

The Position of the Permanent 5 in the United Nations Security Council

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This article by **Charlene Attard** was previously submitted as part of CVL1024 and is being published with the author's permission. She discusses the formation of the Security Council within the United Nations, whilst pointing out the existence of the distinction between the permanent members (P5), who are given the right to veto, and the non-permanent elected members, who do not have such right. She argues that by having the veto, the P5 countries hold an advantage over the other members as although the veto is intended to preserve peace, it really undermines equality and democratic decision-making.

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Introduction

The United Nations (UN), comprised of 193 members, is arguably the highest held institution in global relations and democracy. Within the UN, the Security Council (UNSC) is crucial for the upkeeping of international peace, and resolving political issues. The UNSC holds two levels of members; permanent and non-permanent elected members. The permanent members have a clear advantageous position, particularly as demonstrated by the privilege of the veto. The permanence of their membership is well protected. Realistically, how democratic is the position of the P5 members? Proposals for modifications and adjustments have been brought forward, but nonetheless, it does not seem that much change will happen anytime soon.

The United Nations Security Council

In 1945, at the end of World War II, several nations came together to sign the Charter of the United Nations. This is the founding document of the UN. Seeing the wreckage left behind by the war, the objective of this new international organisation was to prevent another world war, maintain global peace, and uphold international law.¹ Article 7 of the Charter establishes the UNSC as one of its six principal organs which is tasked with maintaining international peace and security.

Article 23(1) specifies that the UNSC shall consist of 15 members of the United Nations, with the Republic of China, France, the Russian Federation, the United Kingdom, and the United States of America being its permanent members. These countries are collectively known as the Permanent Five (P5), and the remaining ten non-permanent members are elected by the General Assembly for a term of two years.² The P5, unlike the elected members, have been granted the power of veto.

The P5 Countries

The P5 countries comprise of the victors of the Second World War. These are specifically the 'Big Three' countries, meaning the USA, the UK, and the Soviet Union, which was succeeded by the Russian Federation, together with their allies China and France.³

Without a doubt, since 1945, the power dynamics have shifted and

¹ United Nations, 'History of the United Nations' (*United Nations*) <<https://www.un.org/en/about-us/history-of-the-un>> accessed 20 March 2024.

² Charter of the United Nations (adopted 26 June 1945, entered into force 24 October 1945) 1 UNTS XVI, Article 23(2).

³ Andrew J Carswell, 'Unblocking the UN Security Council: The *Uniting for Peace* Resolution' (2013) 18(3) *Journal of Conflict & Security Law* 453, 456.

changed. In the decades following World War II, both France and the UK went through a snowballing process of decolonisation. Several new states were created, meaning that the power and influence held by the two countries has decreased. With the fall of Communism and the iron curtain, Russia's sphere of influence has also shrunk.

In the meantime, other countries have gained influence and grew in standing. This is the case of Germany and Japan. During World War II, both countries were on the losing side. Germany was one of the founders of the European Union and has since become a promoter of European integration and democracy. Meanwhile, Japan's economy has flourished, becoming one of the global leaders, which has a major impact on the regional and global playing field.⁴

China, Russia, and the USA have maintained a stronghold in world politics. Since 1945, the USA has held a significant and consistent global influence. Bourantonis puts forward the argument that Russia and China can validate their claim on account of population and territory. Yet, if these are to form a requirement for being a permanent member, India should also acquire permanent status. Indeed, India has been putting its claim forward based on these two factors.⁵

The Right to Veto

Article 27 of the UN Charter gives each member of the UNSC one vote. The P5, aside from their special permanent status, were also granted the right to veto.⁶ Decisions require a positive vote by 9 members. If a decision has fourteen votes in favour, and the only vote against is cast by one of the P5 members, the resolution or decision is halted.

While the P5 view the veto as a right, the other countries view the veto as a privilege. In the 2023 General Assembly plenary on Responsibility to Protect, several countries shared the view that the veto goes against the principle of voting rights equality among members as well as the element of democracy. Meanwhile, permanent members, such as France and the USA, have defended the veto, and claimed to be committed to voluntarily reserve using the veto for extraordinary cases and refrain from using it in instances of mass atrocities.⁷

All five of the permanent members have used the veto at one time or another. Article 27(3) of the Charter calls for the permanent members to

⁴ Dimitris Bourantonis, *The History and Politics of UN Security Council Reform* (1st edn, Routledge 2005) 7.

