that fall under Chapter VII of the UN Charter dealing with obligatory provisions in response to acts of aggression. (2003, p.10) Another draft resolution, also tabled in 2006, is an example of a similarly mild recommendation. Supported by Costa Rica, Jordan, Liechtenstein, Singapore and Switzerland, this draft resolution advocates the adoption of such initiatives by the Council as increased consultations with non-members, regular reporting, and written explanations when veto powers are invoked. (UN General Assembly, A/60/L.49)

These reform proposals share as their foundation the report from the UN Secretary General's High Level Panel on Threats, Challenges and Change issued in 2004. (Blum, 2005, p.638) In it, among various other recommendations, the panel proposed two models for Security Council reform. Under Model A, nine additional seats would be added to the Council: six permanent and three non-permanent seats. (Blum, 2005, p.638) The newly created permanent seats would *not* enjoy veto rights and of the six, one would go to Europe (Germany), two to Asia-Pacific (Japan and India), one to the Americas (Brazil), and two to Africa (Nigeria and either Egypt or South Africa). (Blum, 2005, p.638) Model B differs from Model A in that it leaves the permanent membership of the Council unchanged, creates a new category of eight four-year renewable-term seats, to be distributed equally among the four regional areas, thus allocating two seats to each; and makes allowance for one new non-permanent, two-year non-renewable seat and reallocate the eleven seats of this category by giving four seats to Africa, three seats to Asia-Pacific, three seats to the Americas, and one seat to Europe. (Blum, 2005, p. 640-641; Malik 2005, p.19)

4.3. Summary

It is important to note that none of the reform attempts to date, apart from the Council's expansion from 11 to 15 seats in 1965, has yielded fruit. (Weiss, 2003, p. 1) The UN Charter itself has been amended only three times since the inception of the organization in 1945. (Weiss, 2003, p.1) The inequities of the Security Council veto have been well summarized by Edward Luck, Special Adviser to the Secretary General, who notes:

Most of the other member states as well as numerous scholars and blue ribbon commissions have criticized the veto provision for being inequitable, undemocratic and debilitating to the capacity of the council to fulfill its core responsibility for the maintenance of international peace and security. (2005, p.457)

It is also accredited to be a factor that compromises the legitimacy of the UN as a truly 'global' organization and stands as "the biggest impediment to [the] reform of the UN". (Nanjundan, 1995, p.2732) This particular sentiment is echoed by Wood (1991):

[T]he veto can never again be exercised with the moral ease that prevailed in the past....It is a serious question whether the ending of the Cold War and the current unprecedented climate among the major powers might permit the 'safety valve' of the veto to be abandoned or modified. If not, it will certainly be important for the permanent members to declare, and to demonstrate, that they will exercise much more stringent standards of restraint and consistency in any future use of the veto. (p. 7-8)

While proponents of reform argue against the inequitable and stifling nature of the veto, it is important to note that the Security Council *has* entertained some token reforms such as the Arria Formula. This mechanism aims to expose the Council to inputs from experts and civil society before decision-making. (Luck, 2005, p.456) While pro-reform scholars commend this progress, they maintain, and this paper agrees, that the veto still takes away from what could otherwise be an encompassing and effective Security Council. And here is where the gap exists; there are few proposals aimed at providing innovative voting alternatives to the veto. All five of the reform proposals discussed above leave the issue of the veto virtually untouched. Indeed, this becomes a challenge when one considers that the veto privilege is one of the most, if not the most,

salient representation of inequity within the Security Council. Therefore, this paper argues that very few of the reform proposals offered thus far offer the Security Council a voting alternative that would maintain its veto provision while curtailing its use and that such alternatives are vital components in efforts to restructure and democratize the Council's voting mechanism. The next chapter aims to propose one such alternative.

5. Chapter IV

This chapter examines a little discussed strategy for reforming the veto system which calls for 'vetoing the veto' (hereafter referred to as the 'double-veto'). This proposal has its genesis in the "double majority voting" proposed by Major Keith L. Sellen, in his thesis *The United Nations Security Council Veto in the New World Order*, presented to the United States Army in April 1992. The double-veto formulation argues for a system of vetoing unpopular vetoes in the Security Council, but one that requires supportive votes from two permanent members themselves.

