



DSBMUN
Crisis Committee

The Future of Globalisation

I. Table of Contents

- I. Table of Contents
- II. Introduction
 - Committee
 - Topic
- III. Definitions of Key Terms
- IV. Timeline of Events
- V. Previous Attempts to Solve the Issue
- VI. Major Countries Involved
- VII. Questions a Resolution must answer
- VIII. Possible Considerations for the Future
- IX. Conclusion
- X. Bibliography

Topic: Addressing the requirements and the selection of countries with veto power

Chair: Julia Martín

Position: Chair

II. Introduction

Committee

The UN Crisis Committee is a decision-making body that has more power than a traditional committee. Whilst other committees, such as the General Assembly, focus on creating and refining frameworks for the nations party to align their actions, this committee produces action. That is to say, that the body has its own power that does not need to be granted by the obedience of its members. Crisis Committees include a cabinet, a royal court, a board of directors of a company, a rebel group, or any small group which possesses political power. Nevertheless, delegates can also represent countries. However, in the DSBMUN Conference delegates are required to understand and use the traditional committee's procedure, which is used in other committees such as ECOSOC and GA.

Topic

Article 27 of the Charter of the United Nations stipulates that resolutions can only be passed with the “affirmative vote of nine members (out of 15) including the concurring votes of the permanent members.” The permanent members can thus block any resolution by voting against it. This is known as the “right of veto”, although the word “veto” does not appear anywhere in the UN Charter. The right of veto was introduced by the authors of the Charter to ensure that the victors of World War II spoke with a single voice on matters of war and peace. The authors hoped that the permanent members would be willing to agree on appropriate action, however, they quickly realised that that was not going to be the case. During the East-West confrontation, numerous resolutions did not pass, which resulted in the authors of the Charter receiving countless criticisms that were entirely justified. However, after the Cold War, the right to veto was rarely used. The topic is finally gaining visibility again due to the war between Russia and Ukraine. On the 25 of February 2022, the draft resolution, circulated by the USA and Albania, was vetoed by Russia. According to the UN News, “The draft described the so-called referendums held by Russia in the four regions of Ukraine which Moscow now regards as sovereign territory – Luhansk, Donetsk, Kherson, and Zaporizhzhya – as illegal and an attempt to modify Ukraine's internationally recognized borders”. Due to the Security Council's inaction against Russia's invasion, the UNGA adopted a resolution on March 2nd 2022 demanding an end to Russia's military operations in Ukraine. The resolution passed with 143 votes in favour, 5 against and 35 abstentions.

III. Definitions of Key Terms

Veto(or Yatra Formula)

The word itself originates from Latin and has the meaning “I forbid”. According to Article 27 of the Charter of the United Nations, permanent members can block any resolution of the UNSC by simply voting against it, which is known as the right of veto. Nevertheless, the word itself “veto” does not appear in the UN Charter.

The big five/the Permanent five/permanent members/P5

Five sovereign states to whom the UN Charter of 1945 grants a permanent seat on the UN Security Council: Russia, France, the UK, China and the USA. Additionally, they are given the power to veto

Permanent vs. Non-permanent members

The Security Council is shaped by 15 members, five of which are permanent (the big five). The remaining 10 countries, chosen by the General Assembly serve two years at the Council, meaning that half of them are elected each year.

Global superpower

A state that possesses military and/or economic might as well as general influence, which is vastly superior to that of other states, over part of the globe. Currently, the global superpowers are the United States, China, Russia, Germany, the United Kingdom, South Korea, France, Japan, United Arab Emirates and Israel.

IV. Timeline of events

August-October 1944

The formation of the UN was discussed at Dumbarton Oaks

February 1945

The right to veto was established by the UN Charter at Yalta under Chapter VI. The veto became known as the Yalta Formula.

