

# SWARAJYA

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## VETO IN THE UNITED NATIONS

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THERE is considerable misunderstanding on the effect of a negative vote by one of the five permanent members of the Security Council of the United Nations in important matters. It is often described as a veto, but the Charter of the United Nations does not contain the word 'veto', nor does it define the term. Under the Charter of the United Nations, the Security Council is charged with the responsibility, among other things, of maintaining international peace and taking either preventive or punitive action in case of threat to peace. The Council consists of five permanent members, namely, China, France, the Soviet Union, the United Kingdom and the United States and ten elected members, retiring by rotation at the end of two years. The Allies, who were responsible for winning the World War II, became the permanent members of the Security Council. The Charter provides that the decisions of the Security Council on procedural matters shall be by an affirmative vote of nine out of 15 members, and the decisions of the Security Council on all other matters shall be by an affirmative vote of nine members, including

the concurring vote of the permanent members. In all other cases, like admission of new members, peace-keeping operations, or threat to peace, etc., a resolution shall not be deemed to have been adopted unless it is carried by nine members, including the five permanent members of the Council.

The object of the above provision was that unless there is

unanimity among the Big Five Powers, the United Nations should not engage itself in any serious matter relating to peace, security, etc. If the Big Five were divided in their attitude towards any question in the United Nations, action taken on the basis of a majority vote would only lead to a split among the Big Five Powers and the United Nations will become a divided nations.

**VICTIM**

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The founders of the United Nations felt that unless there was unanimity among the Big Five, the United Nations, as such, shall not engage itself in any serious activity or decide any important matter except procedural ones. In essence, the rule is one based on unanimity among the Big Five and a prohibition of United Nations' action in the absence of such unanimity. Unfortunately, within a short time, after the United Nations was founded, cold war reached its zenith and there was hardly any issue on which there was unanimity among the Big Five Powers. Whenever one of the permanent members exercised a negative vote, the other side used the expression 'veto' as a term of abuse. In the early years of the United Nations, the Anglo-American group had full sway over the United Nations and the Security Council and when the Soviet Union exercised its negative vote, it had been abused as exercising a veto over the majority decision in the Security Council. Times have changed and in the last meeting of the Council, the United States was forced to exercise its negative vote against the admission of North and South Vietnam against a majority decision in the Council. No wonder the United States is now accused of exercising a veto.

To students of constitutional law, a veto implies the rejection of a valid majority decision of the legislature by a President or other superior authority. Such a concept has no relevance or application to the United Nations. The founders of the United Nations felt that it should not engage itself in any serious action without the concurrence of all the five permanent members and if one of the permanent members did not agree with a line of action, it cannot be compared to a veto exercised by a President or higher authority. Currently, a special committee of the United Nations is examining various questions relating to the revision of the Charter and, naturally, one of the questions debated is whether the rule of unanimity, as explained by us earlier, should continue or not. In an association of sovereign

independent States, reliance must be placed more on the willing and voluntary cooperation of its members than on punitive action by a majority over the minority. Strange, as it may seem, it is this rule of unanimity or the so-called veto that has preserved the United Nations for well nigh three decades. If majority decisions of the Security Council became enforceable as such, the Big Powers should have divided long ago and the United Nations would have become 'divided nations' within the first decade.

There is, however, scope for restricting the area of application of the rule of unanimity. The

rule does not apply at present to procedural matters. In our opinion, it need not apply to matters like admission of new members. Affirmatively, the rule of unanimity may be confined only to actions relating to peace, or threat to peace and matters incidental thereto. Some such compromise would enable the United Nations to function effectively as, otherwise, the exercise of a negative vote on non-essential matters like admission of members irritates a large body of members of the United Nations. We trust that some compromise formula will be found by the committee which is now examining the amendments to the Charter.



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