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**UNITED NATIONS SECURITY COUNCIL VETO POWER AND ITS
IMPLICATIONS FOR HUMAN RIGHTS AND JUSTICE: A CASE STUDY OF
THE RUSSIA-UKRAINE CONFLICT.**

By:

TAMARA NJOBVU

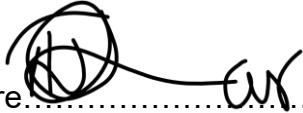
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DECLARATION

I, **TAMARA NJOBVU**, do hereby declare that this dissertation entitled, **UNITED NATIONS SECURITY COUNCIL VETO POWER AND ITS IMPLICATIONS FOR HUMAN RIGHTS AND JUSTICE: A CASE STUDY OF THE RUSSIA-UKRAINE CONFLICT**. Which is hereby submitted in partial fulfillment off the requirement for the award of Bachelor of Laws (LLB) Degree at the University of Lusaka, is a product of my own independent research and has not previously been submitted for a degree at this or any other university. All sources used have been acknowledged. The errors and omissions in this work are solely mine.

Signature..........

Date.....**05/11/25**.....

RECOMMENDATION

I, **MWIKI MUSAKUZI**, do recommend that the dissertation titled, '**UNITED NATIONS SECURITY COUNCIL VETO POWER AND ITS IMPLICATIONS FOR HUMAN RIGHTS AND JUSTICE: A CASE STUDY OF THE RUSSIA-UKRAINE CONFLICT**' authored by **TAMARA NJOBVU**, **STUDENT NUMBER LLB22113082** was done under my supervision, be admitted by the University. I have checked it carefully and I am satisfied that it meets the requirements related to format as laid down by the university Registrations governing directed research



.....
MWIKI MUSAKUZI

(Supervisor)

2025

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ABSTRACT

This research investigated the United Nations Security Council (UNSC) veto power and its impact on human rights and international justice, focusing specifically on the Russia-Ukraine conflict as a case study. The UNSC established in 1945 is the primary body responsible for maintaining international peace and security, with five permanent members (the P5) holding veto power that allows any one of them to block substantive resolutions. While initially intended to ensure unity among major powers and prevent global conflict, the veto has increasingly been used to serve narrow national interests, often at the expense of global justice and humanitarian intervention. The Russia-Ukraine conflict reveals the veto's potential to paralyze the UNSC, eroding its legitimacy and blocking international responses to grave human rights violations and war crimes. This dissertation critically explored the legal and institutional framework of the veto, its historical evolution, and the challenges it poses to effective international governance. It analyzes the impact of veto use in the Russia-Ukraine conflict and other humanitarian crises, reviews scholarly and institutional reform proposals, and evaluates their feasibility. The study revealed that while veto reform faces significant political obstacles, especially from the P5 themselves, incremental changes such as voluntary veto restraint, procedural reforms, and expanded Security Council membership could enhance accountability, democracy, and the protection of human rights. Ultimately, reforming the UNSC veto power is essential for restoring the Council's credibility and ensuring that it fulfills its mandate to safeguard international peace, justice, and human dignity in the 21st century.

This dissertation has critically examined the impact of the United Nations Security Council veto power on human rights and international justice, with a specific focus on the Russia-Ukraine conflict. The analysis revealed that while the veto was originally designed as a safeguard for global stability and great power consensus, its contemporary use often obstructs timely and effective international responses to mass atrocities and human rights violations. The case of Russia's repeated vetoes in the UNSC to shield its actions in Ukraine underlines the structural limitations and moral impairments inherent in the veto system. The veto power remains a significant barrier to collective international action, undermining the principles of sovereign equality and the UN Charter's objectives. Despite its dominance in global security governance, the veto contributes to paralysis within the UNSC, eroding its legitimacy and credibility as the primary institution for maintaining international peace and security. The restricted ability of the Council to respond to crises such as the Ukraine war, Syria, and the Rohingya crisis in Myanmar demonstrates the pressing need for comprehensive reforms.

CHAPTER ONE

1.0 INTRODUCTION

The United Nations Security Council (UNSC) was established in 1945 under the United Nations Charter, the UNSC is the primary organ responsible for maintaining international peace and security. It comprises of fifteen members five of which are the permanent members being China, France, Russia, the United Kingdom, and the United States, they are collectively known as the P5. The permanent five hold a veto power which allows any one of them to block the adoption of any substantive resolution, regardless of international consensus. This mechanism was initially intended to ensure unity among the major powers and prevent another world war. However, over time, the veto has increasingly been used to serve national interests, often at the expense of global justice and humanitarian intervention.

The use of the veto power by the permanent five has had profound consequences on the effectiveness and legitimacy of the UNSC. According to the Security Council Report, since the founding of the UN, over 300 vetoes have been cast, with Russia and the United States being the most frequent users. Russia, in particular, has used its veto power to block resolutions concerning its own actions, such as its involvement in the Syrian conflict and, more recently, the 2022 invasion of Ukraine. This has raised serious concerns about the Council's ability to act in defense of human rights and to uphold international law.

The Russia-Ukraine conflict exemplifies the challenges posed by the veto. Despite widespread international condemnation of Russia's aggression, the UNSC has been unable to take meaningful action due to Russia's ability to block any resolutions that could lead to sanctions or military intervention. This impasse has fueled debate over whether the veto undermines the United Nation's founding principles, particularly in situations where mass atrocities and war crimes are alleged.

This research proposal therefore seeks to explore the implications of the UNSC veto power on human rights and justice, with a specific focus on the Russia-Ukraine war. It aims to evaluate whether the current structure of the UNSC enables or obstructs the pursuit of international peace and justice, and to explore possible reforms to improve its responsiveness and accountability in the face of global crises.

1.1 BACK GROUND OF THE STUDY

The establishment of the United Nations in 1945 marked a pivotal step toward promoting international peace and security in the aftermath of two devastating world wars. Central to this global governance structure is the United Nations Security Council (UNSC), entrusted with the primary responsibility of maintaining international peace and addressing threats to global stability,¹ this is the United Nation's most powerful body, which has the authority to make binding decisions on member states, including the imposition of sanctions and authorization of the use of force.² The UNSC is composed of 15 members, five of which of are the permanent members China,

¹ Jennifer Giblin, *United Nations Peacekeeping and the Principle of Non-Intervention*, (Routledge,

² Dimitris Bouratonis, *The history and Politics of the UN Security Council Reform* (1st ed, Routledge, 2005)

France, Russia, the United Kingdom, and the United States who hold the veto power as provided for in Article 27(3) of the UN Charter which allows any one of the Permanent five members to block the adoption of any substantive resolution, regardless of the number of affirmative votes from the remaining members.³

Originally the veto was intended to safeguard and to ensure unity among the world's most powerful nations, however the veto power has increasingly been a source of contention. While it was conceived to prevent the paralysis of the Council during the Cold War, it has in modern times enabled geopolitical self-interest to override collective humanitarian concerns. The consequences of this have been particularly stark in situations involving gross human rights violations, crimes against humanity, and war crimes, where the veto has frequently been used to block international action, leading to impunity and the erosion of justice.⁴

The Russia-Ukraine conflict, which began in 2014 and escalated dramatically in February 2022 with Russia's full-scale invasion, serves as a case study highlighting the problematic nature of the veto. Despite overwhelming international condemnation of Russia's actions and documented reports of civilian casualties, mass displacement, and alleged war crimes, the UNSC has been unable to take decisive action due to Russia's veto power.⁵ For instance, on February 25, 2022, Russia vetoed a draft resolution that sought to demand an immediate end to its military operations in Ukraine and ensure humanitarian access to affected populations. This move not only blocked potential international response but also exposed the limitations of the UNSC in situations where a permanent member is a party to the conflict.⁶

Numerous scholars have critiqued the current use and implications of the veto. Jennifer Trahan argues that the misuse of the veto in cases involving mass atrocities is inconsistent with international legal obligations and the principles of the UN Charter. Similarly, Pauline Starski contends that the veto should not serve as a legal shield for aggressive or unlawful state conduct, as such practices erode the legitimacy of the Council. Kishore Mahbubani, among others, has advocated for structural reforms to the UNSC, including adjustments to the veto mechanism to reflect contemporary geopolitical realities and to restore the Council's credibility and effectiveness.

The call for reform is not merely academic but has been echoed in various global forums, including the General Assembly, where member states particularly from the Global South have expressed frustration over the Council's inaction during humanitarian crises. Regional blocs such as the African Union and the Non-Aligned Movement have consistently advocated for a more equitable and representative Security Council structure. These demands are grounded in the argument that the current configuration disproportionately empowers a handful of states while sidelining the broader international community, especially those most affected by armed conflict

³ Ibid2

⁴Jennifer Tahan, *Existing Legal Limits to Security Council Veto Power in Face of Atrocity Crimes* (Cambridge University press 2020)

⁵ Jeffrey Mankoff, *Russia's War in Ukraine: Identity, History and Conflict* (Institute for Nations Strategic Studies 2022)

⁶Security Council Fails to Adopt Draft Resolution Ending Ukraine Crisis (25 February 2022) <http://www.reuters.com/article/Ukraine-crisis-security-council-idUSKBN2K11S9> (accessed 4th April 2025)

and underrepresented in global decision-making. The continued reliance on a post-World War II framework in addressing 21st-century conflicts has raised important questions about the democratic legitimacy and accountability of the Security Council in fulfilling its mandate under the UN Charter.

1.2 STATEMENT OF THE PROBLEM

The United Nations Security Council (UNSC) was established as the principal organ responsible for maintaining international peace and security. One of the key provisions of the UN Charter is Article 27(3) which grants veto power to the five permanent members of the Security Council these being China, France, Russia, the United Kingdom, and the United States. This provision was introduced with the intention of preserving consensus among major powers and preventing unilateral decisions that could reignite global conflict. However, despite the well-intended rationale behind the veto mechanism, the application of this power has become a significant barrier to justice and the protection of human rights in modern international relations.

Notwithstanding the existence of international legal frameworks that emphasize the promotion of human rights and the prevention of mass atrocities, the UNSC's current veto structure has proven to be counterproductive and selectively applied. The veto has often been used not as a means to foster peace, but as a political shield by powerful nations to protect their interests or those of their allies, even in the face of documented war crimes, crimes against humanity, and other gross human rights violations. There is no legal limitation on the use of the veto in circumstances involving mass atrocities, nor are there mandatory procedural safeguards to ensure that its application aligns with international humanitarian obligations or the UN's core principles.

Presently, any permanent member can unilaterally obstruct international action, including humanitarian intervention or sanctions, regardless of the scale of human suffering or the global consensus calling for intervention. The practical implication of this has been the paralysis of the Security Council during critical moments, as seen in the case of the Russia-Ukraine conflict. Russia, as a permanent member, has exercised its veto to block resolutions intended to cease its military offensive, facilitate humanitarian access, and hold perpetrators accountable for violations of international law. This has regrettably contributed to widespread civilian casualties, forced displacement, and a general failure to uphold justice.

The persistence of this problem reveals a fundamental structural flaw in the UNSC's decision-making framework. The veto system, as it currently stands, does not possess the legal or moral safeguards necessary to prevent its abuse in situations involving gross human rights violations. As a result, the international community is left powerless to act decisively in the face of injustice, thereby undermining the credibility of the UNSC and eroding public trust in the entire United Nations system.

1.3 GENERAL OBJECTIVES

This study is aimed at critically examining the use and impact of the United Nations Security Council veto power on the promotion of human rights and international justice, with specific reference to the Russian-Ukraine conflict, and to explore

possible legal and institutional reforms to enhance accountability and the effectiveness of the Security Council in responding to mass atrocities.

1.4 SPECIFIC OBJECTIVES

The following are the specific objectives;

1. To analyze the United Nations Security Council veto power's influences on international responses.
2. To assess the extent to which the veto power affects the effectiveness of the UNSC.
3. To examine possible reform mechanisms to curtail the misuse of the veto power.

1.5 RESEARCH QUESTIONS

1. How does the use of veto power by permanent members of the UNSC affect international responses to human rights violations?
2. In what ways has the UNSC veto power impacted the Council's legitimacy and effectiveness in the context of the Russia-Ukraine conflict?
3. What reform measures can be adopted to prevent the misuse of the veto in situations involving mass atrocities?

1.6 SIGNIFICANCE OF THE STUDY

This study is significant as it addresses one of the most pressing challenges faced by international legal and political order, the unchecked use of the veto power by permanent members of the United Nations Security Council (UNSC). It is significant because it further on an ongoing misuse of the veto by focusing on the Russia-Ukraine conflict, the study highlights how the veto can be used to frustrate international responses to gross human rights violations and mass atrocities. The research is therefore important in exposing the gap between the principles enshrined in the United Nations Charter and the political realities that undermine them.

Furthermore, by examining the legal and historical foundations of the veto and its impact on the credibility and legitimacy of the UNSC, this study aims to provide insight into how international governance structures can evolve to better align with the objectives of peace, security, and human rights protection in the 21st century.

1.7 SCOPE OF THE STUDY

This study focuses on the use of the veto power by the five permanent members of the United Nations Security Council (UNSC), with particular emphasis on its implications for human rights and international justice. The research will primarily examine the legal framework governing the veto under the United Nations Charter, its practical application, and the effects of its use or misuse in global conflicts.

The study specifically uses the Russia-Ukraine conflict as a case study to highlight how the veto power has influenced international responses to gross human rights violations and alleged war crimes. Geographically, while the focus is on the global operations of the UNSC, the case studies will show instances where the use of the veto power has had a clear and direct impact on the Council's ability to act. The study will not cover all uses of the veto since the inception of the UN, but rather concentrate on the most relevant cases involving mass atrocities, by making reference to instances where one or more of the permanent five members has abused the veto power and blocked resolutions such as; The United States use of the veto in the Israel-Palestine conflict. Another relevant example is China in the Rohingya Crisis (Myanmar)

1.8 LITERATURE REVIEW

There are many scholars who have contributed their views on the legality, use, and consequences of the veto power held by the five permanent members of the United Nations Security Council (UNSC), especially in relation to human rights protection and international justice. Some of these scholars include.

Jennifer Trahan, holds the view that the veto power, while legal under Article 27(3) of the UN Charter, should not be absolute especially in situations involving genocide, war crimes, or crimes against humanity. She argues that the unrestricted use of the veto in the face of such atrocities undermines the United Nation's core purpose and violates the Responsibility to Protect (R2P) doctrine.⁷ However, while she highlights the problem, she does not fully explore the institutional mechanisms that could enforce such limitations. Her work is strongly focused on setting legal limits to veto use, though she leaves room for further exploration of how such limits could be enforced practically by the international community.