5.1. Vetoing the Veto: An Alternative Proposal

When the American proposals were first made in 1943 and 1944 for a prospective world organization, there was obvious tension between the desires of the major powers to retain ultimate control over the organization's major decisions and the need to gain widespread support among the small and medium states that were to be its rank and file. The unequal structure of the Security Council, which was necessary for the former goal, has become an obstacle in achieving the latter. Those nations who supported the creation of the world body while simultaneously being displeased at the Security Council's assumption of an identity similar to the nineteenth century Concert of Europe, instead put their faith in a review conference in which prospective changes to the Charter would be entertained. But as Weiss (2003) notes, no such conference ever took place and the intention to do so quickly evaporated amidst the subsequent USSR vs. US polarization of the world during the Cold War. (p.4) This tension, as Hurd (2008) notes, could only be managed by a program of legitimization. (p.21)

Between international democracy on one end and state consent on the other, scholars have formulated a variety of responses to legitimacy concerns that aim to attain a middle ground. Bodansky (2011) notes two formulations: input-based and output-

based legitimacy. Input-based legitimacy attempts to answer questions pertaining to processes. “Does a decision result from a democratic process? Was there sufficient participation by civil society? Did it involve adequate deliberation?” (p.12) Output-based legitimacy, by contrast, concerns itself with the results. “Does a regime solve problems effectively? Does it reach equitable outcomes? Is it stable? Does it respect human rights?” (Bodansky, 2011, p.12)

This paper’s focus on legitimacy and its theoretical potency is based on a negative calculus. Lack of legitimacy does not necessarily render an institution useless; it may, however, compromise its effectiveness. “Loss of legitimacy is of concern to organizations because the presence of legitimacy afforded power”. (Hurd, 2008, p.16) To Bodansky, effective governance is enhanced when the mechanism employed is considered legitimate. “A legitimate institution or leader has a right to exercise authority – it has a right to rule (or to use the more common expression, govern) – while an illegitimate one does not”. (Bodansky, 2011, p.4) Legitimacy, Bodansky argues, provides an international institution a measure of “whether [or not] it enjoys a reservoir of support that makes people willing to defer even to unpopular decisions and helps sustain the institution through difficult times”. (2011, p.7)

This paper contends that equity, and – relatedly – legitimacy in the UN Security Council has theoretical currency. However, I will argue that while global governance without an inequitable and outdated veto system is desirable, for the foreseeable future it remains unattainable. Instead, I shall espouse for an alternative strategy, one that seeks to address the demands for both equity and efficacy in global governance. This alternative strategy is in line with Bodansky’s idea of “input-based legitimacy” – and concerns itself with the nature of the decision making process within the Security Council.

The literature under review has yielded few proposals centered on reforming the voting mechanism per se, although some notable examples include the Schwartzberg (2004) proposal to introduce weighted voting in the Council and Bargiacchi’s (2013) proposal to include a requirement whereby no veto can be cast without its being accompanied by the publication of an official legal opinion as to why it is warranted. This chapter argues for a strategy of ‘vetoing the veto’ (hereafter referred to as the ‘double-

veto'), which takes its inspirations from the concept of "double majority voting" proposed by Major Keith L. Sellen, in his thesis *The United Nations Security Council Veto in the New World Order*, presented to the United States Army in April 1992. The double-veto formation argues for the possibility of vetoing a veto on the Security Council, but only with the inclusion of affirmative votes from two permanent members themselves i.e. a majority that includes two P-5 votes.

Sellen (1992) argues that reforming the Council's decision making framework is not only beneficial for global governance, but is also in the best interest of the permanent members such as the United States. (p.10) His arguments are premised on five major principles:

First, United States security improves as international security improves. Second, international security improves as the Council acts more effectively. Third, the Council acts more effectively as it becomes more authoritative; that is, as it operates without the veto. Fourth, eliminating the veto is in the United States' best interests. Fifth, a double majority voting method is the best way to make the Council more authoritative, considering its purpose and the international community's needs. (Sellen, 1992, p.11)

