

Introduction

The end of the Second World War saw the rise of three great powers (the United States, Great Britain and the Soviet Union), which swiftly organized international society according to a shared approach based on their respective national interests. These interests were not always identical, but they did converge in a common determination to eradicate war amongst themselves, given the catastrophic consequences that the recently concluded conflict had had for their own peoples and economies, and which had even come close to costing them their very existence.

Consequently, they did what great powers always do after a decisive confrontation: they established a new international legal order with the intention that it should endure for a long period of time (as they expressly stated), as this would enable them to fulfil their primary objective: to guarantee peace and security.

In this way, they created, under their aegis, the first international organization of a universal nature with the mission of maintaining world order. At the apex, they placed the Security Council, led by themselves, with the primary task of maintaining international peace and security, and vested themselves with the power to resolve the most important matters amongst themselves alone, recognizing their mutual right of veto where necessary.

Their power is such that, ultimately, it made them the creators of the principal norms of international law, because without their collective acceptance, these norms cannot come into being within the international legal order. Consequently, it must be made clear from the outset that, from its inception, the United Nations (UN) was not a democratic organization in terms of its composition and decision-making procedures, but has instead been tightly controlled by this global governing body, which is immovable, untouchable and sovereign.

The superstructure of this world order is the regime of strategic stability formed by the two major nuclear powers (referred to as superpowers during the Cold War)¹, because the UN and atomic weapons were born hand in hand, practically at the same time; in

¹ Although the term itself emerged before the end of the Second World War. See FOX, W. *The Super-Powers: The United States, Britain, and the Soviet Union. Their Responsibility for Peace*. Harcourt Brace, 1944.

other words, the monopolies on the use of force and the possession of nuclear weapons were combined.

Thus, for eighty-one years, the existence of the Security Council and the right of veto have prevented a war of catastrophic proportions. The system has been structured this way since 1945 and remains so to this day, because no better alternative has been found, nor is it possible to find one given the current state of development of globalized international society.

The origins of the right of veto: the Yalta Agreements

Although its origins lie in the Dumbarton Oaks Conference in Washington (21–29 August 1944), the question of establishing the right of veto²—which is nothing more than the mutual recognition of their own power—was expressly resolved at the Yalta Conference (4–11 February 1945), during separate meetings of the leaders of the major Allied powers—Winston Churchill, Franklin Roosevelt and Joseph Stalin—at the Livadia Palace in Crimea on 4 and 6 February 1945.

It is important to note that the issue was raised within the framework of the responsibilities and rights of the major powers as opposed to those of the minor powers, in the new international organization they were planning.

At the first meeting, the Soviet side stated unequivocally that ‘the great powers, which have borne the main burden of the war and which have liberated the rest of the world from German domination, are the ones that will have the full right to preserve world peace’³. It is important to bear in mind the terms of this statement, as they lay the political foundations for the formation of the global governing body enshrined in Chapter V of the

² In fact, the proposal sent by the United States on 5 December 1944 to the British and Soviet governments did not explicitly refer to the right of veto, but rather spoke of a ‘concurrent vote’. See the excellent translation by AGUIRRE DE CÁRCER AND ALVARADO, G. *Los documentos de Yalta*. Instituto de Estudios Políticos, Madrid, 1956 (translation of the documents published by the State Department, 17 March 1955), p. 41. Originally, all the minutes of the Yalta Conference, as well as their annexes, were classified as ‘Top Secret’. Original version available in: <https://history.state.gov/historicaldocuments/frus1945Malta/comp3>

Note: All hyperlinks in this article are active as of 20 June 2026.

³ Attributed to Stalin: ‘(...) it is ridiculous to think that, for example, Albania should have an equal vote with respect to the three great powers that have won the war and are represented at this meeting.’ (ibid., p. 21) ‘(...) he is prepared to protect the rights of the smaller powers, but is not prepared ever to accept that any act by any of the three great powers might be subject to the judgement of the smaller ones’ (in AGUIRRE DE CÁRCER AND ALVARADO. *Los documentos de Yalta*. *Op. cit.*, p. 22).