Pauline Starski in her academic work contends that the use of the veto power to shield a state's unlawful conduct, such as military aggression or human rights violations, is morally questionable and legally problematic. She emphasizes that the Security Council's vague framework enables this abuse and calls for legal accountability.⁸ However, while she highlights the legal inconsistencies of the veto system, her work focuses largely on legal analysis and does not extensively explore models that prevent the misuse of the veto.

Kishore Mahbubani, a former United Nation diplomat, argues in his writings that the current composition of the UNSC and the veto system reflect outdated post-World War II power dynamics. He emphasizes that countries like India and Brazil should be permanent members and that the veto system needs to be reformed to maintain the Council's credibility. His analysis focuses on structural reform, but he does not directly

⁷ Jennifer Tahan, *Existing Legal Limits to Security Council Veto Power in Face of Atrocity Crimes* (Cambridge University press 2020)

⁸ Pauline Starski, 'The UN Security Council's veto power and the Rule of law' (2015) 75 *ZaoRV* 455.

address how such reforms could better protect human rights or prevent conflict-related injustices.⁹

Ian Hurd, He explains that the veto power has often led to inaction during critical humanitarian crises, thereby damaging and weakens the legitimacy of the United Nations Security Council.¹⁰ Although he highlights the political failures of the UNSC, he does not extensively address reform pathways. As Hurd's work is rich in institutional critique, he gives less focus on legal remedies to the veto dilemma.

Dapo Akande and **Antonios Tzanakopoulos** opine that the veto should not be used in situations where international crimes are being committed. They argue that its misuse contradicts customary international law and obligations under the Responsibility to Protect (R2P).¹¹ Their work is critical in bridging the gap between legal principles and Security Council practices. However, while they highlight legal obligations, they do not provide a clear enforcement framework for these obligations.

Bardo Fassbender takes a constitutional approach in viewing the UN Charter, arguing that the veto violates fundamental values of equality, justice, and collective responsibility. He posits that the UN Charter should evolve with modern international values. While his constitutional view is progressive, he does not outline actionable steps toward veto reform.¹²

Thomas G Weiss argues that the UNSC is no longer fit for purpose in addressing global challenges. He criticizes the veto power for being the biggest obstacle in times of crises such as the Syrian and Ukraine conflicts. While his work pushes for reform, it is mainly focused on political science perspectives rather than legal reform measures.¹³

Aidan Hehir, in his writings on the Responsibility to Protect, highlights that the UNSC's inability to intervene during humanitarian crises like in Syria and Ukraine is primarily due to the veto. He stresses that this undermines human rights and international justice, but his work stops short of suggesting institutional legal changes.

Michael J Glennon argues that the paralysis caused by the veto often leads to unilateral actions by states, increasing the risk of international instability. He points out that the UNSC's credibility has been compromised and that reform is overdue.

⁹ Kishore Mahbubani, 'UN Credibility Depends on Adjusting Veto Rights to Match Shift in Global Power' (Kishore Mahbubani Official Website, 12 August 2024) <https://mahbubani.net/un-credibility-depends-on-adjusting-veto-right-to-match-shift-in-global-power> accessed 13 April 2025

¹⁰ Ian Hurd, *International Organization: Political, Law, Practice* (3rd edn, Cambridge University Press 2017).

¹¹ Dapo Akande and Antonios Tzanakopoulos, *The International Court of Justice and the Security Council: is There Room for Judicial Control of Decision of the Political Organ of the United Nations?* In Christian J Tams and James Sloan (eds), *The Development of International Law by the International Court of Justice* (Brill 2013).

¹² Bardo Fassbender, *UN Security Council Reform and the Right to Veto: A Constitutional Perspective* (Martinus Nijhoff Publishers 1998)

¹³ Thomas G Weiss, *Humanitarian Intervention* (Polity Press)

However, like many others, he does not provide a framework for how the veto can be limited or better regulated under international law.¹⁴

Edward C Luck, a long-time scholar of the UN, acknowledges that the veto has contributed to the stability of international relations among the P5, but also admits that it often comes at the cost of justice and humanitarian action. He proposes procedural reforms such as requiring explanations for vetoes, but his proposals are modest and not legally binding.¹⁵

All these scholars have contributed significantly to the debate around UNSC veto power. While some have focused on its legal limitations and moral implications, others have concentrated on institutional reform and the geopolitical imbalance it perpetuates. However, there remains a gap in unified action or a binding legal mechanism to address the misuse of the veto, particularly in conflicts like Russia-Ukraine where global justice and humanitarian protection are at stake.

1.9.0 METHODOLOGY

1.9.1 RESEARCH APPROACH

This research shall adopt a qualitative method of approach in order to understand and critically analyze the legal and practical implications of the United Nations Security Council veto power, particularly in relation to human rights and justice. This approach is most appropriate for exploring international legal principles, examining real-world case studies, and generating deeper insight into the application and effects of the veto system.

1.9.2 RESEARCH DESIGN

Given the qualitative nature of this research, the design will be evaluation research. This design allows for the collection and analysis of data to assess the effectiveness and impact of the UNSC veto power, especially in situations involving mass atrocities. It further supports a comprehensive examination of whether the current structure of the Security Council aligns with international legal standards and humanitarian goals.

1.9.3 RESEARCH TYPE

The research will be analytical in nature, as it aims to assess and interpret the legal framework of the UNSC veto, its usage in global conflicts (particularly the Russia-Ukraine conflict), and its influence on the enforcement of international justice and protection of human rights.

1.9.4 STUDY POPULATION

¹⁴ Michael J Glennon, *Limits of Law, Prerogatives of Power: Interventionism after Kosovo* (Palgrave Macmillan 2001)

¹⁵ Edward C Luck, *The UN Security Council and the Responsibility to Protect* (International Peace Institute 2010)

As the study focuses on international law and United Nations operations, the study population will include international legal scholars, human rights experts, diplomats, and legal practitioners with knowledge on UN procedures. Due to the scope of the research, the study will also refer to case-specific stakeholders who have published or spoken on the UNSC's role in the Russia-Ukraine conflict.

1.9.5 SAMPLING TECHNIQUE

The study will employ purposive sampling, targeting individuals or sources with specific expertise on international law, UNSC decision-making, and global human rights mechanisms. Where interviews are conducted, participants will be engaged through their preferred mode of communication whether physically or electronically at their convenience.

1.9.6 DATA COLLECTION

The study will mainly rely on secondary data collected from international treaties, UN Charter provisions, Security Council resolutions, academic books, peer-reviewed journal articles, legal commentaries, and reports from organizations such as the UN, Human Rights Watch, and Amnesty International. Primary data may also be collected through interviews with experts and practitioners in the field of international law and diplomacy.

1.9.7 DATA ANALYSIS

The data will be subjected to qualitative content analysis. This will involve critically interpreting legal texts, drawing thematic connections, and evaluating how the veto power affects justice outcomes and responses to humanitarian crises.

1.9.8 ETHICAL CONSIDERATION

To uphold ethical standards, the researcher shall obtain permission from the University of Lusaka prior to the commencement of the research. Informed consent will be secured from any individuals interviewed, and all efforts will be made to protect their privacy and confidentiality. Furthermore, all scholarly sources and data will be properly acknowledged through appropriate referencing to maintain academic integrity.

1.9.9 RESEARCH OUTLINE

CHAPTER ONE stands as an introduction to this thesis. It provides the background of the study, outlines the statement of the problem, states the research objectives and research questions, and presents the significance, scope, and methodology of the study. This chapter also includes a review of literature relevant to the subject matter.

CHAPTER TWO will focus on analyzing the legal and institutional framework that governs the United Nations Security Council veto power. It will examine relevant provisions under the United Nations Charter, particularly Article 27(3), and assess how the use of the veto aligns or conflicts with international law, the Responsibility to Protect (R2P), and global human rights standards.

CHAPTER THREE will present a case study of the Russia-Ukraine conflict, examining how Russia's use of the veto has affected international intervention, humanitarian assistance, and accountability for human rights violations. The chapter will also highlight how the veto power can obstruct justice in active conflict zones.

CHAPTER FOUR will analyze scholarly and institutional proposals for reforming the veto power. It will explore how such reforms may enhance the credibility and effectiveness of the United Nations Security Council and ensure that human rights and international justice are better protected in future conflicts.

CHAPTER FIVE will summarize the findings from the preceding chapters and present concluding remarks. It will also make practical recommendations on how the UNSC veto power can be regulated or reformed to promote international peace, protect civilians, and strengthen accountability in line with global legal standards.

CHAPTER 2

THE GOVERNING FRAMEWORK OF THE UNSC VETO POWER.

2.0 INTRODUCTION

This chapter explores the legal and institutional framework that the veto power of the United Nations Security Council (UNSC) holds. It looks into the historical origins of the veto, the legal provisions that support its use, the institutional structure of the Council that enables it, and the broader legal debates surrounding its legitimacy and application. Understanding this framework is essential for critically assessing the role of the veto power in the maintenance of international peace and security, as well as in shaping global governance this chapter lays the foundation for understanding how the veto functions within the broader structure of the United Nations and its implications for international peace and security. This analysis is also vital for evaluating reform proposals and alternative mechanisms that seek to make the Security Council more democratic, accountable, and effective in fulfilling its mandate under Chapter V of the UN Charter.

2.1 The Concept of Veto Power.

The term veto comes from the Latin term “Vetare” a Latin expression meaning to forbid or prohibit, Thus the term veto means “I forbid or I prohibit,” historically signifying the authority of one actor to unilaterally prevent the adoption or implementation of a decision. The earliest recorded use of veto power can be traced as far back as 509–27 BCE when it was first used in the constitution of the early Roman Republic, within Rome’s complex system of checks and balances. The office of the Tribune of the Plebs (officials representing the common people), established in 494 BCE, was empowered to block legislation or executive action deemed harmful to the interests of the plebeian class. The act was immediate and decisive, by simply declaring veto, a tribune could halt governmental proceedings. This institutional safeguard against patrician dominance represented a significant early expression of the principle that certain actors should retain the ability to obstruct collective decisions in defence of vital interests.¹⁶

From Rome, the concept of the veto evolved across different governance systems. In the British constitutional framework the veto traditionally referred to as the monarchs right to refuse royal assent from parliamentary bills passed by parliament, this prerogative allowed the Crown to block a bill from becoming a law although this practice fell into disuse by the early 18th century with the last refusal of royal assent taking place in 1708 when the then Queen Anne Stuart withheld approval for the Scottish Militia Bill. In this era the royal assent is considered a constitutional formality, with the political doctrine of parliamentary sovereignty ensuring that elected representatives determine the law without interference from the monarch.¹⁷ In the

¹⁶ R.A Warson, ‘Origin and Early Development of the Veto Power (1960) 22 journal of Politics.

¹⁷ A. V Dicey, Introduction to the study of constitution (8th end MacMillan 1915)

United States Constitution of 1787, the executive veto was formalised in Article I, Section 7 clause 2, granting the President authority to reject congressional legislation subject to a two-thirds override in both houses.¹⁸ The U.S system also recognizes the “pocket Veto” where the President takes no action on a bill and congress adjourns before the ten day review period ends, preventing the bill from becoming law. This power has been frequently used in the American political history, reflecting the separation of powers and providing an important executive check on legislative authority.¹⁹ Similar provisions appeared in colonial charters and in the constitutional frameworks of many states during the 19th and early 20th centuries, embedding the veto as a recognised element of modern constitutional design.

During the colonial period, veto powers were a common feature of governance structures established by imperial powers, particularly within British colonial charters. Governors, appointed by the Crown, often possessed the authority to withhold assent to legislation passed by colonial assemblies, effectively exercising a veto over local decision-making. This mechanism was designed to ensure that colonial laws conformed to imperial policy and the broader interests of the metropole.²⁰ For example, in the British North America Act of 1867, the Governor General retained the power to reserve bills for the consideration of the British monarch, a practice reflecting the hierarchical relationship between colony and Crown. Such powers not only maintained central control but also mirrored earlier royal prerogatives in England, where monarchs like Queen Anne had last exercised an outright legislative veto in 1708.²¹

In the 20th century, the veto evolved into a standard feature of constitutional governance, appearing in parliamentary as well as presidential systems, though in varying forms. In Westminster-style systems within the Commonwealth, the formal veto power of the monarch or governor-general became largely ceremonial, replaced by constitutional conventions that limited its use. However, in federal and presidential systems, such as the Philippines, Nigeria, and post-independence India, constitutional veto provisions were actively retained, often alongside powers to return legislation for reconsideration or to enact “pocket vetoes.” These provisions ensured that the executive could continue to exert significant influence over the legislative agenda, mirroring historical practices from colonial governance and aligning with 20th-century trends toward institutionalized checks and balances.²²

2.2 Historical Background of the Veto Power in the UN System.

The origins of the veto power can be traced back to the foundational negotiations that established the United Nations at the San Francisco Conference in 1945. As the victorious powers of World War II sought to design a post-war international order, they

¹⁸ U.S Constitution Article 1, Section 7, clause 2

¹⁹ J. Lurie, *The Unusual Story of the Pocket Veto Case, 1926-1929* (University Press of Kansas 2022)

²⁰ P. Romney, *Mr Attorney: The Attorney General for Ontario in Court Cabinet, and Legislature, 1791-1899* (University of Toronto Press 1986) 27-31

²¹ D. L. Robinson, *Presidential Vetoes, 1789-1988* (Congregational Research Service 1989) 3-7

²² HWR Wade and CF Forsyth, *Administrative Law* (19th edn, OUP 2014) 37-39

emphasized the need for a global security institution that would not repeat the failures of the League of Nations. One of the key lessons learned from the League's collapse was the absence of strong enforcement mechanisms and the inability to secure the participation of all major powers, particularly the United States.²³

The idea of granting select states a blocking mechanism in international relations first appeared in institutional form within the League of Nations (1920–1946). Under the League's Covenant, Council decisions required unanimous consent, effectively allowing any member to prevent the adoption of a resolution. While this was not a formal “veto” in the modern legal sense, it established the principle that major powers would only participate in collective security arrangements if granted decision-making privileges commensurate with their political weight. This precedent was instrumental in shaping the design of the United Nations Security Council (UNSC) after the Second World War.²⁴

The United Nations Charter, adopted on 26th June 1945, established the Security Council as the primary organ responsible for the maintenance of international peace and security. Article 27(3) of the Charter provides that decisions on substantive matters require “the concurring votes of the permanent members,” thereby granting each of the five permanent members China, France, the United Kingdom, the United States, and the Soviet Union (now Russia) the power to veto any such decision.²⁵ The first recorded use of this power occurred on 16 February 1946, when the Soviet Union blocked the admission of Greece to the United Nations. The veto was intended to serve two primary purposes: to secure the participation of the major powers in the new organisation and to prevent the UN from taking coercive action against any of them in matters touching on their vital national interests.

