

VETO POWER IN THE UNITED NATIONS SECURITY COUNCIL: EVOLVING WORLD POLITICS AND DEVELOPMENT

Kuasa Veto dalam Majelis Keselamatan Persatuan Bangsa-bangsa Bersatu: Dinamika Politik Dunia dan Kemajuan Global

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ABSTRACT

The development of international order based on cooperation manifested in bilateral and later multilateral relations led to the establishment of the League of Nations and later the United Nations. The major foundation on which the United Nations was based is cooperation and collaboration that was filtered in the veto right of the five permanent members of the United Nations Security Council. Agreement among the five permanent members was considered essential to global peace. The study aims to examine the use of the veto power by the five permanent members of the Security Council to determine its effectiveness in promoting international peace from the unfolding world politics. The study finds that the old ways of multilateral negotiations which were based on defending national interests are no longer adequate in addressing the problems of the rapidly changing world.

KEYWORDS:

United Nations, Veto, Five Permanent Members, Security Council, World politics.

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ABSTRAK

Pembangunan orde antarabangsa berdasarkan kerjasama global, awalnya melalui hubungan dua hala dan kemudian beralih ke hubungan pelbagai hala, membawa kepada pembentukan Liga Bangsa-bangsa dan kemudian Pertubuhan Bangsa-Bangsa Bersatu (PBB). Asas utama penubuhan PBB berdasarkan semangat kerjasama dan kolaborasi tercermin dalam hak veto yang diberikan kepada lima anggota tetap Majlis Keselamatan. Kesepakatan antara lima anggota ini dianggap penting untuk keamanan global. Kajian ini bertujuan menilai penggunaan kuasa veto oleh anggota tetap tersebut untuk menilai keberkesanannya dalam memelihara keamanan antarabangsa di tengah politik dunia yang terus berubah. Hasil kajian menunjukkan bahawa pendekatan rundingan multilateral yang lama, yang berfokus pada kepentingan nasional, tidak lagi memadai dalam menangani cabaran dunia yang berkembang pesat.

KATA KUNCI:
 Pertubuhan
 Bangsa-Bangsa
 Bersatu, Veto,
 Lima ahli tetap,
 Majlis
 Keselamatan,
 Politik dunia

1.0 Introduction

International cooperation issues were unavoidably raised by the transition from kingdoms to modern states and the subsequent creation of an international order based on an increasing number of autonomous and sovereign territorial units (Bosco, 2009). As relations among states increased, it became necessary to set common standards through bilateral and later multilateral and diplomatic conferences. The League of Nations and later the United Nations (UN) came as the first harvest of efforts from the pioneering works of private and public international unions. Trends in world politics, especially the First World War necessitated the need for global checks on developments in the international arena.

The League of Nations was the first world organization to promote international cooperation among states. There were three principal organs of the League: the Council, the Assembly, and the Secretariat. The Council was a semi-executive body and consisted of the principal Allied and Associated powers and several non-permanent members but reached its non-binding decisions unanimously. The Assembly consisted of representatives of all members and met annually. It acted as a deliberate organ and made non-binding resolutions and recommendations. The Secretariat functioned as an international civil service. The Permanent Court of International Justice (PCIJ) was a separate body, and not as in the UN, an organ of the league (Ojo, 1998).

The Second World War, which spanned well beyond the World War I theaters of operations, was made possible by the presence of wars and instability in Europe while the League and its organs remained intact. Millions of people died, millions were left homeless, and millions suffered lifelong physical and psychological scars as a result of World War II, permanently altering the course of history. Deeply ingrained disparities in political, economic, and social institutions were at the heart of the tense post-war atmosphere created by the atrocities of the two world wars that occurred within thirty years. It was in the face of this bleak world that a new world peace organization that must succeed was widely sought. An important turning point in the history of international relations was reached when the UN was established to address the shortcomings of the League. The five permanent members who started the goal approved the charter (Patil, 1992).