In the interest of space, this paper shall not delve into the details of Sellen's argumentation but instead focuses on the alternative proposal he formulates. Sellen argues that reforming the Security Council is indeed in the interests of the permanent members such as the US, who must focus on promoting international security as a means to securing their own future amid growing interdependency and global shifts in power. (Sellen, 1992, p.105) The veto's presence, he contends, diminishes international acceptance of the Council's authority, as it has "frustrated unity in the Council, prevented enforcement of community values, and diminished the Council's image as an honest broker". (Sellen, 1992, p.106) As a result, Sellen advocates replacing the veto with a double majority voting system. (1992, p.10) In this formation, he argues for "a concurrence of a majority of the Council and a majority of the permanent members" in lieu of the veto provision. (1992, p.10) The double majority introduces more equity at the Security Council, argues its author. "It is the only alternative that correlates capacity to influence decisions with obligations to the Council". (Sellen, 1992, p.102)

Theoretically, this paper finds the double majority formulation compelling. However, I argue it scores lower on the pragmatic test. As discussed in the preceding chapters, despite extensive scholarly literature and robust empirical evidence advocating the benefits of far-reaching reform, the likelihood of P-5 members abandoning their veto power for the more abstract notions of equity and legitimacy is low. Sellen himself attests to this reality when he notes that “realistically, this will happen only when member states respect the Council's effectiveness and fairness”. (1992, p.10) However, the idea of ‘double majority’ can instead be a valuable antecedent for other reform proposals that take on the concept of double-majority voting while going a little further to temper its more ‘unconditional’ approach . One such formation could be the “veto the veto” proposal, which this paper will now argue for.

With state sovereignty being the central tenet in international relations, one possible framework for introducing a more robust version of democracy in international organizations could be the concept of an over-ride. For the sake of facilitating discussion, this paper shall borrow the concept of the ‘checks and balances’ system in the United States Congress and attempt to reconstruct it on the international arena. The congruency of the American mode of government and the UN system is picked up by Mayall (2000), who writes:

The institutional infrastructure-starting with the United Nations itself-is heavily influenced by the American model of federal democracy: the General Assembly is a kind of House of Representatives, while the Security Council is a kind of Senate and Presidency rolled into one. Each body operates by a free exchange of views leading to a vote, but each also has different responsibilities and represents different interests: in the one case the equality of sovereign states, in the other the political hierarchy of power. The presidency is collective, and a veto of any one of its permanent members is in theory sufficient to stop international action dead in its tracks. (p.64)

The checks-and-balances component in this case is what will be known as the double-veto. It aims to provide a possible theoretical framework for an alternative Security Council voting structure. The ‘double-veto’ framework this paper refers to is an arrangement by which the member states of the Council will have the option of a re-vote in the event that a widely supported resolution is vetoed by a P-5 member state. In much the same way a bill carrying a presidential veto is sent back to the United States

Congress, the vetoed resolution will be presented again to the fifteen members of the Security Council. If there continues to be agreement that the resolution in question does in fact offer an appropriate response to the issue at hand and is in line with the mandates of the SC, the Council shall have the option to engage in a re-vote. During the revote, the veto provision shall be suspended, leaving each member, both permanent and non-permanent, with only one vote.

In the American system, a 2/3rd majority in Congress is sufficient to override a presidential veto. Applying the same numerical conception to the Security Council, however, yields difficulties. This is due to the fact that two-thirds of fifteen is ten member states, creating the possibility that all five of the permanent members might be excluded from the re-vote. To amend this discrepancy, a veto would only be overridden when there was 4/5th majority consensus, which yields twelve members, thereby ensuring the inclusion of at least two veto-yielding permanent members in the final decision-making process. A breakdown of this proposal can be found in the table below:

United States Congress	UNSC Double-Veto
Bill proposed	Resolution proposed
Does not receive presidential support	Does not receive P-5 support
President casts a veto	A P-5 state casts a veto
Bill may be reintroduced	Resolution may be reintroduced
2/3rd majority in Congress may override veto	4/5th majority in SC may override veto