The evolution from the League's unanimity principle to the modern UNSC veto was shaped by wartime diplomacy among the Allied powers. At the Moscow Conference of 1943, the United States, United Kingdom, Russia, and China agreed on the creation of a post-war security organisation.²⁶ The Dumbarton Oaks Conference (August–October 1944) provided the basic framework of the United Nations, introducing the “great power unanimity” principle that would become the veto.²⁷ The final terms were settled at the Yalta Conference in February 1945, where it was agreed that substantive decisions of the Security Council would require not only the affirmative votes of a

²³ T. Hoopes and D. Brinkley, *FDR and Creation of the UN* (Yale University Press 1997) P 30_35

²⁴ J. S. D. Hyslop, *The League of Nations and the Principle of Unanimity*, *Journal of Contemporary History*, Vol 17 No. 2 (April 1982) PP 297

²⁵ *Ibid*16

²⁶ *Ibid*23

²⁷ Proposal for the Establishment of General international Organizations (Dumbarton Oaks Conference Washington DC, 21st August to 7th October 1944) <http://www.un.org/en/about-us/history-of-the-un/dumbarton-oaks> accessed 10th August 2025

majority of members but also the concurring votes of the five permanent members (P5).²⁸

The introduction of the veto at the San Francisco Conference was not without controversy. Many smaller states were wary of concentrating so much power in the hands of a few states, fearing domination by the major powers. The veto was opposed by many small states it was however forced on them by threatening that the UN would otherwise not be founded. The smaller states viewed the veto as undermining the principle of sovereign equality and democratic governance within the UN. However, the P5 made it clear that without the veto, they would not join the organization. U.S. Secretary of State Edward Stettinius famously stated during the negotiations that the veto was the “price of admission” for the great powers.²⁹ The justification for this arrangement was largely realistic as it was believed that the United Nations could not function effectively or prevent future global conflicts without the full cooperation and engagement of the world’s most powerful states.³⁰

Supporters of the veto mechanism argued that it was a necessary compromise to ensure international stability. Given their military and economic dominance, it was unrealistic to expect the P5 to submit to binding decisions they did not support. The veto was thus conceived as a safeguard that would allow the permanent members to protect their vital national interests while still participating in collective security.³¹ It was also seen as a means of preventing direct conflict between major powers, as unanimous consent would be required before the Council could take coercive measures against any of them. While the veto was accepted as a condition for founding the UN, it has remained a source of debate and criticism. Nonetheless, its origins lie in the geopolitical realities of the post-war period and the necessity of ensuring unity among the major powers at a time of global reconstruction.³²

2.3 Composition and Voting Procedures in the UNSC

The Security Council is composed of fifteen member states: five permanent members (P5) being China, France, the Russian Federation, the United Kingdom, and the United States and ten non-permanent members elected for two-year terms by the General Assembly, Elections are determined by a two-thirds majority in the General Assembly, with consideration for equitable geographical distribution.³³ These ten elected members (E10) do not possess veto power and rotate based on regional groupings. This regional allocation aims to balance representation between different political and geographical groupings ensuring that the UNSC remains a platform for

²⁸ The Yalta Conference Agreement (4-11 February 1945) <https://avalon.law.yale.edu/wwii/yalta.asp> accessed 10th August 2025

²⁹ E. Voeten, ‘Revisionism and Security Council Veto’ 2001 55 International Organization 211, 215-18

³⁰ UN, Explained: The History of the United Nations Security Council Veto Better World Campaign (2nd September 2025) <https://betterworldcampaign.org>

³¹ B. Fassbender, UN Security Council Reform and the Right to the Veto (1998) P48

³² Ibid23

³³ Article 23 UN Charter of 1945

Global participation while preventing the primacy of the P5.³⁴ The Voting procedures are governed by **Article 27 of the UN Charter** where each member of the council has one vote, but the rules differ for procedural and substantive matters. On procedural matters, decisions require the affirmative votes of at least nine members. However, on substantive issues such as the imposition of sanctions, authorizing the use of force, admitting new members or peacekeeping mandates the decisions must receive nine affirmative votes, including the concurring votes of all five permanent members (United Nations, 1945).³⁵ This effectively grants each of the P5 a veto, allowing them to block any substantive resolution even if it has majority support.

The veto power is the defining feature of the UNSC's decision-making process. It allows any one of the permanent members to block the adoption of a substantive resolution, regardless of the level of international support the decision commands. The veto is exercised by casting a negative vote on a draft resolution; an abstention or absence does not count as a veto. Historically, the veto has been used to protect the strategic interests of the permanent members or their allies, often preventing the Council from taking action in situations of major geopolitical contention. While its defenders argue that it preserves the unity of the major powers and prevents the collapse of the UN system, critics contend that it entrenches inequality and undermines the Council's effectiveness in responding to international crises.³⁶

2.4 The Veto Power within the Security Council's Operational Mechanism

The veto power is not merely a procedural tool, it is a structural feature that defines the operational limits of the Council. It ensures that no substantive action can be taken without the consent of all P5 members, effectively giving each of them a gatekeeping role. This mechanism reflects a balance-of-power, which is the idea that the Council cannot compel action against the interests of any of the world's major powers without risking institutional breakdown or withdrawal.³⁷ While designed to foster unity among the great powers and prevent unilateral military escalation, the veto has often been criticized for paralyzing the Council in the face of humanitarian crises and large-scale conflicts. An example is the repeated use of the veto power which has blocked resolutions on the China Rohingya violation, Israel Palestine conflict, and more recently, Russian Ukraine conflict, raising concerns about selective justice and power imbalance.³⁸

Despite its controversial nature, the veto remains a core element of the Security Council's institutional identity, reflecting the political realities of its founding and the continued dominance of a few states in global security governance.

2.5 The Scope and Application of the Veto

³⁴ L. M. Goodrich, E. Hambro and A. P. Simons, *Charter of the United Nations: Commentary and Documents* (3rd edn, Colombia University Press 1969) 156-158

³⁵ Article 27 UN Charter of 1945

³⁶ E. Childers and B. Urguhart, *Renewing the United Nations System* (Dag Hammarskjöld Foundation) 46-47

³⁷ Ibid 21

³⁸ D. M. Malone, *UN Security Council: From the Cold War to the 21st Century* (Lynne Rienner Publishers 2004) 691-693

The scope of the veto power in the United Nations Security Council (UNSC) is limited to substantive matters, as expressly provided under Article 27(3) of the UN Charter. These substantive issues encompass decisions central to the maintenance of international peace and security, such as authorizing the use of armed force, mandating or terminating peacekeeping operations, imposing or lifting economic and diplomatic sanctions, recommending the admission of new UN member states, appointing the Secretary-General, and approving amendments to the Charter. By contrast, procedural matters that include the scheduling of meetings, the establishment of subsidiary bodies, and certain agenda-setting functions are exempt from the veto and require only the affirmative votes of nine members, regardless of the position of the permanent members.³⁹

In its application, the veto has two distinct dimensions: formal exercise and informal influence. The formal exercise occurs when a permanent member casts a negative vote on a draft resolution concerning a substantive matter, thereby preventing its adoption. Informal influence, often referred to as the “shadow veto” or “threat veto,” occurs when the mere possibility of a veto is used as a negotiating tool to shape the content, timing, or even the introduction of draft resolutions. This informal aspect is highly significant in Council diplomacy, as it often leads to pre-vote compromises or the quiet withdrawal of proposals deemed unacceptable to one or more permanent members.⁴⁰

The historical record of veto use reflects broader patterns of international politics and how the veto has been applied. Between 1946 and 1989, during the height of the Cold War, the Soviet Union cast the vast majority of vetoes, frequently blocking Western-backed resolutions.⁴¹ From the 1970s onwards, the United States emerged as the most frequent user, particularly in situations involving Israel and the Middle East. In the 21st century, Russia and China have increasingly used the veto to block resolutions perceived as facilitating regime change or infringing on state sovereignty, notably in relation to Syria, Myanmar, and Venezuela. The selective and often politically motivated nature of veto use has attracted sustained criticism, particularly from smaller states and humanitarian actors, who argue that it undermines the UNSC’s ability to respond to mass atrocities and threats to international peace. Nevertheless, the veto remains a central feature of the Council’s design, a tool intended to ensure unity among the great powers but which in practice has often paralyzed collective security action.⁴²

2.6 The impact of the veto power on international law, the Responsibility to Protect and Global Human Rights Standards.

The veto power of the permanent members of the United Nations Security Council (UNSC) has had a profound effect on the development and application of international law. While the Charter of the United Nations provides a framework for collective

³⁹ Ibid35

⁴⁰ B. Fassbender, UN Security Council Reform and the Right to Veto: A Constitutional Perspective (Kluwer Law International 1998) 84-88

⁴¹ UN Security Council, ‘Repertoire of the Practice of the Security Council: Veto List’ (United Nations) <https://research.un.org/en/docs/sc/quick/veto> accessed 11th August 2025

⁴² T. G. Weiss, D. P. Forsythe, R. A. Coate and K. Pease, The United Nations and Changing World Politics (8th edn, Routledge 2020) 72-73.

security, the ability of any one permanent member to block substantive resolutions effectively places significant limitations on the enforcement of international legal norms. This is especially apparent in cases where the veto has been used to shield allies from condemnation or sanctions, preventing the Security Council from fulfilling its mandate to maintain international peace and security. Such selective application of international law undermines the principle of equality before the law and can erode the legitimacy of the Council as the primary organ responsible for its enforcement.⁴³

The doctrine of the Responsibility to Protect (R2P), endorsed by all UN member states in the 2005 World Summit Outcome, was designed to ensure timely and decisive action to prevent genocide, war crimes, ethnic cleansing, and crimes against humanity. However, the implementation of R2P has been severely constrained by the veto. In several high-profile crises, including the Syrian conflict, repeated vetoes by Russia and China blocked Security Council action despite overwhelming evidence of atrocities. This paralysis highlights a structural tension: while R2P embodies a moral and legal commitment to protect populations, the veto operates as a political safeguard for the interests of the permanent members, often at the expense of those most in need of protection.⁴⁴

The veto's impact extends beyond peace and security matters to the broader promotion and protection of global human rights standards. Many Security Council resolutions relate directly or indirectly to human rights, such as the establishment of fact-finding missions, referral of situations to the International Criminal Court, or the imposition of sanctions against rights violators. When the veto is exercised to block such measures, it not only prevents immediate action but also signals a lack of collective will to uphold the universal principles enshrined in international human rights treaties. This can embolden perpetrators, weaken international accountability mechanisms, and contribute to a perception of double standards in the application of human rights norms.⁴⁵

2.7 The Principle of Sovereign Equality in Contrast to Veto Power

The Charter of the United Nations enshrines the principle of sovereign equality in Article 2(1), affirming that all member states, regardless of size, wealth, or military strength, possess equal legal rights and obligations within the UN framework. This principle was intended to reflect the foundational ideals of the organisation, namely, that international peace and security should be maintained through the cooperation of equal sovereign states in a rules-based order. Sovereign equality ensures that each member has one vote in the General Assembly and an equal voice in deliberative processes. However, in the Security Council, this idea encounters a structural limitation: the institutionalization of special privileges for the five permanent members (P5) through the veto power, which effectively grants them a greater ability to determine outcomes in matters of international peace and security.⁴⁶

⁴³ Ibid21

⁴⁴ A. J. Bellamy, *Responsibility to Protect: The Global Effort to End Mass Atrocities* (Polity Press 2009) 143-149

⁴⁵ R. Freedman, *Failing to Protect: The UN and the Politicization of Human Rights* (Hurst 2014) 201-204

⁴⁶ Article 2(1) United Nations Charter 1945

The veto power, set out in Article 27(3) of the Charter, grants any permanent member the authority to block the adoption of substantive resolutions, regardless of the level of international support such measures receive. This creates a hierarchical decision-making structure in which the P5 enjoy a degree of influence far exceeding that of other states. Critics argue that this arrangement contradicts the principle of sovereign equality, as it allows a small group of states to unilaterally prevent action supported by the vast majority of UN members. Proponents, however, contend that the veto was a pragmatic compromise necessary to secure the participation of the great powers in 1945, without which the United Nations like its predecessor, the League of Nations might not have survived.⁴⁷ The resulting tension between legal equality and political reality remains a central feature of Security Council governance.

In practice, this tension manifests in accusations that the veto undermines the legitimacy and impartiality of the Council's work, particularly when it is exercised to shield allies or block action in situations involving mass atrocities. The persistent imbalance between sovereign equality in principle and great power privilege in practice has fueled decades-long debates over Security Council reform. Proposals have ranged from restricting the veto's scope in cases involving genocide or war crimes, to expanding permanent membership in order to reflect contemporary geopolitical realities. Yet, such reforms face a paradox: they require the consent of the very states that benefit most from the current arrangement. Thus, the juxtaposition of sovereign equality and the veto power continues to serve as a stark reminder of the compromises and contradictions embedded in the post-World War II international order.⁴⁸

2.8 Conclusion

This chapter has provided a detailed examination of the legal and institutional underpinnings of the United Nations Security Council's veto power. It began by tracing the historical origins of the veto, noting its establishment during the San Francisco Conference of 1945 as a political compromise to ensure the participation of the major Allied powers. The legal basis for the veto, as codified in Article 27(3) of the UN Charter, was then analyzed, highlighting the distinction between procedural and substantive matters and the implications of requiring the concurring votes of the P5 for substantive decisions. The chapter also explored the institutional structure of the Security Council, emphasizing the unequal relationship between the P5 and the elected non-permanent members (E10). The veto was shown to be not merely a procedural tool but a defining feature of the Council's operational mechanics. Additionally, the scope and application of the veto were reviewed through key case studies such as the China Rohingya conflict, Palestine war, and Ukraine conflict, revealing how the veto has often been used to protect political allies or block international action, even in the face of grave humanitarian crises. In connecting this

⁴⁷ R. B. Russel, *A History of the Nations Charter: The Role of the United Nations 1940-1945* (Brookings Institution 1958) 660-662

⁴⁸ D. M. Malone *The UN Security Council: From the Cold War to the 21st century* (Lynne Rienner Publishers 2004) 619-693

discussion to the broader dissertation, this chapter establishes a critical foundation for understanding how the veto affects the Security Council's performance, credibility, and legitimacy. These concerns directly inform the focus of the next chapter, which will examine the practical impact of the veto power, including case studies that demonstrate its consequences on international peace, security, and justice.