After World War II, world politics was dominated by three major trends, the bipolar world of Capitalism headed by the United States and Communism headed by the Soviet Union, decolonization, and political upheavals. While the European colonial lords retreated in the twentieth century, the artificial boundaries of the new post-colonial States have plagued the international system with so much intrigue. Many of the changes in global politics that began in the 19th century accelerated in the 20th century and became visible at the end of the Cold War. According to Shaw (2008), simultaneous integration and fragmentation of political authority are taking place at a dramatic pace, as the old breaks down, new

arrangements are made. The Security Council's ability to fulfill its main goals is being hampered by the drastically shifting global landscape brought about by emerging powers and other security threats. These emerging challenges are a far cry from what they were in 1945 when the UN was created. The challenges have taken a new dimension and can be accessed from the use of the veto in the United Nations Security Council. This study aims to examine the use of veto power by the five permanent members of the Security Council to determine its effectiveness in promoting international peace from the unfolding world politics. This study adopts the desk research methodology to assess the efficiency of the Security Council's veto power in fostering global peace.

2.0 The United Nations

The formation of definite plans for the UN grew out of a series of wartime Declarations and Conferences from Teheran in 1943, Dumbarton Oaks in 1944, Yalta in 1945, and finally San Francisco in October 1945, where fifty-one governments finally drafted and adopted the Charter (Weiss et al., 2019). The United Nations (UN) arose as an attempt to remedy the defects of the League of Nations. According to Claude (1971), international organizations represent an attempt to adapt institutional procedures and rules of international relations to the conditions of international interdependence.

The conditions that the world must be divided into many states that operate as independent political units and that there must be a significant amount of contact between them gave rise to the international organization. As political entities, states must become conscious of the issues that result from their existence and understand the necessity of developing international services and methodical approaches to regulating their interactions with one another. According to Baylis, Smith & Owens (2020), the contacts involved activities involving competition, disputes, threats, intimidation, intervention, invasion, conquest, and other belligerent interactions. Notwithstanding, it also involved dialogue, collaboration, communication, recognition, and similar non-belligerent relations.

The purposes and principles of the UN as spelled out in the Charter are to maintain international peace and security through the suppression of acts of aggression that may threaten world peace, encourage friendly relations among states, protect fundamental human rights, and achieve international cooperation in solving economic, social, and cultural problems (Ojo, 1998). To achieve these objectives, five organs were established including the General Assembly, the Security Council, the Economic and Social Council, the Secretariat, the Trusteeship Council, (now obsolete), and the International Court of Justice (ICJ).

The UN can be seen as the theatre of world politics, so much so that world politics cannot be discussed or analyzed without the UN. According to Bosco (2009), the UN is a world of international relations in itself. It was largely a product of a realistic assessment of and response to the state of world affairs and the structure of international relations. The Secretary-General of the UN, Antonio Guterres noted that although the UN charter has been challenged in the past, it has stood firm on the side of peace, security, development, justice, international law, and human rights (UN News, 2022). The UN has been involved in a range of efforts to achieve its objectives from feeding the hungry, vaccinating children and promoting development, to protecting civilians in peacekeeping operations, mediating conflicts and supporting refugees and migrants.

3.0 The United Nations Security Council

The United Nations Security Council (UNSC) as duly empowered by Chapter Five, Articles 23-38 has the maintenance of international peace and security as its primary responsibility. The UNSC is made up of fifteen members, divided into five permanent and ten non-permanent members. The five permanent members are the United States (US), China, France, Russia, and the United Kingdom (UK) with veto power. The 10 non-permanent members are elected by the UN General Assembly for a two-year term.

Each member of the UNSC has one vote. Decisions on matters of procedure are made by an affirmative vote of at least seven of the fifteen members. Decisions on substantive matters also require seven

votes, including the concurring votes of all five permanent members, provided that in decisions under Chapter VI and under paragraph 3 of Article 51, a party to a dispute shall abstain from voting. Nevertheless, given their veto power, the five permanent members exercise exclusive powers in the maintenance of international peace and security. This was agreed by the authors of the Charter in recognition of the fact that peace could not be achieved and maintained without the cooperation of the major powers.

