The Hidden Veto
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The veto has always loomed over the work of the UN Security Council. During the Cold War, the United States and the Soviet Union often brandished their prerogative publicly in Council meetings. Overall, the five permanent members cast 199 vetoes between 1946 and 1989\(^1\) - well over four per year - preventing the Council from taking action on many important matters. Since the end of the Cold War, however, the formal use of the veto has diminished dramatically. Between January 1990 and March 2004, the Permanent Five (P5) cast 17 vetoes - only about one per year. In spite of this new appearance of restraint, the P5 continue to pressure the Security Council through a "hidden" veto - the quiet threat of possible veto use. As Ambassador Curtis Ward of Jamaica put it, "the mere presence of the threat of the veto â€“ determines the way the Council conducts its business."\(^1\)

Permanent members use the hidden veto mainly in closed-door informal consultations, rather than in official open meetings. Since the late 1980s, the Council largely conducts its business in such private sessions. Away from the public and without any record of what has been said, the P5 have more freedom to pressure, threaten, and even bully other members of the Council. By giving private veto warnings before a vote takes place, the P5 can "convince" Council members to shift their position and still persuade the international public of their good intentions.

\(^1\) Between 1946 and 1989, the USA and USSR cast respectively 60 and 79 vetoes. The topics vary from the Korean war and the Middle East conflict to applications for membership. Moscow especially exercised its veto power in the early period, while Washington cast its first veto in 1970. For more information on numbers and subjects of veto from 1946 until today, see security/membship/veto/vetosubj.htm
Hidden vetoes - nearly always pitting a single permanent member against the rest of the Council - have a very negative impact on the work of the Security Council. Washington's constant threat of vetoes on Security Council actions critical of Israel is a notorious example of this abuse, which generally worsens international crises. Though the Arab group has obtained monthly Security Council meetings on the situation in Israel and the Occupied Territories, the US prevents any substantive role of the Council on the matter. The constant threat has been strengthened by the actual use of the veto on draft resolutions judged either "unfair" or "unconstructive" by Washington. By contrast, France's threat to block a resolution authorizing war against Iraq in the spring of 2003 illustrates the very unusual case of a threatened veto with an arguably positive effect. Contrary to most threats of veto, France made its threat publicly, confident that worldwide support for its action would ultimately help other members of the Council to stand up against US pressure. But in the great majority of cases, a single member issues a veto threat against the will of a large majority of Council members, and often too against the preponderance of UN member states and international public opinion.

Controlling the Agenda

Permanent members use their hidden veto to control the Council's agenda and prevent the Council from taking up certain issues. The Council never discusses crises that a P5 member considers to be within its own exclusive sphere of interest. Chechnya, Tibet, Xinjiang, Northern Ireland, Sudan, Uganda and Colombia figure among the forgotten conflicts that the Council ignores. Even in earlier days, when the formal veto was used much more frequently, hidden vetoes kept key issues such as colonial wars and Cold War conflicts off the agenda. The Security Council never debated the Algerian war or the partitioning of India because of the hidden vetoes of France and the UK. Nor did the Council take up US involvement in Vietnam or the Soviet war in Afghanistan even though hostilities continued for almost a decade after Moscow vetoed a draft resolution in 1980.

To prevent the Council from discussing taboo issues, permanent members carefully mould the monthly program of work during intense negotiations among the rotating president and the other Council members. Though the UN Charter does not provide a right of veto on procedural matters, the P5 insist on their right to set the boundaries of what may and may not be said. The P5 argue implausibly but unshakeable that the Council makes a decision on substance (rather than a simple procedural move) when deciding what goes onto the agenda, thus making such a decision subject to a veto.

Blocking Action
Even when items pass through P5 censorship and make the agenda, permanent members continue to use the hidden veto to further their national policy goals. Iraq, a theater of deeply divergent strategic and commercial interests among the P5, has provoked more threats of veto than any other recent issue. For more than a decade, the US and UK clashed with Russia, China, and France – freely using their hidden vetoes at every turn, not only in the Security Council, but also in the Council’s sanctions committee dealing with Iraq. During committee debates, the US (and sometimes also the UK) blocked approval of contracts for Iraq imports under the Oil-for-Food programme, while in the Council France and Russia blocked lesser changes of the sanctions regime, pressing for extensive revamping or lifting of the sanctions. Successive threats of veto blocked action on the damaging consequences of the sanctions, the Oil-for-Food programme, no-fly zones, arms inspections and eventually the war of 2003.