CHAPTER THREE

THE USE OF THE VETO POWER

3.0 Introduction

The exercise of veto power by permanent members of the United Nations Security Council (UNSC) has long shaped the trajectory of international peace and security. While designed as a safeguard to prevent unilateral domination and ensure consensus among major powers, the veto has increasingly been used as a political tool to shield allies, protect national interests, and obstruct international responses to grave humanitarian crises.⁴⁹ This chapter examines the impact of the veto in active conflicts, with the Russia-Ukraine conflict serving as the primary case study. Russia's dual role as both a permanent member of the UNSC and a party to the conflict highlights. In addition, two comparative cases are considered the Israel-Palestine conflict and Rohingya crisis in Myanmar, where the United States has consistently used its veto to block resolutions and where China has used its veto to shield Myanmar's military regime from international accountability respectively. These case studies will illustrate the diverse ways in which veto power has been abused. The central questions guiding this chapter are: How has the veto impeded international action in these conflicts? Who benefits from the use of the veto? This chapter underscores the veto's role not only as a diplomatic instrument but also as a significant obstacle to justice, peace, and the protection of civilians in times of war.

3.1 The Russia–Ukraine Conflict: Russia's Veto and the Paralysis of the UNSC and Background

Following the collapse of the Soviet Union in 1991, Ukraine declared its independence, inheriting one of the world's largest nuclear arsenals. In a landmark move aimed at global security, Ukraine committed to surrendering these nuclear weapons in exchange for security assurances.⁵⁰ The most significant of these was the 1994 Budapest Memorandum, under which Russia, the United States, and the United Kingdom pledged to respect Ukraine's sovereignty and territorial integrity and committed to refraining from the threat or use of force against Ukraine.⁵¹

⁴⁹ J. Trahan, "Existing Legal Limits to Security Council Veto Power in the Face of Atrocity Crimes" (Cambridge University Press, 2020)

⁵⁰ S. Polkhy, "The Russo-Ukraine War: The Return of History" (W.W. Norton & Company 2023)

⁵¹ G. Persson, "Inside Russia's Forever War against Ukraine" (Engelsberg Ideas, 1 August 2024) <https://engelsbergideas.com/essay/inside-russias-forever-war-against-Ukraine> accessed 22 August 2025

Complementing this, in 1997, Ukraine and Russia signed the Treaty on Friendship, Cooperation, and Partnership, reinforcing mutual respect for their borders and sovereignty. However, this treaty was later abrogated by Russia following its actions in 2014.⁵²

The political landscape in Ukraine dramatically shifted in 2013 when President Viktor Yanukovych, under Russian pressure, abandoned plans to sign an association agreement with the European Union, which triggered widespread protests, known as the Euromaidan or Revolution of Dignity. These mass demonstrations ultimately led to Yanukovych's ousting in early 2014.⁵³ A development Russia perceived as a threat to its influence. In a swift response, Russia annexed Crimea in March 2014 through an internationally condemned referendum and began supporting separatist insurgents in the Donetsk and Luhansk regions of eastern Ukraine. These actions ignited an ongoing conflict in the Donbas region, causing over 14,000 deaths and widespread destruction, while destabilizing eastern Ukraine for years to come.⁵⁴

Over time, Ukraine's efforts to deepen ties with Western institutions, notably the European Union and NATO, increasingly clashed with Russia's strategic objectives. From Moscow's perspective, Ukraine's westward drift threatened its traditional sphere of influence and security buffer, particularly as NATO expanded eastward. This geopolitical tug-of-war underscored Russia's long-standing desire to maintain regional hegemony through what it views as essential buffer zones, an approach that fueled resistance to Ukrainian integration with Western defense and political structures.⁵⁵

At the core of Russia's rationale lies an ideological narrative promoted by President Vladimir Putin, who has consistently denied the legitimacy of Ukrainian sovereignty. He has asserted that Ukraine is an "artificial" construct and that Russians and Ukrainians are essentially "one people," echoing imperial-era conceptions of a greater Russian cultural and historical domain. This ideological framing has been described by many scholars and commentators as emblematic of a 21st-century imperial war, driven by a nostalgia for Russian dominance and a desire to restore influence lost after the Soviet Union's dissolution.⁵⁶

Tensions escalated sharply in late 2021 when Russia began amassing large numbers of troops along Ukraine's borders, prompting widespread international concern and intelligence warnings about a potential invasion. Despite Russia's repeated denials, on February 21st, 2022, Putin formally recognized the independence of the self-proclaimed Donetsk and Luhansk "people's republics" in eastern Ukraine, justifying

⁵² P. D'Aneiri, 'Hope and Hardship, 1994-1999' in *Ukraine and Russia: From Civilized Divorce to Uncivil War* (2nd edn, Cambridge University press 2023) ch3, pp66-101

⁵³ *Ibid* 49

⁵⁴ S. Plokhy "The Gates of Europe: A History of Ukraine (Basic Books 2015)

⁵⁵ D. Gemini, "How the War in Ukraine has Transformed the EU's Common Foreign and Security Policy (Oxford University Press 2025)

⁵⁶ The Guardian Newsroom, "Ukraine War briefing: Putin's claim that Ukraine is "Our" Evidence of his Disclaim for Peace Efforts says Kyiv (The Guardian 2025)

this by claiming Russia needed to protect Russian-speaking populations allegedly under threat. Two days later, on the 24th of February 2022, Russia launched a large-scale military invasion, branded by Putin as a “special military operation” aimed at “demilitarizing and denazifying” Ukraine allegations that have been widely rejected and described as unfounded by the international community.⁵⁷

The subsequent conflict unfolded on multiple fronts, including assaults from Belarus toward Kyiv, advances from Russian-annexed Crimea, and attacks within the eastern Donbas region and near Kharkiv. Ukrainian forces mounted fierce resistance, halting Russian advances around the capital Kyiv by April 2022.⁵⁸ The war then evolved into intense battles in the Donbas, including a devastating siege of the strategic port city of Mariupol. Later in 2022, Ukrainian counteroffensives reclaimed significant territories, including Kharkiv Oblast and much of Kherson. In response, Russia declared the annexation of four Ukrainian provinces following widely discredited referendums, escalating tensions and further complicating the conflict.⁵⁹

Throughout 2023 and into 2024, the war remained dynamic and brutal. Ukraine continued its counteroffensive efforts, making incremental territorial gains, while Russia sought to regroup and launch renewed offensives. Both sides suffered heavy losses in personnel and equipment, and civilian populations in conflict zones endured severe hardships. The war deeply impacted Ukraine’s infrastructure and economy, provoking widespread displacement and humanitarian crises. Internationally, the conflict provoked widespread condemnation of Russia’s actions, leading to sweeping sanctions and military support for Ukraine from Western countries, which has significantly influenced the course and intensity of the fighting.⁶⁰

This war represents not only a severe humanitarian crisis but also a geopolitical struggle at the heart of post-Cold War European security arrangements. It challenges the international legal order upheld since 1945 and underscores the volatile legacies of Soviet collapse, national identity, and great power competition in the 21st century.⁶¹

Russia’s use of the veto in the United Nations Security Council (UNSC) has been a defining feature of its approach to the Ukraine crisis and broader international security issues. The first significant instance occurred on 15th March 2014, when the Council voted on a United States sponsored draft resolution that reaffirmed Ukraine’s sovereignty, independence, unity, and territorial integrity, while declaring the Crimean referendum invalid. The resolution received overwhelming support, with 13 votes in favor and only one abstention from China. However, Russia exercised its veto, thereby blocking the measure. Russia’s UN Ambassador defended the veto by arguing that it protected the right to self-determination of the Crimean people, while simultaneously rejecting the resolution’s underlying premise. This action highlighted Russia’s

⁵⁷ J. Haslum Hurbris, “The Origins Ines the War’s Roots (Bloomsbury Publishing 2024)

⁵⁸ Ibid56

⁵⁹ B. Taylor Russian Politics: A Very Short Introduction (Oxford University Press 2024)

⁶⁰ Y. Trofimov “Our Enemies Will Vanish: The Russia Invasion and Ukraine’s War of Independence”, (Penguin Press 2024)

⁶¹ L. Pech and M.L. Rapnouil ‘The War in Ukraine and Legal Limitations on Russian Vetoes’ (2023)

determination to shield its activities in Crimea from international condemnation and underscored the limitations of the Council in responding to breaches of sovereignty by one of its permanent members.⁶²

The same pattern recurred following Russia's full-scale invasion of Ukraine, on the 25th of February 2022. The UNSC attempted to adopt a resolution deploring Russia's military aggression, which was supported by 11 members. Nevertheless, Russia once again vetoed the measure, preventing the Council from condemning its conduct or authorizing any form of collective action. This veto confirmed the structural problem of a permanent member being able to obstruct accountability even when it was directly responsible for violating international peace and security.⁶³

Later in September 2022, after Russia held widely denounced referenda in the occupied Ukrainian regions of Donetsk, Luhansk, Kherson, and Zaporizhzhia, the Security Council sought to adopt a resolution condemning the unlawful annexation of these territories. The draft resolution received 11 votes in favor, while Brazil, China, Gabon, and India abstained.⁶⁴ Russia stood alone in opposition, exercising its veto to block the measure. Under newly adopted UN procedures, this veto automatically triggered an Emergency Special Session of the General Assembly, which went on to adopt a resolution condemning the annexations. While the General Assembly's action demonstrated the international community's rejection of Russia's claims, the episode once again showed how the veto insulated Moscow from accountability within the Security Council itself.⁶⁵

These incidents form part of a broader pattern of Russian veto use since the end of the Cold War. Since 1991, Russia has exercised its veto power between 31 and 33 times nearly double the frequency of any other permanent member. Its vetoes have not been confined to Ukraine but extend to a range of international crises. Russia has blocked investigations into the downing of Malaysia Airlines Flight MH17, opposed Security Council recognition of the Srebrenica massacre as genocide, obstructed humanitarian assistance and accountability measures in Syria, and resisted efforts to strengthen sanctions against North Korea. This persistent reliance on the veto has cemented Russia's reputation as the most frequent and controversial user of the power in the post-Cold War era, raising serious doubts about the credibility and effectiveness of the Security Council in addressing contemporary threats to peace.⁶⁶

Russia's vetoes concerning Ukraine in 2014 and 2022 paralyzed the Security Council at critical moments, preventing the adoption of Chapter VII measures that could have condemned or constrained its aggression. In 2014, the veto blocked attempts to address Russia's annexation of Crimea, while in 2022 it prevented the Council from responding effectively to the full-scale invasion of Ukraine. These vetoes pushed decision-making away from the Security Council and into the General Assembly, where Resolution 2623 invoked the "Uniting for Peace" procedure, triggering the eleventh emergency special session (ES-11). Although the Assembly subsequently

⁶² Ibid60

⁶³ A. Peters and C. Marxsen, 'The UN Security Council and the Maintenance of Peace in a Changing World' (Cambridge University Press, 2024)

⁶⁴ Ibid59

⁶⁵ A. Peters, 'The War in Ukraine and the Curtailment of the Veto in the Security Council', issue #5 (2022)

⁶⁶ Ibid65

adopted a series of strongly worded resolutions, such as ES-11/1 and ES-11/2, affirming Ukraine's sovereignty and denouncing Russia's actions, these measures carried only symbolic and political weight since the General Assembly lacks the binding enforcement powers of the Council. This shift revealed the structural weakness of the United Nations when its most powerful organ is rendered ineffective by the political interests of a permanent member.⁶⁷

The consequences of Russia's veto use extend beyond institutional paralysis to the legitimacy of the UN system as a whole. The Security Council derives its authority from perceptions that it acts consistently with the UN Charter and represents the collective interests of the international community. However, repeated vetoes by Russia are an active party to the very conflict under consideration and undermine this perception of neutrality and fairness. This erosion of legitimacy has encouraged states to turn to alternative mechanisms outside the Council, such as General Assembly resolutions, regional coalitions, and unilateral or multilateral sanctions, to fill the void left by the Council's inaction. Scholars and practitioners have also observed that Russia's actions have exacerbated divisions within the Council itself, with voting patterns since 2014 showing deeper polarization among members and greater strain on the Council's working methods.⁶⁸

These developments have reignited debates about the proper limits of the veto and whether permanent members should be restrained in its use. Article 27(3) of the UN Charter stipulates that a party to a dispute must abstain from voting on non-procedural matters, which in principle would have precluded Russia from vetoing resolutions directly concerning its conflict with Ukraine. Yet the inconsistent application of this provision over time has allowed Russia to block such measures without consequence.⁶⁹ In response, legal scholars and political actors have called for reforms aimed at curbing self-interested vetoes. Proposals include revitalizing the duty of abstention, as well as voluntary commitments such as the France–Mexico initiative and the Accountability, Coherence and Transparency (ACT) Code of Conduct, which advocate that permanent members refrain from using the veto in situations involving mass atrocities.⁷⁰ Additionally, the General Assembly's adoption of Resolution 76/262 in 2022 introduced a procedural innovation by requiring that any veto automatically triggers a debate within ten working days, thereby increasing transparency and imposing reputational costs on the permanent member concerned. While these measures do not eliminate the veto, they reflect growing frustration with Russia's conduct in the Council and a wider recognition that unchecked veto use poses a direct challenge to both collective security and the credibility of the United Nations.⁷¹

The primary function of the United Nations Security Council is its responsibility to maintain international peace and security, with the protection of civilians in armed conflict at the core of its mandate. The veto power granted to the five permanent

⁶⁷ S. Oakford and J. Douglas, 'The War in Ukraine and the Curtailment of the Veto in the Security Council' (2023) 10 *Geopolitique* 96.