Under the provisions of the charter articles, the UNSC has the authority to render legally binding decisions that member governments have committed to implementing. The five permanent members can veto substantive resolutions but not procedural ones, therefore a permanent member can prevent a resolution from being adopted but not from being debated if it is disagreeable to them (Mac Ogonor, 2000). As the organ that implements the UN Charter, by Article 39, the Council is empowered to determine whether a situation constitutes a breach of international peace and security. Article 40 gives the Council the right to give legally binding orders to states.

Procedurally, the UNSC is authorized under Article 36 to involve itself and the UN in any dispute that it views as threatening international peace and security. By Articles 36 to 40, the Council is authorized to see to the peaceful resolution of the dispute by first recommending and prescribing settlement to contending parties. Should the Council's intervention under Chapter vi fail to bring settlement, the Charter authorizes the Council to consider measures under Chapter vii (Article 39-51), which may culminate under Article 42 in the UN, taking such actions by air, sea or land forces as needed to maintain or restore international peace and security (Mac Ogonor, 2000).

Under Article 29, the Council is empowered to establish subsidiary organs as it deems necessary for the performance of its functions. The Council's presidency rotates every month. Non-permanent members are elected by a two-thirds vote of the UN General Assembly. Criteria for eligibility is a contribution to the maintenance of international peace, security, and equitable geographical distribution that gave rise to the regional groups. The African Group has 3 seats, Asia Pacific Group has 2, Eastern European Group has 2 and the Western European and Other Groups (WEOG) have 2 seats.

The Council's authority to uphold global peace and security is primarily focused on resolving conflicts peacefully and enacting enforcement actions (Mac Ogonor, 2000). The Council is a combination of a parliament and a secret diplomatic conference. Since the end of the Cold War, the Council has increased its activity which it now meets in nearly continuous sessions. The Council dispatches military operations, imposes sanctions, mandates arms inspections, and deploys election monitors in its effort to maintain international peace and security. The Council has a formal mechanism, the Military Staff Committee that coordinates multilateral military action in response to aggression. There is also the Committee of Experts which studies and advises the Council on the roles of procedures and other technical matters. There is a committee on the admission of new members.

The UNSC decisions are not just made by the Council members but are very often drafted by a group of interested states which is also known as a group of friends and may include states which are not members of the Council. This Group has influenced decisions on several crises. The Sanction Groups have also assisted the Council in their efforts to maintain international peace and security. Peacekeeping operations have also been part of the Council's efforts in the execution of its primary responsibility. In addition, there are the Regional Groups that have also been relied upon by the Council in their efforts to meet their obligations (Teixeira, 2003).

Teixeira (2003) further explained that the Council's efforts to fulfill its responsibilities could be categorized as follows:

1. Taking collective measures to keep or restore international peace and security in case of threat or actual violation.
2. Peaceful settlement or adjustment of disputes and situations.
3. Regulation of armaments.
4. Performance of certain organizational functions including the recommendation of new members and the recommendation of the Secretary-General.

The Security Council can be seen as a political body and a legal instrument. Though the resolutions are legally binding, the Council does not make its decisions remotely as a court does. The decisions are usually political compromises. This confirms Teixeira's (2003) view that UNSC is a place where divergent views and interests confront each other and seek accommodation. The UN Charter provided that the UNSC would be a small body with five permanent members that must agree to take joint actions and could exercise a veto over critical decisions.

4.0 Veto Power in the United Nations Security Council

According to Mason (1990), a veto is a right vested by law in a person to reject, forbid and declare inoperative, a decision made by others. It is the possession of control, authority, or influence over others in a body or government. To put a veto is to refuse consent, admit, or accept decisions. Veto by implication, for a decision-making group, means the group can only act if its members agree unanimously on an issue. Veto in a sense fosters cooperation and prevents action.

