

United Nations Security Council (UNSC) and Veto Dilemma: This Hidden Obstacle to World Peace and Justice: A Critical Analysis

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Abstract

International law was created to establish world peace, security and justice to make this international law effective, the United Nations was established, and at the heart of the United Nations stands the United Nations Security Council, reality is that while the primary objective of the Security Council is to maintain global peace and security, the veto power often creates unrest and poses serious threats in that very arena. The United Nations Security Council is like a kite- it appears capable of passing urgent and necessary resolutions, but the string that controls that kite is that veto. In other words no matter how important a proposal may be, if it conflicts with the interests of the permanent members, it will be rejected. This is in essence, the power to say no. It is these five permanent (P5) members who possess the power of Veto. This power can hold a state's highly important decisions and even reject appeals to the likes of certain populations. This research paper shows how instead of using the veto power to establish peace and justice, it has often supported injustice and inhumanity, prioritizing the political interests of a few over the protection of global populations.

Keywords: UN Security Council, Veto Power, International Peace, Global, Justice, Sovereignty, UN Reform.

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1. INTRODUCTION

Arrangement of international peace and security primarily falls under the responsibility of the UN Security Council. The Security Council is composed of permanent and non-permanent members. There are five permanent members -The United States, The United Kingdom, Russian, France and China and on the other hand, there are ten non-permanent members. These ten non-permanent members are elected by the General Assembly for a term of two years. During the election of non-permanent members for the Security Council, the efforts of countries and the principles of equitable geographical distribution particularly influence the selection, with the goal of maintaining global peace and security. Accordingly five members are elected from Africa and Asia, two from Latin America and the Caribbean, two from western European and other states such as Canada, New-Zealand and Australia and one from Eastern European.

However, within the Security Council, permanent member states hold greater power than non-permanent members. Apart from the permanent and non-permanent members, other states may participate in discussions in the Security Council if invited (Articles 31 and 32), but they do not have the right to vote.

1.1 Powers of Security Council

The United Nations Security Council works to manage world peace and security. The powers of the UN Security Council to ensure peace and security are analysis in Chapters 6 and 7 (Articles 33 to 51) of the United Nations Charter. The UN Security Council may take decisions on any matters related to peace and security. The decisions of the Security Council are binding on member state (Article 25).

The matters over which the Security Council has jurisdiction includes:

- Peaceful settlement of international disputes;
- Adoption of prevention or enforcement measures to maintain peace and security;
- Supervision and admission of trust territories;
- Admission of new members suspension of membership and expulsion of members;
- Amendment of the UN charter;
- Election of judges of the International Court of Justice.
- Establish an fix the regulation and control armaments;
- Take action in respect to a threat to peace or a potential threat, and to recommend hoe such action should be taken;

- Encourage and recommend the admission of new member states.

2. METHODOLOGY

The research paper has been conducted using analytical and critical methods. The study is based on secondary data which provides insights into the history, laws and applications of the United Nations Security Council and the veto power. The secondary data sources used includes:

1. Books
2. Research paper
3. Academic journals
4. United Nations documents
5. Newspapers

These sources have supported the development of the research paper. The paper discussion articles 27, 31 to 35 and 51 of the United Nations Charter which cover the decision making process of the Security Council, the significance of permanent and non-permanent members and the limitations of veto power. Additionally, a case study has been conducted analyzing current controversial incidents presenting criticism regarding the impact of veto power, disputes surrounding it and discussions on reform.

3. Objectives of the Research Paper

The main objectives of this research is to critically analyze the United Nations Security Council (UNSC) and use of veto power. First, it aims to discuss the legal basis of the veto power under the UN charter and explain its procedure of application. Second, it seeks to examine the notable patterns of veto use, the influence of political and national interests and the inequality in state sovereignty. Third, it analyzes how the use of veto power creates obstacles to international peace, security and justice. Fourth, it discusses the impact of the veto during instances of war crimes, genocide, and human rights violations. Fifth, it explains how the exercise of veto power has, at times, rendered the Security Council ineffective. Finally, the research evaluates proposals for reforming the Security Council and limiting the veto power, and provides recommendations for their practical implementation.