⁵ *ibid.*

⁶ United Nations Security Council, 'Voting System' (*United Nations*)

<<https://www.un.org/securitycouncil/content/voting-system>> accessed 11 April 2024.

⁷ United Nations Meetings Coverage and Press Releases, 'General Assembly Holds First-Ever Debate on Historic Veto Resolution, Adopts Texts on Infrastructure, National Reviews, Council of Europe Cooperation' (*United Nations*, 26 April 2023) <<https://press.un.org/en/2023/ga12500.doc.htm>> accessed 15 April 2024.

abstain from voting in the case of a dispute and allow resolutions to be adopted if the nine positive votes are obtained.⁸ The UK and France have not used their veto in thirty-five years. Meanwhile, China, Russia, and the USA, have used the veto in matters relating to Syria, Ukraine, and Israel-Palestine, which are arguably the most troubling political situations in recent history.⁹

The P5 are not expected to give a reason for exercising their veto. As per Article 2(2) of the Charter, states are expected to act in *bona fide*.¹⁰ Their vote should be based on international peace and cooperation and not their own national interests. This is especially important if one of the P5 countries is involved in the issue or has any other political considerations. The use of the veto should not be exercised to safeguard the country's own interests or those of its allies. Bourantonis claims that the veto was the great powers' weapon to defend their interests and position legally and constitutionally, in the possibility that they themselves are directly involved in an issue, or indirectly involved through their allies, friends, and proxies.¹¹

The Non-Permanent Elected Members

Whether it is admitted or not, the P5 countries have significant influence over the non-permanent members and the Council's decision-making outcome. The rotating members are for the most part, small or medium-sized states, which may have strong political and economic ties to the great power. In cases where such ties are strong, it would be very difficult to cast a vote against the wishes of the great power.¹² For instance, although Malta has been a republic for half a century, it still holds strong ties with the UK. The former colonial relationship has turned into a mother-daughter relationship.

The permanence of the P5 poses a disadvantage to the non-permanent members. When considering that non-permanent members are elected for only two years, coupled with the lengthy bureaucratic process, they rarely get to oversee the completion of an issue. Consecutive terms are not allowed, indicating that for the most part, the incoming members inherit other state's strategies and agenda.¹³ On the contrary, the permanent members oversee the whole process. Therefore, the success of the elected members depends on their determination and diplomatic prowess. Notably, even though two years is a short period, it is four times the length of the EU's Presidency of the Council of Ministers, which lasts for six months. States which are expecting to hold future EU Presidency must coordinate with the ones before

⁸ United Nations Security Council (n 6).

⁹ Courtney B Smith, 'Every Silver Lining Has a Cloud: Working Methods in the UN Security Council' (2020) 26(2) Global Governance 276, 279.

¹⁰ Andrew J Carswell (n 3) 470.

¹¹ Dimitris Bourantonis (n 4) 5.

¹² *ibid*.

¹³ Isobel Roele, 'Around Arendt's table: Bureaucracy and the non-permanent members of the UN Security Council' (2019) 33(1) Leiden Journal of International Law 117, 123.

them, and even then there is no guarantee that a file is concluded in time.

Geographical Proportionality

Proportional representation in the UNSC is achieved through the rotating non-permanent elected members. There are no permanent members from Africa or Latin America and the Caribbean. It should be noted that in 1945, at the creation of the UN, several African countries were still colonised and formed part of either the UK or France. At first glance, with a vast population of 1.2 billion in Africa and 550 million in Latin America, it seems that there is under-representation. However, admittedly, the majority of these countries are in the developing world, and are not able to hold a position of major influence. Nonetheless, this does not mean that their membership should be ignored or discarded.

Just as medium and small states anchor themselves to great powers to have influence, Australia managed to sway Africa. The former pitched that while Australia was a 'developed' country with medium power, it remains a British colony. By lobbying and fostering bilateral relations with African countries, Australia secured a seat in the UNSC between 2008 and 2012. What makes Africa so important? More than a quarter of the UN members are African countries.¹⁴ Winning a seat at the UNSC requires securing the votes of two thirds of the member states present during voting, meaning that securing African votes provides a comfortable win. In addition, more than half of the country or regional-specific agenda items discussed pertain to the African continent.¹⁵

Nuclear Weapons

Currently, nine countries possess nuclear weapons. Five of these countries are permanent members of the UNSC, together with India, Israel, North Korea, and Pakistan. India's bid to become a permanent member can be solidified by the fact that it has nuclear weapons, making it on par with the great powers. However, it would be very dangerous for the world if countries were awarded permanent status simply on whether or not they possess nuclear weapons. Using this rationale, any country aspiring to become a permanent member would equip itself with nuclear weapons. In addition, this would exclude important players such as Japan whose position is based on the Three Non-Nuclear Principles, meaning that it does not possess, does not produce, and does not permit the introduction of nuclear weapons.¹⁶

In 2017, the UN adopted the Treaty on the Prohibition of Nuclear

¹⁴ David Mickler and Nikola Pijović, 'There are No Votes in Africa?: Australia, Africa and the UN Security Council' (2020) 66(1) The Australian Journal of Politics and History 130, 132.