16 February 1946

USSR cast the first veto on a resolution regarding the withdrawal of foreign troops from Lebanon and Syria

1946-1991

Period of time when the veto was mostly used. Due to the East-West confrontation, The East (Russia and China) and the West (France, UK and US) used the veto against each other, thus it played a negative role. Therefore the UN charter had to endure all criticism regarding the establishment of the Yatra Formula.

23 December 1989

Last time the UK and France vetoed

1991-2010

After the Cold War, the use of veto strongly decreased:

China has vetoed 4 times

Russia has vetoed 5 times

The United States vetoes 13 times

2005 World Summit

The High-Level Panel on Threats, Challenges and Change called on “the permanent members, in their individual capacities, to pledge themselves to refrain from the use of the veto in cases of genocide and large-scale human rights abuses”

2011-2022

Due to the conflict in Syria, the use of the veto by China and Russia rose considerably:

Russia vetoed 25 times

China vetoed 12 times

The United States, however, only vetoed 4 times

2 May 2013

Accountability, Coherence and Transparency (ACT) aimed at enhancing the effectiveness of the Council through the improvement of its working methods, including constraints of the use of the veto. ACT undertook work on a Code of Conduct for member states regarding SC action against genocide, war crimes and crimes against humanity

September 2014

France, joined by Mexico, organised a ministerial-level event on the restraint of the veto. The initiative was supported by the High Commissioner for Human Rights Zeid Ra'ad Al Hussein

1 January 2020

120 member states supporting the Code of Conduct by ACT

25 of February 2022

Russia vetoed a UNSC resolution that would have demanded Moscow to immediately stop its attack on Ukraine

January 2023

Japan will be granted the presidency of the UNSC

V. Previous Attempts to Solve the Issue

The “code of conduct” by François Hollande

The regulation presented by the french president in September 2013 at the 68th opening of the UN General Assembly consists of the voluntary and collective agreement from all permanent members to not use the veto where a mass atrocity is being committed. However, it being a voluntary measure, it didn't require a revision of the UN Charter. In total, 123 states, representing 63% of total UN member states, have supported said restraint on the veto.

The United Nations General Assembly's initiative

Due to the growing criticism of the lack of response by the Security Council on the Ukrainian war, the General Assembly adopted a landmark resolution aimed at holding the five permanent members accountable for their use of the veto. When a country uses the veto, a GA meeting will be automatically triggered within 10 days and the countries which used the veto will be called to justify. Furthermore, a special report on the veto in question will be submitted to the Assembly at least 72 hours before the debate. The resolution was tabled by Lichtenstein and co-sponsored by 83 Member States, including France, the United Kingdom as well as the USA.

VI. Major Countries Involved

Russia

Between 1946 and 1969 the Soviet Union issued 93% of veto votes since most motions as well as proposed legislation were presented by the USA and the USSR strived to block western influence throughout the United Nations. However throughout the next decades, from 1970 to 1991, the Soviet Union used the least amount of vetoes. In total, Russia has vetoed a resolution 120 times, making it the permanent member with the most uses of the veto. Recently, the UN has been faced with a 'veto problem', which consisted of Russia using its veto to stop a resolution from passing, which would have condemned the country due to the invasion of Ukraine. As a response, in April, the General Assembly passed a new mandate to regulate the use of the veto by holding a GA meeting within 10 business days as well as submitting a report on the veto in question. In June of 2022 Russia, alongside China, vetoed a resolution that called for new sanctions on North Korea for its recent string of prohibited long-range and ballistic missile tests and was summoned to justify. Both countries blamed the US, saying Washington pushed for May 26 council vote on sanctions, which they did not believe were warranted. The Russian Federation believes that the veto is not the problem, but rather the unwillingness of certain Security Council members to listen to others and to achieve a compromise, which forces countries to use the measure.