4. LITERATURE REVIEW

4.1 From Concept to Practice: A History of the Veto and Veto Power

The word “Veto” mainly comes from Latin meaning “I forbid” or “I prohibit”. In political science and international politics veto power refers to the special authority of an individual to block any decision made by others. This power i.e. the veto has existed from ancient history to the present day.

Veto power was first seen in the 5th century BCE during ancient Roman times when Rome had a “Tribune of the Plebs System”. These tribunes had the authority to

protect the common people from unjust decisions made by the noble class.

Later during the medieval period veto power in the hands of kings. At that time, monarchies were widespread in Europe and the king had supreme authority to annul or enforce any law. However over the centuries, this power gradually become less absolute.

In the modern age, veto power is seen in the United States where the president can veto any bill passed by congress. However this veto can be overridden if two thirds of congress vetoes to do so. Veto power has faced the most criticism in the United Nations Security Council (UNSC). Since the formation of the United Nations in 1945 debates over veto power have never ceased. Some states have been granted so much power that they can misuse it which goes against the principle of power-sharing. The potential for such misuse of veto was anticipated from the beginning. Subsequently, whenever a proposal is presented at the United Nations these states frequently exercise their veto demonstrating the concerns many critics had. Many scholars argues that since these major powers have been entrusted with the responsibility of international peace and security i.e. permanent Security Council decisions against their consent. The voting and decision making procedure of the Security Council is exceptional. The United Nations was established after world war II for the purpose of maintaining world peace and security, a responsibility entrusted to the Security United Nations Security Council (UNSC) decisions are not made by simple majority two-third, three-fourth or unanimous votes in all cases. To pass a proposal at least nine out of the 15 members including all 5 permanent (P5) members must veto in favor. If ever one permanent member votes against the proposal is vetoed procedurally any nine votes can adopt a decision but defining the exact boundaries between procedural and substantive questions is always simple. If there is a disagreement over whether a question is procedural or substantive the Security Council itself cannot resolve it.

4.2 Criticism and Controversies Surrounding Certain Articles of the United Nations Security Council (UNSC)

Article 12 states that for decisions on substantive security-nine affirmative votes are required including the concurring votes of all five permanent members (P5). However, in matters relating to pacific settlement of dispute is expected to abstain from voting. In reality, the requirement of nine votes is largely symbolic the real focus lies on the voting power of the P5. Regardless of whether an issue involves peacekeeping or human rights, if a decision conflicts with the interests of any P5 members that state can block it by exercising its veto power. Article 27(3) legally legitimizes the voting dominance of P5. As a result, the permanent members enjoy privileges for beyond those of other member states, which violates article 1 of the

United Nations charter that recognizes the sovereign equality of all states large or small. The frequent use of veto power by P5 members to protect national interests has often resulted in genocide, human rights violations and the Security Council's failure to act in critical situations. This has made the United Nations Security Council (UNSC) decisions making process slow and complex. The objection of a single permanent member can block urgent decision, causing severe consequences in emergency situations. Such practices violate Article 1(2) of the United Nations Charter (the obligation to act in good faith) and Article 1 (3) which emphasizes with peaceful settlement of disputes [Article-27]. The United Nations Security Council is often regarded as the "Banyan tree of world peace" where decisions regarding war and peace are made. However as the saying goes, "the shade of a Banyan tree offers peace, yet its existence itself is subject to debate" similarly, article 31 to 35 of the United Nations (UN) charter are surrounded by significant criticism and controversy. Article 31 allows non-members states of the Security council to participate in discussions when issue affecting them are under consideration which these states are given the opportunity to present their arguments their views are rarely given due weight in final decision making. Consequently, states driven by national interests particularly powerful ones often dominate outcomes marginalizing the concerns of others [Article-31]. Article 32 provides that states involves in dispute should be invited to participate in Security Council decisions in order to uphold the principle of national justice ensuring that decisions are made after hearing all parties. However such invitations are discretionary rather mandatory. As a result, certain states are often ignored due to political interests while in some cases invitations are extended merely as a formality with decisions already predetermined [Article-32]. This article emphasizes the obligation of states to make every effort to maintain peace by resolving disputes through negotiation, mediation, arbitration or judicial settlement while this principle is clearly stated, it often remains confined to paper. In practice, power states frequently resort to military force or diplomatic pressure to advance national interests thereby violating the spirit and intent of [Article-33]. The reality is that even though the door is open, the path to enter is very narrow. Even if a dispute is presented, it may not be considered or decided with due seriousness. This is powerful provision intended to enable early intervention before conflicts escalate. However, despite its potential this article remains largely ineffective in practice. If applied properly, it could reduce misunderstanding among states and promote peace. Instead, whether investigations are conducted often depends on the political will of the Security Council. When disputes involves powerful states on their allies, investigations are frequently avoided through veto power or political pressure. As a result, article 34 exists largely on paper, depriving smaller and weaker states of justice and investing widespread criticism of the Security Council [Article-34]. Allows any united Nations (UN)