UN Charter (Articles 23 to 32): the preservation of the status of the victorious powers, the maintenance of peace amongst the great powers, and the responsibility for organizing international society over a long period of time ('at least fifty years')⁴. Its aim, which was subsequently set out in the preamble to the Charter, was 'to save succeeding generations from the scourge of war'.

The two great democratic powers (the United States and Great Britain) supported these considerations virtually without debate and approved them. 'The President says he agrees that it should be the three great powers that bear the greatest responsibilities and that the terms of peace should be drawn up by the three great powers represented at the table'⁵. For his part, 'the Prime Minister says that it is beyond question that the three great powers should act at the behest of the smaller ones, but that the great nations of the world must fulfil their moral responsibility and lead the world by exercising their authority with moderation and great respect for the smaller nations'⁶. He also expressed support for the Soviet viewpoint regarding the voting procedure, 'because everything depended on the agreement of the three great powers, without which the world would be exposed to incalculable catastrophes'⁷.

During the meeting on 6 February, the US delegation stated that 'our proposal aims at absolute unanimity amongst the permanent members of the Council on all important decisions relating to the preservation of peace'⁸, whilst the British delegation spoke explicitly of 'the exercise of the right of veto' and the effect of abstention was discussed⁹.

The only person to raise objections to this decision was the British Foreign Secretary during the meeting on 4 February 1945, as he believed that such measures would be neither popular nor reasonable and would not have the support of British public opinion. However, Churchill 'stated that he disagreed entirely with Mr Eden, as he was mindful of

⁴ In the words of President Roosevelt. In AGUIRRE DE CÁRCER AND ALVARADO. *Los documentos de Yalta. Op. cit.*, p. 41.

⁵ *Ibid.*, p. 22.

⁶ Churchill then made a remark in which he paraphrased William Shakespeare: 'The eagle allows the little birds to sing and does not concern itself with what they sang' (*ibid.*), concluding as follows: 'Knowing that with the shadow of its wings he can at pleasure stint their melodies' (*Titus Andronicus*, Act IV, Scene IV), which means that its actions are grounded in the exercise of its own power.

⁷ In AGUIRRE DE CÁRCER AND ALVARADO. *Los documentos de Yalta. Op. cit.*, p. 22.

⁸ *Ibid.*, p. 42.

⁹ *Ibid.*, pp. 42–45, quotations on pp. 42 and 44.

the realities of the international situation'¹⁰. Those realities were nothing more and nothing less than the power gained in the greatest military confrontation in history.

In this regard, the Soviets were the ones who understood this most clearly, as was evident in the negotiations on the main issues under discussion: the organization of peace, the partition of Germany, the question of Poland, war reparations, Russian interests in the Far East, and the recognition of the Soviet republics of Ukraine and Belarus as founding members of the new organization. Having secured their gains, they agreed to give the weaker nations a voice on the Security Council in matters affecting them, so that the British could ease their conscience¹¹. Stalin summed it up bluntly at the meeting on 6 February 1945: 'What interests us are not discussions, but decisions'¹². Thus, the agreement on voting procedures within the future international organization was set out in Point IV of the Final Declaration of the Yalta Conference¹³.

Shortly afterwards, the Big Three also agreed to extend this status to China and France, which at that time were two weak powers under military rule with questionable international representation. Throughout these discussions, the US president acted as an arbiter who ultimately persuaded the other two, functioning as a *primus inter pares*, dominating and imposing his vision of the post-war world because he had behind him economic power equivalent to 50 per cent of global GDP and the atomic bomb, which was about to make its debut¹⁴.

As we have written before, nuclear weapons not only guarantee the security of the countries that possess them, but also act as an incentive for peace, because they prevent wars between great powers, acting as inhibitors of conflict. The other two (the Soviet Union and Great Britain) were vying for spheres of influence, but from a position of relative weakness due to the extraordinary strain they had suffered in their fight against Germany.