Table 1: The US Congress vis-à-vis the “double-veto” proposal

5.1.1. Summary

The world has drastically changed since the emergence of the United Nations and the Security Council in the early 1940s. The Cold War era has been replaced by the ever expanding phenomenon of globalization. This has not, however, lessened the security challenges faced by the world’s now seven billion people. Sellen (1992) underscores that “the same security threats remain [now as in 1945] - fragmentation, regional competition, drug trafficking, terrorism, arms proliferation, and economic competition.” (p.105) Community interest, therefore, still finds itself pitted against national interest. (Sellen, 1992, p.105) Sellen proposes the elimination of the veto. Apart from the reality that “justifications for the veto have diminished”, he argues that only then

can states be prevented from blocking all decisions that do not align with their own self interest. When the veto is removed, “they [states] would take greater interest in the Council's work, because the outcome more likely would be implemented”. (Sellen, 1992, p.106)

Mayall (2000) highlights the historical precedence of ‘democracy’ as a means of international legitimation. He writes that the Enlightenment helped “entrench not democracy itself, but democratic values, as the standard of legitimacy within international society”. (p.64) The possibility of overriding a Security Council veto can be seen as an extension of these democratic values. Removing the veto entirely would indeed cover the shortest distance to a more democratic Security Council. However, various scholars have argued that it would be impractical, for the Security Council requires effectiveness. It is also pragmatic to conclude that nations already wielding the veto will fervently resist the possibility of giving it up and any proposal that suggests so is bound to encounter the roadblock of Art.108 of the UN Charter head on. However, under this modified alternative, permanent members continue to maintain their veto, and still hold the ability to influence other council members to vote down any proposed override, should it take place. Introducing the possibility of ‘checking and balancing’ the decision-making apparatus of the Security Council would provide a window of opportunity for a resolution to pass, but only in extreme cases of nearly unanimous support.

6. Conclusion

In 1945, the United Nations arose from the ashes of the League of Nations. Since its inception, the UN 'system' has been the subject of various debates that focus on the role of the organization and the jurisdictions of its comprehensive mandates. While consensus has been difficult to come by, it has been reached on numerous occasions, especially with regards to the core belief held by those present at the founding of the UN: the need to promote international peace and security. Heywood contends that international organizations function as "neutral umpires or referees, capable of standing above, and even, to some extent, imposing order on, the incipient power politics of the state-system". (2011, p.434)

Maintaining international peace and security and serving as a stage for multilateral diplomacy and conflict resolution is no easy task. Six official bodies enable the UN to accomplish its mandates. These are the Security Council, the General Assembly, the Economic and Social Council (ECOSOC), the Trusteeship Council, the Secretariat and the International Court of Justice. Under the six main organs, a multitude of subsections, committees and branch offices around the globe constitute an intertwining web of bustling UN activity. (Heywood, 2011, p.439) The United Nations has various mechanisms and programs in its security repertoire; preventive diplomacy, mediation, monitoring, targeted sanctions, peacekeeping missions, humanitarian interventions, prosecution of international criminal offenses, counterterrorism measures and capacity building efforts being chief among them. (Mingst & Karns, 2007, p.85) Apart from international peace and security, the UN is also heavily invested in efforts to promote the economic, social and political development of its member states. Whether through the provision of technical assistance to nations who possess neither the expertise nor the resources or through the promotion of gender equality and environmental protection, the UN is part and parcel of the growing consensus that regards human wellbeing and poverty alleviation as "primary development objectives". (Mingst & Karns, 2007, p.133, 137) The organization also spearheads efforts to elevate

global human rights discourse. Mingst and Karns (2007) note that “the UN has played an important role in the process of globalizing human rights and establishing the norms, institutions, mechanisms and activities for giving effect to this powerful idea”. (p.167)

These features of the United Nations system stand in sharp contrast to what is regarded as a central tenet of international politics: national sovereignty. The jurisdiction of the UN is actively limited by this principle, as Article II of the UN Charter stipulates that deference should continue to be paid to the domestic independence of member states. Indeed, sovereignty is “the most fundamental principle” within the international system. (Mingst & Karns, 2007, p.22) Indeed since its inception, heated debates have focused on just how autonomous and transparent the actions of the United Nations are. It would be unrealistic to assume that an intergovernmental organization with the size and scope of the UN could be autonomous, when it is in fact driven by the interests of the nation states that make up its membership. While the UN Secretariat is often perceived as being somewhat autonomous, the reality is that its operations are dependent on financial and political inputs from its nation state membership.