⁶⁸ A. Latino, 'The United Nations Security Council' (2025) 9 *Bratislava Law Review* 1, 8-9

⁶⁹ N. Nordstrom, 'Paralysis by Power: The United Nations' Veto in the Face of Mass Atrocities' (2024) unpublished PhD thesis (Åbo Akademi)

⁷⁰ J. Trahan, 'Initiatives to Voluntarily Restrain Veto Use in the Face of Atrocity Crimes' in *Existing Legal Limits to Security Council Veto Power in the Face of Atrocity Crimes* (Cambridge UP, 2020) 102-41

⁷¹ A. Latino, 'United Nations Security Council (Veto and Reform)' (2025) 9 *Bratislava Law Review* Vol9 (1)1-21

members was intended as a safeguard to ensure consensus among major powers and prevent unilateral domination of global security decisions. However, in practice, this mechanism has often been abused, none more strikingly than in the case of Russia's actions during the war in Ukraine. By exercising its veto to block resolutions that condemned its aggression or sought humanitarian relief, Russia has directly undermined the very principles on which the Security Council was founded.⁷²

Since the invasion of Ukraine in February 2022, the civilian population has borne the brunt of the conflict. Cities such as Mariupol, Kharkiv, and Bucha have witnessed indiscriminate shelling, mass graves, and systematic violations of international humanitarian law. In Mariupol, for example, Russian forces besieged the city for weeks, cutting off access to food, electricity, and medical supplies. Hospitals and schools were bombed, and civilians were deliberately trapped in deteriorating conditions.⁷³ International efforts to establish humanitarian corridors for the evacuation of civilians were repeatedly obstructed in the Security Council, as Russia vetoed or threatened to veto resolutions authorizing such measures. By doing so, it not only prolonged human suffering but also violated the Council's responsibility to act swiftly in times of crisis.⁷⁴

Russia has also wielded the veto to avoid accountability for alleged war crimes. Reports from the UN Human Rights Council, Human Rights Watch, and Amnesty International have documented extrajudicial killings, the targeting of civilian infrastructure, and mass deportations of Ukrainians to Russian-controlled territories. Proposals within the Security Council to refer these crimes to the International Criminal Court or to establish independent investigative mechanisms were blocked by Russia's veto. This has left victims without recourse to international justice and has created a climate of impunity that emboldens further violations. In this sense, the veto has become a shield for perpetrators rather than a tool for the protection of victims.⁷⁵

The broader impact of Russia's actions extends beyond Ukraine. By paralyzing the Council through the veto, Russia has eroded global trust in the UN's ability to act as a neutral guardian of peace. For many nations, particularly those in conflict-prone regions, the Security Council's inaction signals that the protection of civilians is conditional on great-power politics rather than universal principles of international law.⁷⁶ This selective application of justice undermines the UN Charter's promise to "save succeeding generations from the scourge of war" and exposes a structural flaw in the veto system. In effect, Russia's misuse of the veto demonstrates how the power, when abused, directly violates the UNSC's foundational role of preserving peace and safeguarding human dignity in times of conflict.⁷⁷

⁷² I. Levy, 'THE UNITED NATIONS (IN) SECURITY COUNCIL' (2022) 072 *Tulas LRev* (npages) <https://www.jstor.org/stable/27203127> accessed 5th September 2025.

⁷³ T. Murithi, 'The Failure of the United Nations Security Council in Ukraine' (2022) 44 *Strategic Review* (1) <https://doi.org/10.35293/srsa.v44i1.4082> accessed 5th September 2025

⁷⁴ *Ibid* 73

⁷⁵ C. Meng, 'The Impact of the Veto Power on Humanitarian Efforts in the UN Security Council' (2025) Lecture notes in Education Psychology & Public Media 92 (1) 79 <https://doi.org/10.5425/2753-7048/2025.22957> accessed 5 September 2025.

⁷⁶ *Ibid* 75

⁷⁷ A. Peters (n3) above

Russia's veto power also had a direct impact on the international community's ability to organise humanitarian assistance and ensure civilian protection in Ukraine. In early 2022, attempts within the Security Council to establish a binding humanitarian framework tailored to Ukraine were blocked, preventing the adoption of mechanisms that could have coordinated aid delivery, monitored humanitarian corridors, and compelled compliance by parties to the conflict.⁷⁸ In the absence of such a Council mandate, member states turned to alternative forums and existing operational structures. During the emergency special session, the General Assembly adopted Resolution ES-11/2, which expressed grave concern at the humanitarian consequences of the war and demanded unimpeded access for humanitarian relief. While this resolution carried moral and political significance, it lacked the binding force of a Security Council decision and therefore could not guarantee compliance on the ground.⁷⁹ Humanitarian efforts were instead channeled through agencies such as the Office for the Coordination of Humanitarian Affairs (OCHA), the UN High Commissioner for Refugees (UNHCR), and the World Food Programme (WFP), as well as through ad hoc state coalitions. These mechanisms succeeded in mobilising large-scale assistance to displaced populations and conflict-affected communities, but the absence of a unified Security Council framework limited the coherence, monitoring, and enforcement of humanitarian operations, leaving civilians vulnerable to ongoing violations.⁸⁰

The lack of Security Council consensus also hindered efforts to ensure accountability for human rights violations and atrocity crimes committed during the conflict. A referral of the situation in Ukraine to the International Criminal Court (ICC) under Article 13(b) of the Rome Statute was blocked de facto by Russia's veto power, foreclosing the most direct pathway to international criminal prosecution. In response, other legal and institutional avenues were activated. On 16 March 2022, the International Court of Justice (ICJ) ordered provisional measures instructing Russia to suspend its military operations, a judgment that reaffirmed the prohibition on the use of force and challenged Moscow's claim that the invasion was justified by the need to prevent genocide. At the same time, the ICC was able to open an investigation through a combination of Ukraine's Article 12(3) declarations accepting jurisdiction and a joint referral by a coalition of States Parties, thereby bypassing the need for a Security Council referral.⁸¹ Political organs also acted: on 7 April 2022, the General Assembly adopted Resolution ES-11/3 suspending Russia from the Human Rights Council, signaling widespread condemnation of systematic abuses and reinforcing judicial efforts. While these steps reflected creative attempts to fill the accountability gap, they lacked the enforcement tools, such as sanctions or coercive mechanisms that only a united Security Council could provide. Consequently, although accountability mechanisms were mobilised through the ICJ, ICC, and UN political bodies, the

⁷⁸ N. Nordstrom, 'Paralysis by Power: The United Nations' Veto in the Face of Mass Atrocities' (2024) PhD Thesis, Åbo Akademi University.

⁷⁹ Ibid 78

⁸⁰ Ibid 75

⁸¹ European Parliament, Motion for a Resolution on the establishment of a tribunal on the crime of aggression against Ukraine (B9-0068/2023) (2023) Para m. https://www.Europarl.europa.eu/doceo/document/B-9-2023-0068_EN.html accessed 6 September 2025

absence of Council backing highlighted the limits of international justice when a permanent member uses its veto to shield itself from scrutiny.⁸²

3.2 United States in the Israel-Palestine Conflict

The Israel-Palestine conflict traces its origins to the late nineteenth and early twentieth centuries, when both Jewish and Arab nationalist movements were rising in the Middle East. The influx of Jewish migrants to Palestine, particularly during and after the Holocaust, intensified tensions with the indigenous Arab population. At the time, Palestine was administered under the British Mandate, and competing claims over land created deep divisions.⁸³ In 1947, the United Nations adopted Resolution 181, proposing the partition of Palestine into two states, one Jewish and one Arab, with Jerusalem placed under international administration. The Jewish leadership accepted the plan, but the Palestinian Arabs and surrounding Arab states rejected it as unjust. Following Israel's declaration of independence in 1948, a war broke out between Israel and its Arab neighbors. While Israel survived and even expanded its territory, more than 700,000 Palestinians were displaced in what they call the Nakba ("catastrophe"). Since then, cycles of violence, wars, and Israel's ongoing occupation of Palestinian territories such as the West Bank, Gaza, and East Jerusalem have kept the conflict alive and unresolved.⁸⁴

The involvement of the United States in the conflict began in the immediate aftermath of Israel's establishment. The U.S. was one of the first countries to recognize Israel, partly due to humanitarian sympathy following the Holocaust but also because of political considerations at home. As the Cold War deepened, the U.S. increasingly viewed Israel as a strategic ally in a volatile region where the Soviet Union was gaining influence among Arab states. Over time, Israel became not only a recipient of vast amounts of U.S. military and financial aid but also a crucial partner in regional security, counterterrorism, and intelligence. Domestic politics further reinforced this relationship, as support for Israel within American political and religious groups made it a consistent feature of U.S. foreign policy.⁸⁵

This close alliance is most visible within the United Nations Security Council, where the U.S. has consistently used its veto power to shield Israel from accountability. Resolutions aimed at halting Israeli settlement activities, calling for ceasefires, or authorizing independent investigations into alleged human rights violations have been vetoed repeatedly. For example, in October and December 2023, the U.S. vetoed

⁸² Human Rights House Foundation, 'UN General Assembly: Suspend Russia's Membership on the Human Rights Council' (April 2022) <https://humanrightshouse.org/statements/un-general-assembly-suspend-russia-membership-on-the-human-rights-council/> accessed 6th September 2025

⁸³ I. Pappé, 'A very Short History of the Israel-Palestine Conflict' (Simon & Schuster 2024)

⁸⁴ United Nations Resolution 181 'Encyclopedia Britannica (n.d.) <http://www.britannica.com/topic/United-Nations-Resolution-181> accessed 7th September 2025

⁸⁵ Y. Damanik, 'The Impact of the United States of America Intervention on the Israel-Palestine Conflict' (2023) Global Political Studies Journal <http://ojs.unikom.ac.id/index.php/gps/article/view/6089> accessed 7th September 2025

resolutions demanding a humanitarian ceasefire in Gaza, despite overwhelming global support and rising civilian deaths. Historically, the U.S. has cast more than forty vetoes in relation to Israel, often standing alone or nearly alone in the Council. This reflects a persistent pattern of using the veto not in the interest of international peace and security, but rather to protect a close ally.⁸⁶

The abuse of the veto in this context has had far-reaching consequences. By blocking international efforts to hold Israel accountable, the U.S. has enabled the continuation of violence, occupation, and widespread civilian suffering in the region. This has not only delegitimized the United Nations in the eyes of many, especially in the global South and the Arab world, but has also undermined the principles of international law and the protection of civilians in armed conflicts. The veto, rather than serving as a safeguard for global stability, has been weaponized to serve political alliances. In doing so, the United States has weakened the credibility of the Security Council and eroded trust in its ability to function as a neutral guardian of international peace and security.⁸⁷

3.3 China in the Rohingya Crisis (Myanmar)

The Rohingya are a Muslim minority indigenous to western Myanmar's Rakhine (formerly Arakan) State, with documentary references to a Rohingya community in the region dating back at least to the late 18th century. Under British colonial rule during 1824 to 1948 the population movements and wartime violence deepened rifts between Muslim and Buddhist communities. The atrocities in 1942 left lasting scars. After independence in 1948, Myanmar's fragile democracy gave way to military rule in 1962. The junta's policies increasingly targeted the Rohingya: "Operation Nagamin" (Dragon King) in 1978 drove more than 200,000 people into Bangladesh. A new 1982 Citizenship Law then effectively rendered most Rohingya stateless. Another mass exodus followed in 1991 to 1992 amid military abuses, inaugurating a pattern of flight, refoulement and precarious return that would recur for decades.⁸⁸

After a brief political opening in the 2010s, communal violence in 2012 and boat migrations in 2015 escalated an already dire situation. The crisis exploded in 2016–2017, when Rohingya insurgents (later known as ARSA) attacked security posts and the Tatmadaw (Myanmar military) launched sweeping "clearance operations." UN investigators documented village burnings, mass killings, and widespread sexual violence. By late 2017 more than 700,000 Rohingya had fled to Bangladesh, creating the world's largest refugee settlement in Cox's Bazar. The UN Independent

⁸⁶ A. Sharma and M. Gupta, 'The United Nations Security Council Veto and its Impact on Conflict Related Resolutions (1990-2022)' (2023) International Education and Research Journal <http://ierj.in/index.php/irej/article/view/4597> accessed 7th September 2025

⁸⁷ Sharma and Gupta (n86)

⁸⁸ N.K. Swazo & H. Nower, 'The Rohingya Crisis: A Moral, Ethnographic, and Policy Assessment' (Routledge 2020)

International Fact-Finding Mission concluded in 2018 that there were reasonable grounds to find crimes against humanity and genocide.⁸⁹

With the Security Council action stalled, accountability efforts shifted to courts. In November 2019 the International Criminal Court opened a Bangladesh/Myanmar investigation, asserting jurisdiction over cross-border crimes such as deportation because part of the conduct occurred on the territory of ICC member Bangladesh. In January 2020, in *The Gambia v. Myanmar*, the International Court of Justice unanimously ordered provisional measures requiring Myanmar to prevent genocidal acts against the Rohingya and to preserve evidence; in July 2022 the ICJ confirmed it had jurisdiction and the case could proceed. These steps did not rely on the Security Council precisely because Council deadlock made referrals unlikely.⁹⁰

China's role is pivotal in that deadlock. Beijing has long treated Myanmar as a strategic partner. It is central to the China-Myanmar Economic Corridor of the Belt and Road Initiative, including the Kyaukphyu deep-sea port and twin oil-gas pipelines that give China direct Indian Ocean access. Protecting these interests, China has repeatedly used or threatened its veto power or leveraged the mere prospect of a veto to block or water down Security Council responses to Myanmar's abuses. This pattern is longstanding and in January 2007 China and Russia vetoed a U.S. backed draft resolution on Myanmar's human-rights situation during the 2017 Rohingya expulsions, diplomats reported Beijing signaled it would veto robust Council action, forcing members to settle for weaker statements and even short statements expressing concern were blocked or diluted in subsequent years.⁹¹ After Myanmar's 2021 coup, China again resisted condemnations and binding measures, leading to meager Council outputs. Only in December 2022 did the Council adopt a resolution on Myanmar. It has been over a decade since the crisis's worst abuses, while China abstained, underscoring continuing protection for the junta.⁹²

This use and threatened use of the veto has tangible human consequences. By shielding Myanmar from targeted sanctions, an arms embargo, or an ICC referral via the Council, China helped ensure that the Tatmadaw faced few immediate costs for atrocities; refugees remained in limbo and repatriation "frameworks" lacked credible guarantees of safety or citizenship.⁹³ UN briefings that might have catalyzed action were delayed or softened, and accountability shifted to slower, parallel paths at the ICC and ICJ while abuses persisted. In effect, the veto was not a neutral safeguard for international peace but a political instrument deployed to protect a strategic ally,

⁸⁹ H. Mohajan, 'History of Rakhine State and the Origin of the Rohingya Crisis' (MPRA Paper 88186, June 2018) http://mpra.ub.uni-muenchen.de/88186/1/MPRA_Paper_/88186.pdf accessed 8th September 2025

⁹⁰ ICJ, 'The Gambia v Myanmar' (UN IIMM) <http://iimm.un.org/en/icj-gambia-v-myanmar> accessed 8th September 2025

⁹¹ L. Charbonneau, 'Time to Call China's Bluff on Myanmar at UN' (Human Rights Watch, 5 Feb 2021) <http://www.hrw.org/news/2021/02/05/time-call-chinas-bulff-myanmar-un> accessed 8th September 2025

⁹² Amnesty International, 'UN: China Fails to Scupper Resolution on Myanmar's Persecution of Rohingya' (5 December 2017)

⁹³ Ibid89

undermining the Security Council's responsibility to prevent mass atrocity crimes and eroding faith in international protection regimes.⁹⁴

3.4 Conclusion

This chapter shows that the veto power of the UN Security Council's permanent members has become a major barrier to international peace, civilian protection, and accountability. Through the case studies of Russia–Ukraine, Israel–Palestine, and the Rohingya crisis in Myanmar, the chapter illustrates how Russia, the United States, and China have used the veto not to uphold global security, but to protect their own interests and those of their allies. Russia blocked resolutions condemning its actions in Ukraine; the United States repeatedly shielded Israel from scrutiny; and China prevented meaningful action against Myanmar despite evidence of mass atrocities.