¹⁰ The Yalta documents briefly noted: 'Shortly afterwards, the Prime Minister and Mr Eden, in turn, took their leave, naturally disagreeing on the voting procedure in the Security Council of the Dumbarton Oaks Organization (the future UN)' (ibid., p. 22).

¹¹ Compare with the provisions of Articles 31 and 32 of the Charter.

¹² In AGUIRRE DE CÁRCER AND ALVARADO. *Los documentos de Yalta. Op. cit.*, p. 45.

¹³ Ibid., pp. 148–154, specifically p. 151.

¹⁴ In RHODES, R. *The Making of the Atomic Bomb*. Simon and Schuster, New York, 1988, pp. 377–379.

These agreements were drawn up and finalized by the foreign ministers of the three major powers during the lengthy meetings at Yalta¹⁵, and formed the basis for the work that culminated in the San Francisco Conference (25 April to 26 June 1945), which adopted the UN Charter.

Consequently, the arrangements governing the functioning of the world governing body, including its right of veto, form part of the Yalta agreements, which laid the foundation for the creation of the UN on 24 October 1945—the constitutional treaty of international society—as well as for the entire post-war international legal order that has endured almost to the present day.

Thus, when coercive measures are now being proposed against China or Russia, is there a genuine awareness of the consequences of what is being proposed? Is it perhaps thought that both the Chinese and the Russians will be willing to bow to pressure simply because their actions contradict certain political and strategic approaches in the West? Realism teaches us, and the field of international relations demonstrates ad nauseam, that states conduct their foreign policy in accordance with their own interests – a tendency that is exacerbated in the case of the great powers, where the talk is of security interests.

How the Security Council works

The Security Council is the supreme guarantor of international peace and security, and its most important power is the application of coercive measures, including the use of force, in the event of a breach, in accordance with the powers conferred upon it by the Charter (Chapter VII).

It also approves the admission of new members and amendments to the Charter itself. It comprises fifteen members: ten non-permanent members, elected by the General Assembly for two-year terms, in accordance with criteria of global regional balance (during the Cold War, ideological criteria—or, rather, spheres of influence—were applied) and five permanent members, who hold the power of veto on substantive matters¹⁶, and

¹⁵ See in full in AGUIRRE DE CÁRCER AND ALVARADO. *Los documentos de Yalta. Op. cit.*

¹⁶ An abstention, meanwhile, is equivalent to a non-negative vote and therefore does not block the adoption of a draft resolution. Furthermore, deciding whether an issue is substantive or procedural is itself considered a substantive matter, and so a veto may be exercised.

its resolutions are binding on all UN Member States. As a point of interest, the presidency rotates monthly amongst the fifteen members, following the alphabetical order of the countries' names in English.

Consequently, it is the great powers, through the exercise of that power, that create and enforce the rules governing the functioning of international society, and it cannot be otherwise. The rest are subject to these rules and, in the event of opposition, risk succumbing to the actions of one, several or all members of the global governing body, as has been the norm since 1945. In this way, international peace and security are ensured, because no fundamental rule can be adopted without their consent.

This is precisely what explains why they themselves are the 'legal nuclear states', as they are aptly termed in the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) of 1 July 1968, to which 190 countries are parties. Only the members of the governing body may possess the weapons that remove war from the equation of conflict, precisely because of that aforementioned capacity to inflict incalculable damage on any irrational aggressor – a circumstance which, to date, has not occurred.

The existence of the other four nuclear powers (Israel, India, Pakistan and North Korea) can only be explained by the fact that, in developing these autonomous capabilities, they received assistance from at least one of the major powers. Others who attempted to do so without such support saw their ambitions dashed (Iraq, Libya, Syria). Even South Africa itself voluntarily denuclearized in the face of an imminent regime change that could have jeopardized its own weapons, and here too the pact between the major powers was fundamental to achieving a smooth internal transition.