The capacity of the UN to enforce a system of collective security is severely limited by the fact that it is essentially a creature of its members: it can do no more than its member states, and particularly the permanent members of the Security Council, permit. (Heywood, 2011, p.440)

As can be surmised, the role of power in international relations is anything but accidental. The United Nations, entering the world stage after a catastrophic world war, recognized the need for equality among its members. However, the founders also deemed it equally necessary to balance the principles of universality with those of efficiency. The strongest states of the day had been given permanent seats on the League of Nations. Drawing from the practice of its predecessor, the Security Council operationalized itself in a similar fashion by also allocating permanent seats to the great powers of the time. (Wilcox, 1945, p.944) Slaughter (2005) asserts that an emphasis on avoiding the “utopianism and dysfunction” of the LON was indeed central in creating the new organization's structure. (p.631)

There was an understanding, however, that the guarantors of international peace and security would themselves need to be insulated from any possibly

unfavourable action by the newly created international body. The result was the veto privilege. It afforded the permanent members their *causa sine qua non* safeguard: the ability to block any resolution contrary to their interests. (Wouters & Ruys, 2005, p.3) The ramifications of this multilateral agreement continue to characterize the Council almost sixty-seven years since its inception despite the fact that power relations in today's world are different from those at the time of the UN's creation. Any discussion of reform, which Caron (1993) argues should be institutional and process-oriented (p.24) would therefore benefit from considering the diplomatic deliberations that gave rise to the Council's current formation, and Chapter I sought to provide one such analysis, albeit brief. It examined the creation of the United Nations Security Council in 1945 and investigated the multilateral diplomatic negotiations that culminated in the adoption of the Council's veto provision. Wouters and Ruys (2005) highlight the 1945 Yalta Conference as having yielded the particular voting arrangement currently present in the Council. In analyzing the milieu through which such a voting formula came into being, this chapter briefly surveyed the views articulated by both the victors of WWII as well as the rest of the UN's membership at the time. Such analysis considered the post-war context that gave rise to the United Nations, as well as the presence of efforts towards consensus-building as outlined in the Statement of Sponsoring Governments. Wilcox (1945) argues that there is a relationship between the Council's subsequent voting arrangement and the "special power position of the great powers in the new organization". (p.944) I contend that in this particular exercise of multilateral diplomacy, this was indeed the case.

Chapter II briefly reviewed the evolution of the international system since the UN's emergence and what is currently regarded as the Council's misalignment with the new international order, in particular with the rise of new major powers in Latin America and South Asia. I argued that, while there is considerable decline in the number of vetoes cast in the post Cold-War era, the veto still affords the P-5 unrivalled privileges that threaten to undermine both the Security Council and the United Nations. From a pro-reform stance, Chapter III then followed with a consideration of some of the roadblocks that challenge reform efforts as well as some of the proposals tabled so far. I argued here that few of the reform proposals articulated thus far present the Security Council with a voting alternative that would maintain its veto provision while curtailing its

use and that such alternatives are vital components in efforts to restructure and democratize the Council's voting mechanism.

This paper maintains that introducing democracy in international relations, specifically in the Security Council, is not about removing the veto and giving each nation one vote instead. O'Neill (2005) reiterates this when he writes that "this kind of equity is not what advocates of revision have in mind; the Security Council was never intended to duplicate the General Assembly." (p.144) It is in the Assembly of course that the democratic principle of 'one actor, one vote' prevails and this democratic voting structure is in fact widely held to have caused the inefficiency attributed to this particular UN organ.

This paper has aimed to present an alternative response, one that hopefully would address both the call for greater equity as well as the need for effective and practical governance in the international system. According to the Shapley-Shubik indices, in the current Security Council, each veto member's power is 0.196 while each non-veto member's power is 0.00186. (Table 6.1, O'Neill, 2005, p.168) The lack of 'democracy' in its definitional form is clear. However, it makes little sense to assume that international relations is little more than a mere extension of the domestic sphere, one in which an expanded version of state democracy should naturally apply. Instead, it would be more prudent to modify the notion of democracy when applied on a global scale.