The hidden veto weakens many resolutions by removing language disapproved by P5 members. France presented a draft resolution in January 2004 on the protection of children in armed conflict. The text was based on a 2003 report by the Secretary General that provided a list of affected countries. The UK and Russia strenuously opposed the inclusion of Northern Ireland and Chechnya as "armed conflicts," especially because the conflicts would be subject to monitoring under the terms of the resolution. London and Moscow signaled their hidden vetoes by "refusing to support" the text. The UN Secretariat was then forced to make "official corrections" to the original report so that it referred in the sensitive cases not as "armed conflicts" but as "situations of concern." After four months of negotiations and Secretariat collusion, Resolution 1539 was then adopted unanimously. The public, generally unaware of the dispute, welcomed the adoption of the weakened resolution.

In the Security Council's culture of formal cooperation and teamwork, the hidden veto plays a highly strategic role even among the P5 group. As the Council increasingly takes decision by consensus, permanent members consult often among themselves on important matters before going to the Council with a common arrangement. In this context, permanent members may threaten a veto as leverage to strike a deal with other members or swap their support. The United States and Russia apparently struck a deal in 1999, trading off a threat of Russian veto on Iraq in return for "no action" on Chechnya.

Early in their term, elected members learn the topics they cannot raise without risking a very high price. Increasingly discouraged after facing one hidden veto after another, they stay away from these topics, creating what can be considered a "double hidden veto." In addition to P5 threat of veto, then, elected members' self-censorship paralyzes the work of the Council. When determined ambassadors challenge the veto system, they are quickly put in their place. Past the middle of his term in the Security Council in 1999-2000, Ambassador Peter
Van Walsum of the Netherlands interjected a statement about Chechnya in a Council debate on another subject. Ambassador Sergey Lavrov of Russia immediately interrupted to object and make clear that, as a veto-wielder, he would block any further discussions on the topic. The president of the Council ruled that Van Walsum was out of order and the matter never arose again.

Hidden vetoes can have terrible consequences. The Security Council failed to act during the Rwandan genocide in 1994 due to the hidden vetoes of France and the US. Paris and Washington not only blocked UN action, but also used their hidden veto to weaken the definition of the crisis under international law. An independent UN report admitted that the failure of the Security Council to act led directly to the genocide. The Security Council could not even pass a resolution containing the word "genocide," which would have required intervention by parties to the 1951 Genocide Convention. Only after the worst months of the killing did the Security Council endorse Opération Turquoise, a deployment of French troops as a "humanitarian" mission under the UN flag. Yet, 800,000 people died because permanent members considered an earlier UN intervention contrary to their interests. A Human Rights Watch report scathingly said: "The Americans were interested in saving money, the Belgians were interested in saving face, and the French were interested in saving their ally, the genocidal government."  

Hidden vetoes usually do not make the headlines, so the public tends to believe that the veto is a problem of the past. Permanent members continue to keep the Security Council under intense political pressure, shaping Council action according to their own national interests. Only abolishing the power of veto can resolve the problem of the hidden veto. But permanent members oppose any reforms of the voting system. Eager to keep their absolute prerogative, the P5 will rule out any attempts to eliminate the veto - even proposals aiming at limiting the use and the scope of the veto. Permanent members concede that the veto should remain a "last resort," but in fact they use the hidden veto constantly. Their abusive use of this privilege bedevils the Security Council, making it undemocratic, lacking in legitimacy and often sadly ineffective.

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2 Between 2001 and May 2004, 6 out of the 8 vetoes were cast by Washington specifically on Israel and the Occupied Territories. See a complete list of subjects of the veto: security/membship/veto/vetosubj.htm
3 Because veto threats are issued informally, it is impossible to count the number of hidden vetoes, which must add up to many hundreds. As an indicator, the count of actually cast vetoes gives a sense of how the P5 use the hidden veto to block decision against the will of other Council members. Among the 216 vetoes cast between 1946 and April 2004, only 27 were cast by more than one P5 member.


5 Sanctions Committees operate by consensus. Therefore, in theory, all fifteen Council members have the capacity to block decisions. But in practice, only P5 members regularly use this veto power.


7 Independent UN Inquiry into the Actions of the UN during the 1994 Genocide, commissioned by Secretary General Kofi Annan. Released December 15, 1999, S/1999/1257

8 Alison Des Forges, "Leave None to Tell the Story: Genocide in Rwanda" Human Rights Watch, March 1999