During that period, two members of the Governing Council were replaced, but this did not affect its composition, powers or right of veto: on 25 October 1971, delegates from Communist China replaced the representatives of the Republic of China (Taiwan); and on 25 December 1991, the Soviet representative simply replaced the sign for the country—which he had represented until then—with that of the 'Russian Federation', upon the latter's declaration as its successor in the international order. No one contested this course of actions. Consequently, these changes did not affect the structure of global power, which remained unchanged, even though the international order shifted from bipolarity to a very brief period of hegemony.

Thus, in the post-Cold War world, normative power and nuclear power continue to go hand in hand. Consequently, on 3 January 2022, representatives of the five permanent members of the Security Council adopted a joint statement to prevent nuclear war, avoid costly arms races and uphold the non-proliferation regime¹⁷.

No UN body nor any other international organization –although there have been attempts in both cases¹⁸– can replace the Security Council in its functions. Moreover, despite all the conflicts and wars in which the major powers have been directly or indirectly involved since 1945 (Korea, Vietnam, Afghanistan, Ukraine), no one has ever thought to propose abolishing the veto when the aggressors were the ones involved¹⁹, because that would mean upsetting the global balance of power and risking all-out war, as the Big Three argued at the Yalta Conference.

Current situation

During the period of imperfect hegemony (1992–2001)²⁰, criticism of the Security Council began to intensify, with accusations of paralysis or inaction, when in fact the superpower of the time was simply acting by exercising its own power in accordance with the provisions of the system established in the UN Charter²¹, as occurred in the aforementioned case of Yugoslavia in 1999 or the war against Iraq in 2003²². However,

¹⁷ See PÉREZ GIL, L. 'Declaración conjunta de las cinco potencias nucleares sobre la prevención de la guerra nuclear y la carrera de armamentos', *Blog Derecho y Política Internacional*. January 2022. Available at: <https://ullderechointernacional.blogspot.com/2022/01/declaracion-conjunta-de-las-cico.html>

¹⁸ Thus, the attempts at usurpation by the General Assembly during the Korean War in 1950 or by NATO during the war in Yugoslavia in 1999, culminating in the secession of Kosovo in 2008 in contravention of the Security Council's own resolutions, and the intervention in Libya, where the intervening powers exceeded the powers conferred upon them by the Security Council.

¹⁹ It was precisely at the meeting of 6 February 1945 at the Yalta Conference that Stalin and Churchill became embroiled in a discussion on this matter in relation to the expulsion of the Soviet Union from the League of Nations in 1939, with the British Prime Minister stating that 'according to the Dumbarton Oaks proposal, such action would not be possible' (AGUIRRE DE CÁRCER Y ALVARADO. *Los documentos de Yalta*. *Op. cit.*, p. 45).

²⁰ Other scholars consider that this period extended until 2007, coinciding with President Vladimir Putin's famous speech at the Munich Security Conference, or even until 2014, when Russia decided to annex Ukraine by force and there was no way to dissuade it. Thus, DE CASTRO GARCÍA, A., 'La Unión Europea en el contexto de la competición entre las grandes potencias ¿y España?'. *Europa en guerra: Seguridad y Defensa Común tras la invasión de Ucrania* (ed. Cosidó Gutiérrez). Tirant lo blanch, Valencia, 2025, pp. 97–116, specifically p. 101.

²¹ Similarly, FERNÁNDEZ DE CASADEVANTE, C., 'El poder y el Derecho en las Naciones Unidas: la discrecionalidad del Consejo de Seguridad', *Las Naciones Unidas y el Derecho internacional* (Fernández de Casadevante and Quel López, eds.). Ariel, Barcelona, 1997, pp. 40–68.