Across all three conflicts, the veto has enabled impunity, paralyzed the Security Council, and forced the international community to rely on weaker, non-binding alternatives. The chapter concludes that the veto, intended as a stabilizing mechanism, has instead become an instrument of obstruction. It argues that meaningful reform is urgently needed to prevent the continued misuse of the veto and to restore the UN's capacity to respond effectively to serious threats to peace and human rights.

⁹⁴ Ibid87

CHAPTER FOUR

REFORMING THE UNITED NATIONS VETO POWER: SCHOLARY AND INSTITUTIONAL PROPOSALS FOR GREATER ACCOUNTABILITY.

4.0 Introduction

The focus of this chapter will be on examining proposed reforms to the veto power of the United Nations Security Council (UNSC), a mechanism that has been both a cornerstone of international peacekeeping and a persistent source of controversy. The purpose of this chapter is to explore how various reform proposals that have been advanced by scholars, international institutions, and member states seek to address the structural and functional challenges associated with the veto. In particular, it considers how these proposed changes could enhance the credibility, legitimacy, and effectiveness of the Security Council in fulfilling its primary mandate of maintaining international peace and security, both scholarly and institutional reform proposals aimed at restructuring the veto system will be reviewed, academic perspectives that suggest various legal and procedural amendments, including limiting, abolishing, or conditionally applying the veto. Thereafter, it will examine institutional initiatives and state-led efforts, such as the French-Mexican initiative on veto restraint and the ACT Group's Code of Conduct, which advocate for voluntary limitations on its use in cases involving mass atrocities. The chapter will conclude by evaluating the feasibility of these reforms, the political and legal challenges they face, and their potential to strengthen the legitimacy and moral authority of the United Nations Security Council.

4.1 Limiting the Veto in contrast to Abolishing the Veto

Many scholars argue that the veto is now an anachronism that systematically undermines the Security Council's legitimacy and ability to protect civilians. Critics observe that the veto enables the P5 to block collective action when national interests conflict with humanitarian imperatives, producing selective or stalled responses to crises and eroding faith in the UN as an impartial guardian of peace. Empirical and normative critiques therefore advance abolition or severe limitation of the veto as the most straightforward way to restore the Council's moral authority and decision-making capacity.⁹⁵ Proponents of abolition assert that removing the veto would democratize Security Council decision-making, reduce the bargaining leverage of great powers, and allow the Council to act more consistently on threats to peace. At the same time, abolitionists concede that legal and political obstacles are enormous, any amendment to remove or neutralize the veto requires Charter change under Article 108/109, which itself needs the affirmative votes of two-thirds of UN members and the concurrence of every P5 member, the very actors whose consent abolition would take away. This creates a fundamental constitutional catch-22 that many scholars acknowledge as a near-insurmountable barrier in the short term.⁹⁶

⁹⁵ J. Tarhan, 'Questioning the Legality of Veto Use in the Face of Genocide, Crimes against Humanity and/or War Crimes', in *Existing Legal Limits to Security Veto Power in the Face of Atrocity Crimes* (Cambridge University Press 2020) 142-259

⁹⁶ *Ibid* 110

Counterarguments grounded in political realism and international institutional design caution against abolition. Realists emphasize that the veto was intentionally built into the Charter to secure the participation of the major powers and thus to prevent a recurrence of great-power war; removing it risks prompting the P5 to disengage from the UN altogether or to pursue unilateral security strategies outside the UN framework. Others point to functional concerns, the veto can serve as a rough stabilizer permitting emergency consensus, and abrupt abolition could produce greater instability by allowing the General Assembly or other organs to adopt measures that provoke major-power resistance. Several influential reviews therefore conclude that abolition, while normatively attractive to many, is politically unrealistic and may have undesirable side effects unless accompanied by broader structural bargains that keep the major powers invested in multilateralism.⁹⁷

Legal scholars have taken two complementary tracks. One argues RN2V is a useful political norm that can gradually shape practice and expectations at the Council, another more assertive line contends that when obligations to prevent genocide or other jus cogens duties are engaged, P5 vetoes may be unlawful (a “duty not to veto”) and could trigger state responsibility. Both positions are contested: defenders of the P5 insist that existing Charter text grants an explicit veto privilege and that converting political norms into binding legal constraints without Charter amendment risks constitutional incoherence. The literature therefore treats veto-restraint in atrocity situations as a promising middle path with ethically compelling and politically feasible in some cases but still dependent on normative diffusion, persuasive diplomacy, and incremental state practice rather than immediate legal enforcement.⁹⁸

4.2 Reforming the Voting Procedures

Scholars propose procedural redesigns intended to blunt the veto’s obstructive effect while preserving some P5 prerogatives. Proposals include requiring a supermajority of Council members to override a veto, introducing weighted voting formulas that reflect global population or contribution to collective security, and conditioning veto validity upon concurrence from more than one permanent member (for example, requiring two P5 members to register a veto before a measure fails).⁹⁹ Quantitative and normative analyses show that several of these options could improve representativeness and decision-quality: requiring two P5 vetoes to block a resolution reduces the ability of a single P5 to unilaterally stymie action while still keeping the P5 engaged.¹⁰⁰ Modeling work (game-theoretic and voting-power studies) generally finds that multi-veto or supermajority rules can improve equity and efficiency but, like most structural reforms, face severe political resistance because they alter the distribution of effective influence among the P5. Technical proposals for weighted or preferential voting (multi-stage or indirect voting systems) appear in both workshop reports and

⁹⁷ A.M. Nebo, ‘The Difficulty of Reforming the United Nations Security Council’ (2024) 13(7) International Journal of Latest Technology in Engineering Management and Applied Science 130.

⁹⁸ J.Heieck, ‘The Responsibility Not to Veto Revisited: How the Duty to Prevent Genocide as a Jus Cogens Norm Imposes a Legal Duty Not to Veto on the Five Permanent Members of the Security Council’. (Cambridge University Press 2018) 103-122

⁹⁹ Security Council Report, ‘The Veto’ (13 February 2024) <https://www.securitycouncilreport.org/un-security-council-working-method/the-veto.php> (accessed 20 October 2025)

¹⁰⁰ Ibid114

peer-reviewed studies, with authors stressing that careful design is needed to avoid creating perverse incentives or new legitimacy deficits.¹⁰¹

4.3 Expanding Permanent Membership to Balance Veto Power

A further long-standing scholarly approach is enlargement of the permanent members by adding new permanent seats (with or without veto rights) so the Council better reflects contemporary geopolitics and dilutes the relative power of any single P5. Proposals range from modest expansion which are just adding a few permanent seats for under-represented regions to ambitious blueprints (the G4 plan, Annan's 2004 suggestion, or regional permanent seats under proposals like the Ezulwini Consensus).¹⁰² Advocates argue that expansion, if paired with careful rules on veto allocation would increase the Council's legitimacy by giving major regions like Africa, Latin America, Asia a permanent voice, reducing the perception of anachronistic Western dominance, and potentially making veto discipline more politically costly.¹⁰³ Critics counter that enlargement could complicate decision-making, produce bargaining over which new states receive permanent status, and might preserve elitist hierarchies if new permanents are given full vetoes. Some pragmatic scholarship therefore recommends adding permanent seats without new vetoes, or creating longer-term rotating permanent seats, as intermediate options that balance inclusiveness and manageability. Recent diplomatic signals for example, U.S. public support for two permanent African seats have re-energized these debates but also underscore the political complexity of reaching Charter amendments in a polarized environment.¹⁰⁴

4.4 Institutional and State-Led Proposals

This section examines official and semi-official initiatives aimed at reducing or restraining the obstructive effects of the Security Council veto. Unlike purely scholarly proposals, these efforts are rooted in diplomatic practice and multilateral politics, they are attempts by states, coalitions and UN organs to build norms and procedures that either limit veto use in atrocity situations or increase the Council's transparency and accountability. An analysis of these state-led approaches is important because they indicate what is politically feasible in the near term and how normative pressure can alter Council practice without formal Charter amendment.

In August 2015 France with active diplomatic support from Mexico tabled a political declaration on the suspension of veto powers in cases of mass atrocities that called on all UN member states to refrain from using the veto in situations involving genocide, crimes against humanity or war crimes. The Declaration frames the veto not merely as a procedural privilege but as an international responsibility that must be exercised in light of the UN's primary purposes, including the prevention of mass atrocity. The

¹⁰¹ W.B.Zinck, 'A Review of the Academic Debate about the United Nations Security Council Reform (The Chinese Journal of Global Governance 2020)

¹⁰² B. Fassbender, 'UN Security Council Reform and the Right of Veto: A Constitutional Perspective (Brill Academic Publishers June 1998)

¹⁰³ R. Yade, 'What would it mean for Africa to have Two Permanent UN Security Council seat's (New Atlanticist September 2024)

¹⁰⁴ J. Parlamis, 'Meaningful UN Security Council Reform Requires Aligning Principles and Practices' (The Geneva Center for Security Policy) 2025

Declaration attracted a substantial number of signatories from across regional groups to which over one hundred states signed within years of its launch, signaling broad political support among smaller and medium-sized states and many UN members of conscience.¹⁰⁵ The French-Mexican approach is deliberately pragmatic as it does not seek to amend the UN Charter or abolish the veto, but to cultivate a political norm of restraint that would be invoked in the gravest humanitarian crises. Its principal strength is feasibility because it rests on voluntary commitments rather than a legally binding Charter amendment but that same quality is its primary weakness.¹⁰⁶

Complementing the French-Mexican Declaration is the ACT Accountability, Coherence and Transparency Group's "Code of Conduct regarding Security Council action against genocide, crimes against humanity or war crimes," introduced in 2015. The ACT Code calls on Security Council members permanent and elected members alike to refrain from voting against credible draft resolutions aimed at preventing or halting mass atrocities, and to increase transparency and consultation in Council decision-making. The Code was developed by a cross-regional caucus of smaller and middle powers and formally submitted to the Secretary-General and the General Assembly, thereby anchoring it in the UN political process.¹⁰⁷ State support for the ACT Code has been significant among non-P5 members and many civil society actors and R2P advocates. However, like the French-Mexican initiative, the ACT Code is voluntary and non-binding, it therefore relies on reputational pressure and diplomatic leverage rather than enforceable legal constraints. Analysts also note drafting limits and escape clauses in some versions of the Code that could allow members to justify exceptions in politically sensitive contexts. Nonetheless, the ACT initiative has helped foster sustained diplomatic discussion and has contributed to incremental normative change in particular, by encouraging more frequent pre-vote consultations and by increasing attention to atrocity-prevention as a criterion for Council action.¹⁰⁸

Large and rapidly developing strand of scholars has focused on conditional restraints rather than outright abolition of the veto. The "Responsibility Not to Veto" (RN2V) or the French-Mexican Political Declaration on the Suspension of Veto Powers in Cases of Mass Atrocities (2015), Academic work analyses RN2V and allied proposals ACT Code of Conduct, which asks states to voluntarily refrain from vetoing Council action when genocide, crimes against humanity, or other mass atrocity crimes are at issue.¹⁰⁹ As a pragmatic means to reduce paralysis in atrocity-situations without requiring formal Charter amendment. Studies and edited volumes evaluate RN2V's strengths. It's political flexibility, moral clarity, and relatively broad member support and its clear limitation, it is voluntary and therefore depends on the political will of each P5 member in each crisis.¹¹⁰

¹⁰⁵ J. Trahan, 'Initiatives to Voluntary Restrain Veto Use in the Face of Atrocity Crimes' (Cambridge University Press) 2020

¹⁰⁶ Ibid120

¹⁰⁷ ACT Group, Code of Conduct Regarding Security Council Action Against Humanity or War Crimes (14December 2015) UN Doc A/70/621-S/2015/978

¹⁰⁸ Ibid122

¹⁰⁹ Ibid120

¹¹⁰ G.Evans, 'Limiting the Security Council Veto' (Project Syndicate, 4 February 2015) <https://www.project-syndicate.org/commentary/security-council-veto-limit-by-gareth-evans-2015-02>

Critics point out that voluntary declarations depend entirely on the political will of each P5 member in each crisis and therefore cannot guarantee consistent results, when a P5 believes its vital interests are at stake it can simply ignore the pledge. In short, the French-Mexican initiative is best understood as a politically useful but legally soft instrument. It can shape expectations and diplomatic costs around veto use, but it cannot by itself alter the Charter architecture that guarantees P5 veto prerogatives¹¹¹

4.5 The UN General Assembly's role in encouraging reform

The General Assembly has in recent years taken a more proactive political role in highlighting the consequences of veto use and in promoting institutional responses. Notably, the General Assembly coalesced around measures to increase scrutiny of vetoes. In 2022 it adopted a resolution creating a standing item for debate whenever a P5 casts a veto on a substantive Council resolution a procedural innovation intended to subject vetoes to public debate and political censure. In April 2023 the General Assembly held its first-ever formal debate specifically focused on the Security Council veto, drawing wide participation and signaling that the broader UN membership expects greater accountability for use of the veto. These General Assembly moves do not remove the legal veto, but they create political and diplomatic costs for P5 vetoes and can catalyze collective non-Council action such as General Assembly resolutions or referrals to other UN bodies.¹¹²

The General Assembly's leverage stems from its representativeness and its competence to shape global public opinion. its major limitation is legal, it cannot itself impose binding constraints on the Security Council's Charter powers without pursuing the formal amendment channels. Nevertheless, the General Assembly's spotlighting of veto uses has proven consequential in normative terms increasing visibility, moral stigma, and occasional diplomatic isolation for P5 members that block action in atrocity cases. The General Assembly therefore operates as an important complementary avenue for incremental reform and norm diffusion.¹¹³

4.6 African Union and other Regional Perspectives on the Veto

Regional organizations have also weighed in, often with distinct priorities shaped by representation concerns. The African Union's Ezulwini Consensus which was adopted in 2005 and reiterated in subsequent AU instruments articulates a common African position on UNSC reform in which Africa seeks a substantial increase in the continent's representation on the Security Council, including demand for at least two permanent seats with full rights and privileges which the Consensus has interpreted to include veto parity, plus additional non-permanent seats. The Ezulwini Consensus is motivated by historical marginalization, the high burden of peace and security matters facing African states, and a desire for Africa to have a meaningful say in decisions affecting the continent.¹¹⁴

¹¹¹ Ibid125

¹¹² N.M. Alene, M.S. Ali and K.Y. Tadesse, 'Africa's Quest for Reform of the United Nations Security Council: A just cause Curbed by Unrealistic Proposals' (2023) 23 Africa Journal on Conflict Resolution1.