The major foundation on which the UN was laid was cooperation and collaboration. The principal aim of the organization to maintain world peace and security rested on the Security Council to execute this force of cooperation and collaboration that came to play out in the veto power. Agreement among the five permanent members was considered essential to peace. The Security Council was to offer the best possible conditions for producing such an agreement as it provided frequent occasions for high-ranking diplomats of these states to meet without too many small states cluttering up the meeting table (Organski, 1961). The exercise of the veto by the permanent members remains a central characteristic of the mechanism of the Security Council. "Though the word is not captured in the UN charter, it is the common usage term for the power of any of the five permanent members to defeat a draft resolution by voting "NO". The five permanent members agreed to the use of veto among themselves as a means of each exerting its influence in reconstructing the post-war world and safeguarding each power from being dragged into an armed conflict against its will" (Patil, 1992, pp. 13-14).

Agreement among the permanent members was considered essential to peace. Patil (1992) explained that Article 27 of the UN charter gives each member of the Security Council the authority to veto. Decisions on procedural matters shall be made by an affirmative nine members including the concurrent votes of the five permanent members. Unless it is a party to a dispute before the Council, each of the five permanent members has the power to veto substantive measures. In practice, nonetheless, it has been decided that a permanent member's absence or abstention does not amount to a veto. He reiterated that the insistence that no decision could be taken in the Council on important procedural or substantive matters without the concurrence of each of the five major powers rested upon the foundation of inferred national interest. Every major power regarded the concurrence rule as protecting its interests and assuring its collective supremacy against any proposition that could be put forward to its disadvantage by any other power.

At the Dumbarton Oaks Conference, the representative of France reiterated the atmosphere of crisis and warned that an agreement was necessary to stop its escalation. The representatives of China and the UK insisted that the rule of unanimity of the great powers was essential for the strength and effectiveness of the Security Council to work (Ojo, 1998; Bosco, 2009). The US representative also maintained that only the unity of great powers could preserve the peace of the world. United States Under-Secretary of State, Stettinius, in a world-radio broadcast on May 29, 1945, defended the veto as not just a question of privilege, but of using the present distribution of military and industrial power in the world for the maintenance of peace (Bosco, 2009). In short, there are three main arguments for the veto: (1) veto is consistent with political realities; (2) veto was a necessary condition for the creation of the UN; and (3) the UN would break down if enforcement action is taken against any of them (Patil, 1992).

Nevertheless, veto power has remained controversial. While some see it as a promoter of international stability and a check against military interdictions, others see it as a safeguard against domination by one state (Weiss & Kuele 2014). However, critics see the veto as the most undemocratic element of the UN as well as the main cause of inaction on several violations of international humanitarian law by

the permanent members and their allies. According to Weiss and Kuele (2014), a single state can stand in the way of a robust action, or even condemnation of aberrant behavior that contravenes international law.

5.0 The UNSC and Veto Powers in the Emerging World Politics

The end of the First World War led to the establishment of the League of Nations. However, geographical constraints and the promotion of national interests have had an overriding impact on history. The prevalence of wars and continuous unrest in Europe created the urge to replace the League with a more effective and efficient organization (Scott, 1973).

After the First World War, three major trends dominated world politics. They include the bipolar world of capitalism headed by the US and communism headed by the Soviet Union, decolonization, and political upheavals. These trends subsequently cast their shadow on the UN. Almost every conflict, revolt, or incident was perceived by the major powers as a part of their war i.e., the Cold War. Consequently, all questions that came to the Security Council were viewed in terms of East-West interests and as a result, often fell victim to the negative votes of the major powers (Patil, 1992). This led to the emergence of regional bodies such as the Organisation of African Unity (OAU), now the African Union (AU), the Organisation of American States (OAS), the Arab League, the Association of South East Asian Nations (ASEAN) as well as other organizations on defense or military alliances such as the North Atlantic Treaty Organisation (NATO), the Warsaw Pact and the Non-Aligned Movement (NAM) (Mac-Ogonor, 2000).