²² See, respectively, GUTIÉRREZ ESPADA, C. 'Uso de la fuerza, intervención humanitaria y libre determinación (la "Guerra de Kosovo)', *Anuario de Derecho Internacional* XVI. 2000, pp. 93–132; and ANDRÉS SÁENZ DE SANTA MARÍA, M. P. 'El Consejo de Seguridad en la guerra contra Irak: ¿ONG privilegiada, convalidador complaciente u órgano primordial?', *Revista Española de Derecho Internacional* 1, 2003, pp. 205–222.

this marked the beginning of a catastrophe in legal and institutional terms, giving way to a period of perpetual wars (2001–2021), which served only to undermine US power²³.

During that period, the self-proclaimed prophets of yet another new world order emerged, proposing to reform it along ‘more democratic’ lines – as if it had ever been democratic – but their efforts ended in resounding failure, as José Pardo de Santayana has recently analyzed²⁴.

Indeed, during the era of perpetual wars, those responsible for US foreign policy acted unilaterally, contradicting and contravening the principles set out in the Charter – precisely the set of rules they had created in 1945 to govern the international system. It was probably this contradictory behavior that sowed the seeds of its rejection, which had been impossible in the two decades following the collapse of the Soviet Union, simply because there was no equivalent power. However, the emergence of China with global aspirations became increasingly clear, as did the resurgence of a Russia seeking to dominate its immediate sphere of influence, in a sort of armed revisionism, to use the recent words of Víctor Bados Nieto²⁵.

This is where the debate over the scope of the Security Council’s powers in relation to the general prohibition on the use of force— as a fundamental norm of the international legal order—comes into play; we addressed this issue in detail in a previous analytical paper²⁶. On the one hand, the Charter assigns to the major powers represented on the Security Council the primary responsibility for maintaining international peace and security; all Member States recognize that the Security Council acts on their behalf ‘in carrying out the functions which that responsibility entails’ (Article 24 of the Charter) and,

²³ Essential reading: MEARSHEIMER, J. *The Great Delusion: Liberal Dreams and International Realities*. Yale University Press. New Haven, 2018.

²⁴ PARDO DE SANTAYANA, J. *El fracaso de la ilusión geoestratégica occidental en la Posguerra Fría* [doctoral thesis]. University of Salamanca, 20 February 2026 (forthcoming). See also the very recent study by GARAY VERA, C. *El ordenamiento multipolar y la crisis internacional 2014–2024*. Research Series No. 54. ANEPE, Santiago de Chile, December 2025. Available at: https://anepe.cl/wp-content/uploads/2026/03/LIBRO-COLECCION-ANEPE-N%C2%B0-54-DIGITAL-25.MAR_2026.pdf

²⁵ BADOS NIETO, V. ‘El desvanecimiento de la ilusión liberal’, *Revista de Occidente*. June 2026. Available at: https://ortegaygasset.edu/wp-content/uploads/2026/06/RevistadeOccidente_Junio2026_GeneralVictorBadosNieto.pdf

²⁶ PÉREZ GIL, L. *The definitive abolition of the prohibition on the use of force in international relations*. IEEE Analysis Paper 25/2026. Available at: <https://www.defensa.gob.es/documents/2073105/3614440/ieee-2026-prohibition-use-force-international-relations-analysis25.pdf/>

therefore, undertake to 'accept and carry out' its decisions in accordance with the provisions of the Charter itself (Article 25).

On the other hand, to reinforce the fundamental objective of guaranteeing world peace, the Charter states in its preamble that 'armed force shall not be used except in the service of the collective interest', and further stipulates that 'in their international relations, they shall refrain from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations.' (Article 2.4). Consequently, since 1945, the monopoly on the use of force has rested with the world governing body, with the sole exception of self-defense and, furthermore, for a limited period until the Security Council acts (Articles 51 and 53). Any other circumstance in which States resorted to force was illegal, contrary to the Charter and to the general international order²⁷.

That is why, whenever a major power or even an international organization or coalition of volunteers has attempted to supplant the role of the Security Council, they have failed spectacularly²⁸, because only the Security Council has the power to guarantee international peace and security, not only by virtue of the mandate of the Charter, but also because the great powers that founded the international order in 1945 accepted it as such, granting themselves the right of veto as a guarantee of the effective implementation of its decisions.