¹¹³ United Nations, How Decisions are a Made at the UN <https://www.un.org/en/ga/how-decisions-are-made> 4 accessed 4 October 2025

¹¹⁴ B. Isabel, 'National Security Council Reform: Unpacking the Dynamics (Adonis & Abbey) 2019

The AU position has the advantage of clarity and continental unity in many respects, but it also complicates consensus on veto reform. Calls for new permanent African seats with veto rights run directly against efforts by other states and coalitions to limit vetoes or to avoid extending vetoes to any new entrants. This tension helps explain why comprehensive Charter amendment proposals, which would require agreement on both enlargement and distribution of veto rights have so far failed to gain traction. Some analysts therefore recommend pragmatic compromises, such as creating permanent seats without automatic vetoes, or offering longer-term rotating seats to reconcile Africa's demand for representation with global reluctance to proliferate veto prerogatives.¹¹⁵

4.7 Feasibility and Challenges of Implementing Reforms Political Obstacles

One of the greatest barriers to reform of the Security Council's veto power is P5 resistance. Because any meaningful reform of the veto, whether limitation or abolition, would reduce or alter privileges that the P5 currently enjoy, these states tend to resist changes that diminish their strategic autonomy, influence, or capacity to block decisions that run counter to their national interests.¹¹⁶ For example an analyses of Security Council reform efforts show that while many states including non-permanent members and regional blocs support changes to veto prerogatives, P5 states often agree only to reform proposals that preserve core elements of their veto power, or to voluntary, symbolic measures such as declarations of restraint in certain situations rather than legally binding constraints.¹¹⁷

Another political obstacle is the sovereignty concern, permanent members view the veto as a safeguard of their sovereignty and international standing. Altering or removing the veto is regarded by many P5 as threatening to their diplomatic leverage especially in matters they consider vital or core to national interest. Moreover, there is often a perception that if they weaken veto power, they expose themselves to decisions they see as unfair or unbalanced. This concern becomes acute in the context of rising geopolitical rivalry an example is U.S-China, U.S-Russia, or China–Russia tensions such rivalry amplifies distrust, reducing incentives to give up powerful tools like veto rights.¹¹⁸

4.7.1 The Principle of Sovereign Equality Against The Veto Power

The Charter of the United Nations enshrines the principle of sovereign equality in Article 2(1), affirming that all member states, regardless of size, wealth, or military strength, possess equal legal rights and obligations within the UN framework. This principle was intended to reflect the foundational ideals of the organisation, namely, that international peace and security should be maintained through the cooperation of

¹¹⁵ S. Mbete 'Africa on the UN Security Council: Why the Continent Should Have Two Permanent Seats (The Conversation) 15 August 2024

¹¹⁶ L. Johnstone, 'Empowering the UN Security Council: Reforms to Address Modern Threats (Oxford University Press) 2024

¹¹⁷ Ibid132

¹¹⁸ C. Cai, 'The UN Security Council and the Maintenance of Peace in a Changing world' (Cambridge University Press) 2024

equal sovereign states in a rules-based order. Sovereign equality ensures that each member has one vote in the General Assembly and an equal voice in deliberative processes. However, in the Security Council, this idea encounters a structural limitation: the institutionalization of special privileges for the five permanent members (P5) through the veto power, which effectively grants them a greater ability to determine outcomes in matters of international peace and security.¹¹⁹

The veto power, set out in Article 27(3) of the Charter, grants any permanent member the authority to block the adoption of substantive resolutions, regardless of the level of international support such measures receive. This creates a hierarchical decision-making structure in which the P5 enjoy a degree of influence far exceeding that of other states. Critics argue that this arrangement contradicts the principle of sovereign equality, as it allows a small group of states to unilaterally prevent action supported by the vast majority of UN members. Proponents, however, contend that the veto was a pragmatic compromise necessary to secure the participation of the great powers in 1945, without which the United Nations like its predecessor, the League of Nations might not have survived.¹²⁰ The resulting tension between legal equality and political reality remains a central feature of Security Council governance.

In practice, this tension manifests in accusations that the veto undermines the legitimacy and impartiality of the Council's work, particularly when it is exercised to shield allies or block action in situations involving mass atrocities. The persistent imbalance between sovereign equality in principle and great power privilege in practice has fueled decades-long debates over Security Council reform. Proposals have ranged from restricting the veto's scope in cases involving genocide or war crimes, to expanding permanent membership in order to reflect contemporary geopolitical realities. Yet, such reforms face a paradox: they require the consent of the very states that benefit most from the current arrangement. Thus, the juxtaposition of sovereign equality and the veto power continues to serve as a stark reminder of the compromises and contradictions embedded in the post-World War II international order.¹²¹

There are also disagreements among reform proponents. Different states and blocs have divergent ideas about what reform should look like an example is whether new permanent members should have veto rights or not; whether veto should be restricted only in atrocity cases vs. broadly; whether procedural supermajorities should apply.¹²² These competing visions complicate coalition-building and consensus. Some reforms proposed by certain blocs are opposed by others for reasons of regional balance, diplomatic prestige, or fear of setting precedents that might later hurt them.

¹¹⁹ Article 2(1) United Nations Charter 1945

¹²⁰ R. B. Russel, *A History of the Nations Charter: The Role of the United Nations 1940-1945* (Brookings Institution 1958) 660-662

¹²¹ D. M. Malone *the UN Security Council: From the Cold War to the 21st century* (Lynne Rienner Publishers 2004) 619-693

¹²² J. Machrouh, 'Africa is still not a Permanent Member of the UN Security Council: Why it is Time to Act' (The Policy Center for New South) 2024

4.8 Balancing Ambition and Pragmatism

While sweeping legal reforms like removal of veto rights, or adding binding limitations are theoretically possible under the UN Charter's amendment mechanisms, in practice they face almost insuperable barriers especially because of the requirement that all P5 must ratify or support them. Therefore, successful reform is more likely to emerge through a "dual track" or phased approach, Norm-building and voluntary restraint is one way in which this can be done by using political pledges, codes of conduct, public debate, and reputational leverage to reduce veto abuses incrementally especially in crisis or atrocity situations.¹²³ Structural & procedural innovations is also another way in which this can be done by working out rule changes within the UNSC or its working methods like supermajorities, multiple P5 concurrence, enhanced transparency that do not require immediate Charter amendment, but which over time can shift practice and expectations. And Long-term Charter amendment, by maintaining diplomatic pressure, regional consensus, and international public opinion to push for formal legal reform once political conditions make it less costly for the P5.¹²⁴

This balancing of ambition and pragmatism by setting achievable short-and-medium-term goals while keeping longer-term legal change in view is what many scholars believe gives reform efforts their best chance of success.

4.9 Potential Impact of Veto Reform

Reforming the veto has the potential to materially enhance the credibility and effectiveness of the Security Council by reducing instances of deadlock and making Council action more responsive to emergent threats. Scholars and practitioners argue that when the P5 are able to block measures for narrow geopolitical reasons, the Council's claim to act on behalf of "the members of the United Nations" is weakened and public trust in its impartiality is eroded.¹²⁵ By contrast, even constrained vetoes for example, through voluntary restraint in cases of mass atrocity or through procedural mechanisms that raise the threshold to block action could make the Council appear less partial, increase the number of situations in which it can take timely collective action, and thereby strengthen its practical capacity to prevent or contain crises. Empirical reviews of recent Council practice show that procedural innovations and norm-building can change behaviour over time and increase the Council's willingness to act in certain cases.¹²⁶

The implications for international peace and security are both direct and indirect. Directly, limiting the veto in atrocity contexts or making it harder for a single P5 member to paralyze the Council would likely increase the number of robust Council responses sanctions, peacekeeping mandates, or referrals to international criminal jurisdictions available to deter or halt conflict. Indirectly, greater Council effectiveness can reduce the impulse for unilateral or coalition of the willing military interventions undertaken without Security Council authorization, which historically have undermined normative restraints on the use of force. Analysts therefore contend that reforms which lower the

¹²³ A.L. Claros, 'The Origins of the UN Veto and Why it Should be Abolished' (Global Governance Forum) 2022

¹²⁴ Ibid 138

¹²⁵ C. Meng, 'The Impact of Veto Power on Humanitarian Efforts in the UNSC Security Council' (EWA Publishing) Vol 92(1):79-83 2025

¹²⁶ Ibid 140

incidence of veto paralysis can help re-center the Council as the primary legitimate forum for collective security decision-making, reinforcing the rule-based order and lowering systemic incentives for extrajudicial use of force.¹²⁷

For the protection of human rights and international justice, veto reform could be transformative. The most visible harm caused by veto paralysis is the Council's frequent inability to mount timely responses to mass atrocity risks, initiatives like "Responsibility Not to Veto" and related codes of conduct have been specifically designed to close this gap by creating political costs for obstructing atrocity-response measures. If such norms become widely accepted and regularly invoked, the result would be fewer missed opportunities for preventive diplomacy, targeted measures, or referrals to accountability mechanisms all of which matter for protecting civilians and strengthening the deterrent effect of international criminal law. It is important to note that political norms without enforcement will remain imperfect, normative shifts must be accompanied by operational capacity like early warning, rapid diplomatic mobilization, regional cooperation, to translate Council decisions into protection on the ground.¹²⁸

Reforms also carry distributional and legitimacy effects that are central to claims about equality and justice in global governance. Expanding representation on the Council, diluting single-actor blocking power through procedural rules, or institutionalizing veto restraint would address long-standing perceptions that the post-1945 power architecture privileges a narrow set of states at the expense of majority interests. Greater representativeness and more predictable decision-making would strengthen the Council's normative authority, helping it to be seen as an instrument of collective security rather than a tool for great-power protectionism.¹²⁹ At the same time, scholars warn of trade-offs, enlarging the Council or changing voting rules can complicate deliberation and slow decisions unless carefully designed, giving new permanent members veto rights could simply broaden the cohort of actors able to block action rather than reduce paralysis. Thus, reforms that enhance equality must be designed so as not to reproduce or multiply the very pathologies they seek to solve.¹³⁰

Finally, it is important to acknowledge risks, limits, and second-order effects. The political power of the P5 means formal Charter amendment to curtail veto power is highly unlikely in the short term, incomplete or voluntary measures may therefore create expectations that are not always met, producing frustration if crises occur and P5 members ignore pledges. Moreover, reform that is perceived as illegitimate by major powers risks provoking strategic backlash, reduced cooperation in peacekeeping, blocking appointments, or selective disengagement from UN activities that could undermine multilateral capacity in other domains.¹³¹

4.10 Debates on the Veto Power

¹²⁷ Ibid120

¹²⁸ S.R. Subramanian, 'UN Security Council and Human Rights: An Inquiry into the Legal Basis of the Responsibility to Protect (R2P)' (Utrecht Journal of International and European Law, 38 (2022)

¹²⁹ Ibid137

¹³⁰ Ibid131

¹³¹ Ibid129

The veto power vested in the five permanent members (P5) of the United Nations Security Council remains one of the most debated and controversial aspects of the UN Charter. While some scholars and political actors argue in favor of its retention for reasons of pragmatism and global stability, others view it as a legal and moral obstacle to justice, democratic governance, and effective conflict resolution. The discourse surrounding the veto reflects broader tensions between the principles of sovereign equality and the realpolitik of global power dynamics.

Proponents of the veto power maintain that it is an essential component of the international system that has preserved global stability by ensuring consensus among the major powers. One of the main arguments is that the veto promotes balance of power and collective decision-making, discouraging unilateralism and fostering cooperation among the P5.¹³² The veto is also seen as a guarantee of P5 unity; without it, the risk of open conflict among the world's most powerful nations would increase significantly.¹³³ From a legal standpoint, some scholars argue that the veto is consistent with constitutionalism in international law, where the UN Charter represents a constitution that recognizes the special responsibilities of the P5 in maintaining peace and security. Additionally, it has been argued that without the inclusion of the veto, the P5 would never have agreed to join or remain within the UN, undermining the organization's very existence.¹³⁴ Supporters also claim that eliminating or restricting the veto could render the Council powerless in moments of international crisis, as key powers would simply act outside the UN framework. In this sense, the veto ensures the institutional legitimacy and operational continuity of the Security Council.¹³⁵

On the other hand, critics argue that the veto is inherently undemocratic, violating the UN Charter's principle of sovereign equality as outlined in Article 2(1). By granting disproportionate power to five states, the veto undermines the principle of equal participation and renders the will of the majority subordinate to the political interests of a few.¹³⁶ The veto is also widely condemned for its hindrance to international peace and justice, particularly when used to block humanitarian interventions, resolutions addressing war crimes, or urgent action in conflict zones. The repeated use of the veto in crises such as Syria, Palestine, and Ukraine has led many scholars to argue that the P5 abuse this power to protect allies or shield themselves from accountability.¹³⁷

Legal scholars contend that the veto amounts to a structural defect in the UN system, is an institutional imbalance that renders the Security Council both legally and morally ineffective in addressing global threats.¹³⁸ Others highlight the legal inconsistency between the veto and other fundamental principles of international law, such as the

¹³² Ibid18

¹³³ B. Fassbender, *UN Security Council Reform and the Right to Veto: A Constitutional Perspective* (Martinus Nijhoff Publishers 1998)

¹³⁴ J. Tahan, *Existing Legal Limits to Security Council Veto Power in the Face of Atrocity Crimes*. (Cambridge University Press 2020)

¹³⁵ Ibid40

¹³⁶ Ibid44

¹³⁷ Ibid38

¹³⁸ Ibid40

prohibition of genocide, crimes against humanity, and the responsibility to protect (R2P).