The UN's veto powers control states' admission into the UN. Membership of the organization was agreed to be on recommendation by the Security Council as substantive matters, subject to a veto by any permanent members, followed by a two-thirds vote of the General Assembly. The UNSC consistently followed the practice of not recommending a state whose application is actively opposed by a permanent member. Thus, any state seeking admission into the UN must meet the expectations of all the five permanent members. For instance, the ideological difference prevalent before the end of the Cold War played out in the Soviet Union exercising the highest number of vetoes on the admission of members such as Australia, Ireland, Italy, Kuwait, Finland, Angola, and Spain (Mac-Ogonor, 2000).

On organizational matters and operations, which include the appointment of a Secretary-General, peacekeeping operations, and the establishment of Commissions, within the purview of the Security Council, the Soviet Union has also exercised more vetoes compared to other veto powers. From 1946 to 1969, the majority of the permanent members of the Security Council were aligned with the US which cast no vetoes because it won every vote. To block resolutions from the Western majority, the Soviet Union used 93% of all the vetoes. France and the UK occasionally used the veto to protect their colonial interests while China only exercised their veto once (Mac-Ogonor, 2000). From 1970 to 1991, the US cast 56% of the vetoes, sometimes joined by French and British vetoes.

After the end of the Cold War, there was a near harmony of interests in the UNSC. The longest period in the history of the UN with an increase in the number of resolutions without the use of the veto was from the 31st of May 1990 to the 11th of May 1993. The end of the Cold War decreased the use of the veto to less than one-third of the previous level and an increase in resolutions was observed (Mac-Ogonor, 2000). The US-Soviet rivalry constrained the Council from acting optimally. Russia was the most frequent user of the veto, blocking more than one hundred resolutions since the Council's founding. On the other hand, the US and China's use of the veto has risen in recent years whereas France and the UK have not exercised many vetoes since 1989 (Mac-Ogonor, 2000). From 1945 to 2009, two hundred and fifteen resolutions on substantive issues were vetoed. Following the dissolution of the Soviet Union, Russia sparingly used the veto until the early 21st century when it exercised the power to block resolutions on conflicts with Russian military involvements as in Georgia, Syria, and Ukraine (Council on Foreign Relations, 2024).

The exercise of veto picked up in the early 21st century, mostly during the Syrian Civil War. Russia has exercised the highest vetoes, followed by the US, China, France, and the UK. The Syrian crisis has received more vetoes from Russia and China because of vested interests. However, the UNSC only adopted resolutions without any veto for various crises in the Middle East. During the war in

Afghanistan, the effort of the UNSC was only limited to calls on the new leaders to act responsibly and save the country from further crises. The war in Yemen led to various UNSC reports, statements, and resolutions with only a veto of a draft resolution by Russia but Yemen remains one of the largest humanitarian crises in the world. As for the crisis in Iraq, twelve series of resolutions were adopted by the UNSC with no veto, but the crisis has persisted (UNSC, n.d.).

The UNSC has also adopted resolutions for various conflicts around the world without any veto. The Council called for an end to the conflict in Ethiopia and conducted peacekeeping operations in Sudan. The Council also adopted several resolutions without any veto for the crisis in Libya. The India-Pakistan conflict received a resolution for a ceasefire and the United Nations India-Pakistan Observation Mission (UNIPOM) was established to supervise the ceasefire. The UNSC adopted nine major sanctions since 2006 on the North Korean nuclear and missile strikes (UNSC, n.d.). However, the UNSC failed to respond adequately to the COVID-19 pandemic as it was unable to promote or facilitate multilateral cooperation in dealing with the outbreak (Charbonneau, 2021).