China

Throughout the history of the power of veto, the Republic of China has been the country that has used it least. From 1946 until now, the country has only vetoed 17 times, being the second-to-last country with less usage of veto after France. In 1999, with the power of the veto as well as its claims on Taiwan, China successfully blocked Taiwan from any meaningful UN participation. Back in 2007, Russia and China both blocked the Security Council from demanding an end to the political repression and human rights violations during the military rule in Myanmar. The consequence was the crushing of the democratic movement led by Aung San Suu Kyi. Recently, China, as well as Russia, vetoed a resolution calling for new sanctions on the DPRK and, when asked to justify, both countries shifted the blame on the USA, stating Washington pushed for the May 26 council vote on sanctions, which they did not believe were warranted. Further reasoning was provided by China's envoy, Zhang Jun, who said "Since the DPRK took denuclearisation measures in 2018, the U.S. side has not reciprocated the DPRK's positive initiatives and has not addressed the DPRK's legitimate and reasonable concerns, nor has it demonstrated the necessary sincerity for resolving the issue".

USA

The US started using the veto in the 1960s and before then, most motions, as well as resolutions, were presented by said country. Between 1970 and 1991, western powers started gaining influence, meaning that the US used veto most often. Altogether, the USA has vetoed a resolution 82 times. The USA's vetoes exploded exponentially by the mid-1970s, and a very large percentage of them were used to block the Council from responding to Israel's occupation of Palestine since the United States is one of Israel's biggest allies. The US has used its veto 43 times to protect Israel from resolutions that would have held the country accountable for their actions. For instance, in 1983, 1997, and 2011 the United States vetoed several Security Council resolutions, which condemned Israel for its settlements in Palestine. Furthermore, in 2004 as well as 2006, the US refused to call on Israel to halt wars against Gaza, which together killed hundreds of civilians. Nevertheless, in late 2016, before Donald Trump took office, the US abstained from a vote on Israeli settlements, making it the first time in 4 decades that a UN resolution condemning Israeli has passed. In April of 2022, the Biden administration co-sponsored a UN General Assembly resolution that results in one step closer to the delegitimization of the veto itself.

United Kingdom

The UK has used its veto 28 times regularly from 1946 to this day with 1989 being the last year the country did so. Recently, in 2022, the UK has supported the Initiative for several years that, in the absence of Charter reform, will increase the political cost of using veto as well as empower the General Assembly to step into the breach when necessary. According to Ambassador Barbara Woodward, the reason, therefore, is: "We prefer to win votes rather than use our veto to block Council action", followed by, "The UK is a signatory to Accountability, Coherency and Transparent Group Code of Conduct, where we have pledged not to vote against any credible draft resolution intended to prevent or halt mass atrocities". Therefore, the UK has placed itself against Russia's recent veto with the Ambassador stating that: "as members of the Security Council with the responsibility of maintaining international peace and security and upholding the UN Charter, we must condemn Russia's actions".

France

France has been the country which used the less amount of vetoes throughout the years, only 16 times. An example of the few controversial times the country has vetoed was back in January of 1963 when General de Gaulle held a press conference at which he declared his opposition to the United Kingdom's application for accession. He was afraid that the new member (the UK) might jeopardise the Common Agricultural Policy and transform the European Economic Community (EEC) into a huge free trade area. Therefore, the French Government used its veto to force the country's European partners to adjourn the accession negotiations. However, France stopped using its right to veto in 1989 when it voted against a resolution condemning the United States' invasion of Panama alongside the United Kingdom as well as the US. Not long ago, in 2013, the President of the Republic proposed a regulation of the use of veto which stated that the five countries would voluntarily refrain from vetoing if a mass atrocity has been committed. France, like the UK, believes that the veto should not and cannot be a privilege, since too often the United Nations have been unable to act because of a blockage in the Security Council

VII. Questions a Resolution must answer

Should there be any conditions? Which ones?

Should there be a limit on the times a country can use veto power?

Should there be reelection of countries with veto power?

May the usage of veto be granted outside the Security Council?

Can countries use their veto power in cases of mass atrocities?