Should the goal of UN reform be to make its decision-making processes more reflective of members as a whole or more in line with the prevailing balance of power and capacity outside of its halls? Clearly, most member states, in calling for democratization, equity and transparency, have the former in mind. (Luck, 2005, p.476)

To this end, Chapter IV called for an alternative response: the ability for the Council to veto unpopular vetoes. This proposal takes its foundation from Sellen's (1992) "double majority" formation, which its author asserts is a proposal to "better prevent a permanent member's self-interest from paralyzing the Council". (1992, p.102-103) Outside of Council enlargement and increased external consultation, few proposals concern themselves with innovative forms of voting that maintain the veto but simultaneously curtail its use. I cite a few examples that I did find of such reform

proposals (such as Bargiachi's (2013) proposal for written legal justifications every time a veto is invoked) but such examples are few in number. I argue that this paper's "double-veto" proposal could therefore situate itself in this limited camp of reform proposals.

Caron argues that any reform proposal should consider how the Council's decision-making authority can be allocated so as to "maximize the effective use of its authority and the perceived legitimacy of that use". (p. 567) Sellen (1992) too lays out his benchmarks for plausible reform proposals as those that promote unity over "majoritarian tyranny" and maintain the Council's capacity to influence decisions. (p.99-100)

This paper has argued that the double-veto formula can be one such alternative, as it aims to only restrain the P-5 and does not champion the removal of the veto in its entirety. The double-veto formulation espoused by this paper is similar to the 'checks-and-balances' framework of the American Constitution. Kofi Annan has noted that the American system is one in which "everyone, including the most powerful, is subject to legal restraint" and that the US should utilize its current global primacy to "entrench the same principles at the global level". (Hoge 2006) By proposing a similar 'legal restraint', whereby the UNSC veto can itself be vetoed in the event of an otherwise affirmative voting outcome, this paper hopes to contribute to this growing academic conversation.

The literature on Security Council reform is characterized by widespread pessimism. Caron (2005) argues that the safeguard institutionalized by Article 108 of UN Charter makes veto reform nearly impossible. (p.569) Instead, as Weiss (2003) contends, Security Council reform would merit from a focus on practicality, as opposed to equity, and that voluntary adaptations in Security Council behaviour are more likely to preserve as compared to formal modifications to membership or procedure. (p. 3, 10) He argues that while the calls for reform are dutiful, they fail to address the "true imbalance" between seats at the table and their military and political prowess outside of the Council's chambers. (Weiss, 2003, p.3) Slaughter (2005) agrees. She asserts that the larger inequality in world politics will continue, regardless of a successful remodelling of the Security Council. (2005, p.631) This has larger implications, as international bodies,

including the Security Council, continue to be subject to the political will of their member states. (Snyder, 1997, p.15)

While the likelihood of reform is contentious, scholars do seem to agree on the need for it. It is argued that an increasingly partial Security Council might lead to fragmentation within the international community and pose a challenge to adaptive and transformational global governance. There is also an equally universal consensus that the major powers will not surrender their veto power voluntarily, and Article 108 gives them the necessary insulation. Less freedom would imply that the P-5 would “have to consider issues in more detail than would perhaps immediately meet their interests, taste, or judgment”. (Butler, 1999, p.11) I argue that this, however, is not necessarily a tall order, especially to the self-declared guarantors of *international* peace and security. I further contend that consideration should instead be given to whether they can be presented with voluntary options that facilitate “a more constructive interpretation of the veto's nature and the uses to which it may legitimately be put” (Butler, 1999, p.10) This paper presents the double-veto proposal as one such alternative.

Nevertheless, this paper will also be the first to concede the unfavourable odds. The ‘double-veto’ proposal is likely to share the fate of the proposals that preceded it, as Security Council reform of any kind is challenging at best. However, as Haas (1992) notably reminds us, many world events thought unlikely have come to pass – chief among them the fall of the Berlin Wall and the breakup of the USSR. (Caron, 2005, p.570) The possibility of amending the Security Council veto, then, is not completely out of reach either. Furthermore, as Haas has rightfully argued, “it is the place of the academy to prepare for this possibility, to devise the alternative arrangement of voting that will both facilitate such a change and make it successful”. (Caron, 2005, p.570)

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