All these forecasts held true until 24 February 2022, when Russia invaded Ukraine and became embroiled in a war for control of the imperial frontiers, with no possibility of being deterred by its peers on the Security Council. Subsequently, the successive wars in the Middle East (Gaza, Lebanon, Iran) have only served to confirm the demise of the fundamental norm prohibiting the use of force, in a new era of strategic competition in which recourse is once again being made to outright violence. This is a reality that cannot be ignored, particularly from the perspective of weaker states, for whom the validity of international law is the guarantee of their survival.

²⁷ See the classic study by BERMEJO GARCÍA, R. *El marco jurídico internacional en materia de uso de la fuerza: ambigüedades y límites*. Civitas, Madrid, 1993. See also DÍAZ BARRADO, C. 'La prohibición del uso de la fuerza y sus excepciones: balance de los cincuenta años de Naciones Unidas', *Balances y perspectivas de las Naciones Unidas en el cincuentenario de su creación* (Mariño Menéndez, ed.). Madrid, 1996, pp. 141–164.

²⁸ See REMIRO BROTONS, A. '«¿De la asistencia a la agresión humanitaria? OTAN versus Consejo de Seguridad', *Política Exterior* 69. 1999, pp. 17–22.

Indeed, the existence and functioning of the Security Council enable the maintenance of the international structure, and its replacement or alteration would change all the rules of the system. As an international governing body always emerges in the wake of a decisive confrontation, these rules will remain in force until, following another major war (as is the rule) or a general agreement (which is the exception to the previous rule), the system changes and the global structure is reconfigured, adapting to the newly established distribution of power.

Gone are the days of US dominance, when it expanded its power without limits within the globalized international system. Now China and Russia are asserting their own spheres of influence, as happened at the Yalta and Potsdam conferences in 1945. On the one hand, China continues to increase its power; it maintains restraint in its nuclear arsenal and pursues a foreign policy based on strategic patience, aware that rapid and unexpected growth could lead to punitive measures, as were already proposed during the Cold War. For its part, Russia, together with the United States, accounts for 83 per cent of the world's nuclear weapons; it is an unrivalled energy giant and, although it is embroiled in a large-scale conventional war, its influence is decisive when the world stands on the brink of a global conflict.

It is precisely for this reason that the most recent US National Security Strategy, published in December 2025, sets out the need to strengthen strategic negotiations with Russia, normalize Russian-European relations and bring an end to the conflict in Ukraine²⁹. This is because, in a system governed by several powers, these powers seek to reach agreements to avoid conflict, in a constant game of balancing power. If a negotiated settlement is not reached (which is the stated objective of the second Trump administration), it is highly likely that the regime of strategic stability will collapse definitively and that one or more great powers will view the conflict as an opportunity to destroy their opponent and create a new regime based on the victors' rules.

²⁹ PÉREZ GIL, L. 'Estrategia de Seguridad Nacional de los Estados Unidos de 2025 y régimen de estabilidad estratégica', *Derecho y Política Internacional*. December 2025. Available at: <https://ullderechointernacional.blogspot.com/2025/12/estrategia-de-seguridad-nacionales-de.html>

Conclusions

World peace – that is, the absence of war between great powers – is underpinned by the maintenance of the balance of power within the global governing body (the UN Security Council).

Despite dozens of indirect conflicts in which they have been involved since 1945, none has sought to block or abolish the veto power of the others, as this would run counter to their own national interest, which is to maintain the structure of the international order.

In a complex and unstable international system, characterized by strategic competition, both recognize each other's power and seek to avoid direct confrontation, as this could lead to mutually assured destruction should they decide to resort to the use of nuclear weapons.

The change in the international system, when it comes, will entail the creation of new fundamental norms. The major powers that emerge victorious will impose a new legal order that will also serve their own interests, but which, in its structure and application, will benefit everyone, because its aim is to maintain peace and security over a long period of time.

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