VIII. Possible Considerations for the Future

Escalation of conflicts

Due to the right to veto, many resolutions condemning countries for external conflicts that can result in war crimes, crimes against humanity as well as human rights violations cannot pass. For instance, the Israeli settlements in Palestine since 1967, which Israel has still not been held accountable for because of the United States's 43 vetoes aimed to protect Israel from multiple resolutions that the world has placed restraints on the country.

Prevention of escalation of conflicts between the five permanent members

Owing to the fact that global superpowers can reject resolutions themselves, the countries weren't forced to implement military measures against each other, which can be observed during the Cold War. The Cold War was a period of deep mistrust between democratic and communist states, specifically between the US and the USSR as well as China. Since global powers could overturn resolutions aiming to attack other influential states, the escalation of said tensions was prevented as well as military actions. Thus keeping the existence of the UN.

Abuse of power

Many five members have abused their power of veto in order to avoid the consequences of their actions. A recent example is Russia's veto in February 2022, which would have demanded Russia to stop all military operations in Ukraine as well as condemned the country for the invasion, which resulted in the UNGA initiative. Moreover, back in 1999 China effectively blocked Taiwan from any meaningful UN participation, due to the Chinese government's claim on Taiwan combined with China's veto power. Another example of China's problematic vetoes is the blocking of a resolution that would have condemned Myanmar in 2007 for the crimes committed against Rohingya.

Influence over the International Criminal Court

Since the UNSC can use its power to refer a criminal for the prosecution at the ICC, the permanent members have influence over the war crimes being debated in the ICC. Over 100 countries, including China, Russia and the United States, have declined to become part of the Rome Statute (voluntary jurisdiction of states) and the only ways for these countries to be judged in the ICC is either if the state itself voluntarily chose to allow the ICC to open an investigation concerning a crime committed inside its borders or if the situation was referred

to the UNSC. For example, Syria's war crime (the explosion of a building with chemical weapons) on its citizens back on April 4 2017, which killed 86 people, in order to blame separatist groups. However, efforts to bring the Syrian government to justice were unsuccessful, since the ICC does not have jurisdiction over the said country. The UNSC tried to pass a resolution calling for the crisis in Syria to be referred to the ICC, however, it was vetoed by China and Russia.

Abolishment of the veto

Through the abolishment of the veto as a whole, the permanent members wouldn't have this advantage over the rest of the member states. This would result in countries being held accountable for starting conflicts, for instance, Russia's military operations in Ukraine would have already been handled. Furthermore, the countries with the right to veto wouldn't have power over the international criminal court and more countries will face the consequences of their crimes. Furthermore, since no state can overturn a resolution by itself, resolutions condemning states for conflicts as well as starting investigations in these countries are more likely to pass. Thus, Israel's settlements in Palestine would have probably already left. However, global powers with veto power are more likely to enter into more arguments, which in extreme cases can lead to dangerous conflicts between powerful countries. Hence escalating various disputes between influential member states.

The enforcement of the "code of conduct" proposed by France in 2013

According to France's initiative supported by Mexico, the permanent members are allowed to use their veto if the resolution doesn't concern genocide, war crimes, crimes against humanity or human rights violations. However, this measure was voluntary and it didn't require the revision of the UN Charter. Nevertheless, if it becomes an obligated regulation, the five permanent members won't be able to abuse their veto in cases where a mass atrocity is being committed, thus solving these conflicts quickly.

IX. Conclusion

Due to various factors such as conflicts between countries and the escalation of wars, the abuse of power as well as the loss of importance of the veto itself, the topic should be debated. For instance, the Ukrainian war and Russia's veto against a resolution condemning their country, the Israeli settlements in Palestine and the escalation of the conflict as a consequence of the USA's countless vetoes, as well as China's successful ban on the participation in the UN of Taiwan. Moreover, the ability to hold said superpowers accountable through the UNSC as well as the loss of the power of the veto because of the UN General Assembly's initiative, which triggers a GA meeting when a country uses their right to veto, in order to scrutinize and comment on it.

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