The veto has been exercised in certain conflicts. In the Middle East crisis involving Israel and Palestine, the US has vetoed at least 53 resolutions critical of Israel over the past five decades. The US-China rivalry has also received vetoes (UNSC, n.d.). The Russia-Ukraine crisis has also exposed the incapacitation of the Council, as Russia exercised its veto to block resolutions on the war. The Russian Ambassador to the UN Vasily Nebenzya's response to the U.S. Permanent Representative to the UN maintained that the US was in no position to moralize the Russian Veto on the 26th of February 2022 with the US's history of aggression against other countries (UN News, 2022). The emergence of the Responsibility to Protect (R2P) doctrine in the early 2000s has also restrained the use of the veto in the Security Council. It appeared to justify the use of force outside Security Council authorization by qualifying the principle of non-interference, though there have been contentions (Weiss & Forsythe, 2007).

There are various views about the role of the UNSC. For instance, Raimi (2016) describes the Security Council as the UN's vital organ and a kind of upper house of the legislature where crucial decisions that affect the organization are taken. Adebajo (2005) and Hurd (2007) view the UNSC as the most powerful international organization as its influence extends beyond formal authority. The UNSC's role in global governance is shaped by the interplay of legitimacy and power which affects how international norms and policies are formed. On the other hand, Bosco (2009) sees the UNSC as the culprit of dysfunctions in global politics because limited representation and power imbalance contribute to unresolved conflicts and inequalities which perpetuate tensions and hinder effective international governance. The veto power unfairly favors the political interest of the five permanent members leading to inaction in the face of mass atrocities (Weiss & Kuele, 2014).

In conclusion, the UNSC fosters negotiations, imposes sanctions, and authorizes the use of force to maintain global peace and security. It prevents the recommencement of violence in post-conflict scenarios. However, it fails to represent many regions of the world, and the increasing frequency of the veto is restraining its effectiveness. The UNSC faces calls for reform to better meet twenty-first-century challenges such as additional permanent members and a new class of elected seats. Nevertheless, the chance of a substantial reform particularly one that involves the amendment of the UN Charter is slim as it requires an affirmative vote and ratification by two-thirds of UN Members including all permanent members which are unlikely to take action to limit their own power (Council on Foreign Relations, 2024).

5.0 Conclusion

This study examines the use of veto power by the five permanent members of the United Nations Security Council to determine its effectiveness in promoting international peace from unfolding world politics. It underscores that the United Nations was created in an environment of international tension and uncertainty with the primary objective to save the world from the scourge of war. The end of the Second World War saw the emergence of two major power blocks headed by the United States and the Soviet Union, who along with other victors of the war agreed to erect political barriers that could halt another world war. This effort was manifested in the Security Council organ of the UN, but to avoid the experiences of the Council of the League of Nations, they had to lay a solid foundation that was expressed in their affirmative votes on all substantive matters as the permanent members of the

Council. This veto right has been used indeed to protect their national interests as well as defend the interests of other states aligned to them. These permanent members are also known as the Big Five because of their military might and wealth.

The analysis shows the veto was used by the primary objective of the major powers when they established the UN, right from the Atlantic Charter to the Dumbarton Oaks Declaration. Although another world war was averted by the creation of the UN, outbreaks of smaller conflicts and disputes could not be prevented. No doubt, the veto has helped to maintain certain political balance and equilibrium in international relations and also shielded many smaller states that have fallen victim to conflicts and aggression. But for the veto, regional powers might have further alienated states not belonging to their political groups. The veto exercised by the major powers has given support and protection to such states but not without respect and regard to the principles of the UN Charter. The use of the veto frequently prevented the spread of regional problems and forestalled them from escalating into major international conflicts.

Notwithstanding, the historical exigencies surrounding the veto show that the major powers have been influenced by the prevailing trend in world politics. The world has become more complex, more integrated, and more interdependent compared to when the United Nations was set up as a post-World War II institution. Thus, the old ways of multilateral negotiations which were based on defending national interests are no longer adequate in addressing the problems of the rapidly changing world. The challenges of the era, like the COVID-19 pandemic, may have an unclear national origin, but have no national solution. The operative term is “integration” and requires deliberate, detailed and sustained consultations and negotiations notably for the Russia-Ukraine crisis, instead of the Security Council veto politics. The emerging trends in world politics require an entirely new global cooperation system.

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