4.11 Perspectives from the Global South and Developing Nations

Voices from the Global South have been among the most vocal in challenging the legitimacy and utility of the veto. Many African, Latin American, and Asian states argue that the veto reflects a colonial and exclusionary world order, which marginalizes their interests and perpetuates the dominance of Western and Northern powers. They argue for a more inclusive Security Council that reflects contemporary geopolitical realities rather than the post-World War II power structure.¹³⁹

For instance, the African Union has repeatedly called for reform of the UN Security Council to include two permanent African representation with veto power, to address the imbalance in global decision-making. The Ezulwini Consensus held in 2005 which asserts that without equal representation and a voice, the legitimacy of the UN Security Council remains fundamentally flawed. The Ezulwini Consensus was adopted by the AU, It advocates for at least two permanent seats with veto power for Africa as a matter of equity and historical justice. The African Union argues the veto power from a legal traditions standpoint and argues that the veto violates the spirit of democratic multilateralism, by prioritizing the interests of a few over the collective welfare of the international community.¹⁴⁰ Institutionally this has resulted in a deficit of representativeness and accountability in the Security Council's decision-making process. The failure to reform the Council's composition and voting structure, despite significant geopolitical changes since 1945, exacerbates perceptions of unfairness and illegitimacy, particularly among the Global South¹⁴¹

Scholars from the Global South, argue that the current structure of the UNSC contradicts the principle of global constitutionalism and fails to serve the interests of the majority of the world's population. They propose either abolishing or restricting the veto in circumstances involving crimes against humanity, genocide, or mass atrocities. The continued existence of the veto thus represents not only a legal contradiction but also a moral and institutional challenge to the credibility of the United Nations in an era that demands greater inclusivity, transparency, and accountability in global governance.¹⁴²

4.12 Conclusion

This chapter has examined the principal scholarly and institutional proposals for reforming the veto power of the United Nations Security Council. It has shown that while the veto remains a cornerstone of the post-1945 collective-security framework, its frequent use for political obstruction has compromised the Council's credibility, effectiveness, and moral authority. This research had highlighted how a wide range of

¹³⁹ S. M. Anyalebechi, "United Nations Security Council: Guardian of Global Peace or Institution in Crisis?" (2003)

¹⁴⁰ I. Badza and S. Maereser, "The Ezulwini Consensus and Africa's Quagmire on United Nations Security Council Reform: "Unpacking the Dynamics" (2019) *AFFRIKA journal of Politics, Economic and Society* 9 (Special Issue) 203-219.

¹⁴¹ Ibid52

¹⁴² Ibid51

actors, from international-law scholars to regional organizations and reform-minded states have advanced ideas to correct these deficiencies. Scholarly approaches have included proposals to abolish or limit the veto entirely, to restrict its use in situations of mass atrocity, to adjust voting procedures, and to expand the Council's membership to achieve a fairer global balance. Institutional and state-led efforts, such as the French-Mexican Initiative, the ACT Group's Code of Conduct, the General Assembly's new mechanisms for debate on veto use, and Africa's Ezulwini Consensus, demonstrate that reform is not merely theoretical but an ongoing diplomatic process grounded in real political practice. Ultimately, reforming the veto power is not solely a legal or institutional exercise but a moral and political imperative. By making the Council more representative, accountable, and responsive to human suffering, veto reform could help restore global confidence in the United Nations as an instrument of collective security and justice. While the path to formal amendment remains uncertain, the combination of normative evolution, regional consensus-building, and sustained diplomatic pressure offers a pragmatic route toward a more equitable and effective Security Council.

CHAPTER FIVE

CONCLUSION AND RECOMMENDATIONS

5.0 INTRODUCCION

This chapter concludes the dissertation by integrating the key findings that have been discussed in the previous chapters. Furthermore, this section will provide for recommendations that are designed to aid in the resolution of the problem that the abuse of the veto power has on human rights and international justice, as illustrated mostly by the Russia-Ukraine conflict.

5.1 GENERAL CONCLUSION

This dissertation has critically examined how the United Nations Security Council veto power has impacted human rights and international justice, with a specific focus on the Russia-Ukraine conflict. The analysis reveals that while the veto was originally designed as a safeguard for global stability and great power consensus, its contemporary use often obstructs timely and effective international responses to mass atrocities and human rights violations. The case-study of Russia's repeated vetoes in the UNSC to shield its actions in Ukraine underlines the fundamental structural limitations and moral impairments inherent in the veto system. The veto power remains a significant barrier to collective international action, undermining the principles of sovereign equality and the objectives of the UN Charter. Despite its dominance in global security governance, the veto contributes to paralysis within the UNSC, eroding its legitimacy and credibility as the primary institution for maintaining international peace and security. The restricted ability of the Council to respond to crises such as the Ukraine war, Israel-Palestinian conflict, and the Rohingya crisis in Myanmar demonstrates the pressing need for comprehensive reforms.

5.2 SUMMARY OF CHAPTERS

5.2.1 CHAPTER ONE

Chapter One lays a strong foundation for the dissertation by exploring the dynamics and challenges of the United Nations Security Council's veto power within the context of human rights and international justice. It elucidates the dual role of the veto as a mechanism intended to maintain consensus among the world's major powers and as a tool that has increasingly been exploited to shield national interests, often to the detriment of collective security and humanitarian objectives. The chapter uses the Russia-Ukraine conflict as a focal point to illustrate the critical consequences of veto misuse, highlighting how repeated blocking of Security Council resolutions has impeded urgent international responses to grave human rights violations and justice imperatives. This chapter sets out the central questions guiding the research and establishes the significance of addressing the veto's impact on the UN's capacity to protect human rights effectively.

5.2.2 CHAPTER TWO

Chapter Two provides a comprehensive examination of the legal and institutional architecture underpinning the Security Council's veto power, grounded in the UN Charter's provisions and the evolving practices of the international community. It emphasizes that while the veto ensures the continued engagement of major powers in peace and security decisions, it simultaneously entrenches a hierarchical system within the UN, challenging the egalitarian principles central to international law. By tracing the historical context and legal interpretations of the veto, the chapter reveals tensions between the protection of state sovereignty and emerging global norms such as the Responsibility to Protect. It also highlights how the veto's existence affects the legitimacy and functioning of the Security Council, thereby shaping international governance and justice.

5.2.3 CHAPTER THREE

Chapter Three shifts focus to the real-world implications of veto power through detailed case studies of the Russia-Ukraine conflict, along with broader examples from Israel-Palestine and the Rohingya crisis in Myanmar. It documents how the strategic use of vetoes by permanent members has led to significant Security Council paralysis, undermining prompt and effective responses to serious violations of international law and humanitarian crises. This paralysis has not only compromised the UN's credibility but has also allowed perpetrators to act with impunity, perpetuating cycles of violence and suffering. The chapter underscores the shifting landscape of international accountability and diplomacy, as states and civil society seek alternative forums in response to the veto-induced stasis within the Council.

5.2.4 CHAPTER FOUR

Chapter Four concludes by critically reviewing a range of reform proposals aimed at addressing the veto's democratic deficit and enhancing the Security Council's operational effectiveness. It acknowledges the political complexities and entrenched interests that pose formidable obstacles to outright veto abolition. Nevertheless, it explores feasible initiatives including voluntary commitments to restrain veto use during atrocity situations, procedural reforms such as requiring supermajority votes, and expanding Security Council membership to broaden representation. The chapter highlights important developments like the French-Mexican declaration and the ACT Code of Conduct, which represent growing political will and normative shifts encouraging veto restraint. It also stresses the role of the General Assembly and regional organizations in advocating for reform. Ultimately, this chapter frames veto reform as a critical but challenging journey necessary to restore the Security Council's legitimacy and capacity to uphold international peace, security, and human rights.

5.3 RECOMMENDATIONS

5.3.1 Promote Voluntary Veto Restraint in Situations of Mass Atrocity

The United Nations Security Council (UNSC) remains frequently paralysed in the face of grave human rights violations due to the discretionary use of the veto by its permanent members (P5). Although the UN Charter does not place explicit limits on veto use, international initiatives such as the 2015 French–Mexican Declaration and the ACT Code of Conduct have recognised that the veto should not obstruct action aimed at preventing genocide, war crimes, and crimes against humanity. These initiatives affirm that veto restraint in atrocity situations is compatible with the Charter’s objectives and the emerging norm of the Responsibility to Protect (R2P).

To strengthen this normative expectation, Member States, regional bodies, and civil society should work collectively to encourage P5 adherence to voluntary veto restraint. This can be achieved by:

- I. Integrating veto restraint into General Assembly debates, regional summits, and diplomatic dialogues
- II. Developing annual “veto accountability” assessments that document humanitarian impacts of veto decisions
- III. Mobilising coalitions of states to publicly condemn vetoes that enable mass atrocities
- IV. Encouraging domestic scrutiny of P5 governments through parliamentary or congressional hearings

Greater normative pressure can gradually shift political behaviour, creating reputational costs for states that veto in the face of mounting human suffering. Over time, this may strengthen the moral and political legitimacy of voluntary veto restraint.

5.3.2 Enhance Transparency and Accountability Measures for Veto Use

Despite its profound implications for international peace and security, the use of the veto remains largely unregulated and opaque. To address this gap, procedural reforms should be introduced to require permanent members to publicly justify their veto decisions, particularly when such decisions block measures aimed at preventing or halting mass atrocities.

Recent developments, such as UN General Assembly Resolution 76/262 (2022), which obliges the GA to meet whenever a veto is cast, provide a foundation for expanded transparency. To institutionalize accountability, the following actions are recommended:

- I. Mandating detailed, written explanations for each veto cast
- II. Requiring mandatory debates in the General Assembly following veto use
- III. Allowing independent experts and civil society organizations to provide briefings on the implications of a veto
- IV. Considering procedural innovations such as:
 - a) requiring concurrence of at least two P5 members for a veto to take effect
 - b) enabling the Council to override a veto through a qualified supermajority vote

These transparency measures would expose the use of the veto to international scrutiny, reducing opportunities for politically motivated or self-serving decision-making. They would also enhance the credibility and legitimacy of the Council.

5.3.3 Expand and Restructure the Security Council Membership to Improve Representation

The current composition of the Security Council no longer reflects contemporary global demographics or geopolitical realities. Africa, Latin America, and Asia remain significantly underrepresented despite housing the majority of the world's population. The African Union's Ezulwini Consensus and other regional reform proposals underscore the demand for more equitable representation.

- I. To strengthen legitimacy, global buy-in, and regional balance, reforms should include:
- II. Creating new permanent or long-term seats for underrepresented regions
- III. Introducing permanent seats without veto powers as an interim measure
- IV. Rotational or multi-year renewable seats for major regional blocs
- V. Ensuring geographic equity in line with global population distribution and regional organisation demands

Achieving these reforms requires sustained diplomacy, coalition building, and interregional negotiation platforms. Regional groups should present unified proposals to avoid fragmentation, while global forums such as the G20 and regional summits can serve as platforms for mobilising support.

5.3.4 Empower the General Assembly to Serve as a Check on Veto Paralysis

The General Assembly (GA), acting under the Uniting for Peace Resolution (1950), has the authority to address threats to peace when the Security Council fails to act due to veto paralysis. Strengthening this mechanism provides an alternative pathway for international action, particularly in atrocity contexts.

- I. To enhance the GA's effectiveness, Member States should:
- II. Institutionalize rapid-response procedures for convening emergency special sessions
- III. Provide the GA with resources to commission fact-finding missions, expert reports, and investigative inquiries
- IV. Coordinate GA action with regional organizations to implement sanctions, humanitarian assistance, and political pressure
- V. Encourage the GA to adopt non-binding but influential resolutions that build international consensus when the Council is deadlocked

Empowering the GA does not undermine the Security Council's mandate but rather, it creates a complementary mechanism to ensure that inaction by the Council does not result in unchecked human rights violations.

5.3.5 Strengthen Regional and Global Coalitions Advocating for UNSC Reform

Successful Security Council reform will depend heavily on unified and coordinated action from Member States, particularly those in the Global South. Regional organizations such as the African Union (AU), Non-Aligned Movement (NAM), ASEAN, and CARICOM play a crucial role in shaping reform agendas and mobilising political support.

These bodies should:

- I. Develop unified, region-wide positions on Council reform
- II. Build alliances with like-minded regions to strengthen negotiation power
- III. Engage in sustained diplomatic campaigns targeting P5 and influential non-P5 states
- IV. Promote norm creation around veto restraint, equity, and accountability

Furthermore, elected members of the Security Council (the E10) can use their tenure to push for improved working methods, greater transparency, and procedural reforms. Establishing mechanisms for knowledge transfer between outgoing and incoming E10 members can enhance institutional continuity and advocacy impact.

5.3.6 Pursue Incremental, Pragmatic Legal and Political Reforms

Due to the near impossibility of amending the UN Charter without P5 consent, reform efforts must adopt a pragmatic, incremental approach. Incremental reforms, though modest, can generate meaningful change by gradually shifting institutional practices and expectations.

Key steps include:

- I. Strengthening existing working method reforms through the Informal Working Group on Documentation and Procedures
- II. Encouraging voluntary adoption of best practices among P5 states
- III. Establishing regular review mechanisms to evaluate the Council's transparency, accountability, and responsiveness
- IV. Enhancing Track II diplomacy involving academia, civil society, former diplomats, and think tanks to maintain momentum around reform
- V. Piloting procedural innovations (for example supermajority override mechanisms) in non-binding or trial forms

Incremental reforms can create a cumulative effect, cultivating a culture of accountability and paving the way for more ambitious structural reforms in the future.

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TAMARA NJOBVU, do hereby declare that this dissertation entitled,

UNITED NATIONS SECURITY COUNCIL VETO POWER AND ITS IMPLICATIONS

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3 4 5 8 9 11 14 18 20 21 23 25 26 31 34 36 39 40 42 43 46 52 62 Which is

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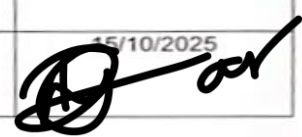
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TOPIC: THE UNITED NATIONS SECURITY COUNCIL VETO POWER AND
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Stage	Comment	Supervisor's signature and date	Student's signature and date
Chapter one	Remove the Definitions section, Restructure the third objective. CORRECTIONS DONE and APPROVED	30/07/2025 	30/07/2025 
Chapter two	Explain in detail the origin of the veto and how it found itself in the UNSC. Hint towards the other conflicts in which the veto has been abused. CORRECTIONS DONE and APPROVED	06/09/2025 	06/09/2025 
Chapter three	Explain in detail how the other conflicts and	15/10/2025 	15/10/2025 

	the main case study have affected the credibility of the UNSC CORRECTIONS DONE and PROVED		
Chapter four	Change title of the chapter Change legal debates to debates. Change from VS to in contrast of. Summarize the conclusion CORRECTIONS DONE and APPROVED		AS ar 24/10/25 25/10/25
Chapter 5 – Conclusions & Recommendations	CORRECTIONS DONE AND APPROVED		AS ar 30/10/25 30/10/25
Table of Contents, Bibliography and Appendices	Error on internet sources in bibliography CORRECTIONS DONE AND APPROVED		AS ar 30/10/25 30/10/25
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Second Draft	APPROVED		AS ar
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