¹⁵ *ibid.*

¹⁶ Ministry of Foreign Affairs Japan 'Three Non-Nuclear Principles' (*Ministry of Foreign Affairs Japan*) <<https://www.mofa.go.jp/policy/un/disarmament/nnp/index.html#:~:text=My%20responsibility%20is%20to%20achieve,with%20Japan's%20Peace%20Constitution.>> accessed 18 May 2024.

Weapons, aiming to prohibit the development and use of nuclear weapons. Although the Treaty has 95 signatories, none of the nine countries holding nuclear weapons are signatories. Interestingly, despite its position against nuclear weapons, Japan has also not signed the Treaty.¹⁷ Nuclear weapons are the most dangerous weapon a country can have, with the capability of causing mass destruction. Ironically, the permanent members of the Council responsible for global peace and security refuse to give up these weapons. For the sake of political correctness, the P5 would not dare be the first strike using nuclear weapons, and are honourably bound by the no-first-use principle. Otherwise, it would result in national suicide.¹⁸

The Possibility of Reform?

Without a doubt, the P5 oppose and are hesitant to any changes. Change in the composition of the Council is complicated. If there is a lack of agreement and action when reconciling fifteen members, adding more members would make the wheels turn even slower.¹⁹ While adding members would make the UNSC more representative and more democratic, it would become more difficult to act swiftly and effectively.²⁰

It has also been suggested that for the valid exercise of the veto, this needs to be done with the backup of at least one other permanent member, together with three non-permanent members.²¹ In this scenario, the definition of veto would no longer apply, and the concept of veto would be abolished.

Nonetheless, change is highly unlikely. For any change to occur, whether in membership or voting powers, the P5 countries must all vote in favour. Article 108 of the UN Charter expresses that amendments come into force if there is a positive vote from two-thirds of the members of the UN, including all the permanent members of the Security Council. This safeguards the position of the P5.

The Russo-Ukrainian War, instigated by a permanent member, exposed weakness in the UNSC structure and abuse of the veto power. A speaker in the 2023 Plenary reasoned that 'Any permanent member that exercises the veto to defend its own acts of aggression against another Member State seriously undermines the credibility of the United Nations'.²² Article 27(3) was ignored, yet Russia remains a UN member, and a permanent member in

¹⁷ Treaty on the Prohibition of Nuclear Weapons (adopted 7 July 2017, entered into force 22 January 2021) 729 UNTS 161; States which signed the Treaty can be found on https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVI-9&chapter=26&clang=_en accessed 20 October 2025.

¹⁸ Petr Topychkanov, 'Taking Forward the Dialogue on Nuclear Risk Reduction' (2021) 4(S1) Journal for Peace and Nuclear Disarmament 157, 160.

¹⁹ Courtney B Smith (n 9) 278.

²⁰ Dimitris Bourantonis (n 4) 8.

²¹ United Nations Meetings Coverage and Press Releases (n 7).

²² *ibid.*

the Council expected to uphold world peace. So far, there have been limited repercussions. States appeal to the UNSC in times of crisis, and if the state appealing to the UNSC for help conflicts with a P5 member, the presumption reached is there is only so much that can be done. This puts the UN in a controversial position, as it was unable to stop or prevent atrocities committed by a permanent member.

Conclusion

In 1945, by establishing permanent seats in the UNSC, the founders of the UN formed an exclusive inner circle. Through the power of the veto, they also created a legal weapon for themselves. Collectively they are known as the Permanent 5 or P5, but one can suggest that the 'P' stands for powerful or privileged. The fact that the veto is granted to a limited few goes against the essence of equality and democracy. The privilege of the veto comes with responsibility and is possibly the most controversial and most debated provision in the Charter. Eighty years following its establishment, the UN needs to move away from the historical context, and adapt to the current power dynamics. In order for the UNSC to remain credible and survive into the future, it needs to reform itself and release itself from the ironclad prerogative found in Article 108.



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