members state to bring a dispute situation threatening international peace and security to the attention of the Security Council. At first glance, this appears hopeful, as it provides equal access for all states large or small, powerful or weak. The Security Council may investigate any dispute or situation related to international peace and security.

In reality, whether the Security Council addresses an issue depends largely on the political interests of powerful states. Many smaller states bring their concerns before the Security Council only to see them ignored. The ongoing civil war in Yemen serves as a clear example even when discussions take place, meaningful decisions are often absent. Thus, while article 35 offers the promise of global peace and security, it simultaneously creates frustration and disappointment allowing everyone to speak, but granting importance only to the voices of powerful states [Article-35]. Due to the application of Articles 12(3) and 34 various proposals were put forward to resolve the ongoing wars in Syria, Yemen and Egypt but none of them proved effective. Since 2011, despite the scale of genocide and human rights violations that have occurred in Syria, the United Nations Security Council has shown little genuine concern. At time, when the Security Council has raised resolutions on these issues, Russia and China have exercised their veto power. Even when a proposal was made to investigate the chemical weapons attacks in Syria, Russia veto it, resulting in the loss of hundreds of innocent lives. Russia has used its veto power 11 times in the United Nations security Council (UNSC). As a consequence of the use of this veto power, more than 3 million civilians and over 800 journalists have lost their lives to date. If there had been limitations on the use of veto power, so many lives would not have been lost. In 2026 that is nearly six decades later, Syria's ambassador Al-Shara appealed to the United Nations General Assembly for the resolution of the Syrian war. According to Al-Shah, if there have been limitations on veto power, this situation have been resolved a long time ago. The current world reached an extreme level of unrest and insecurity, yet United Nations Security Council (UNSC) has still not found a way to provide a solution. Here, article 27(3) has resulted in the violation of article 34.

4.3 Opinions of some Analysts on the Veto Power

- a. Oona A. Hathway argues that the veto of the P5 members in the United Nations Security Council obstructs international action against human rights violations. As a result, international norms and international law are weakened.
- b. Stewart Patriek maintains that the veto power renders the Security Council ineffective as the P5 states use it primarily to protect their national interests. This practice ultimately undermines global peace and security.
- c. Vlad Mirel states that the veto system is rooted in outdated thinking and has become ineffective

in addressing contemporary violations and genocide. Therefore, he emphasizes the urgent need for reform of the Security Council.

4.4 Realism theory and the politics of veto power in the United Nations Security Council

From the realist perspective of international relations and international politics, a practical and objective explanation of conflicts and rivalries among states can be found. Realism emerged in response to the devastating consequences of the Second World War and developed as a critical of idealist and liberal approaches. According to realism, regardless of how equal international law on institutions may appear, every state prioritizes its own political and national interests. International relations cannot be based solely on moral principles or the pursuit of peace. In this context, Hans J. Morgenthau, in his work *Politics among Nations*; the struggle for Power and Peace, elaborates the core ideas of realism. Other prominent scholars such as Reinhold Niebuhr, Robert Butterfield, Jhon Herz, Nicholas Spykman, George F. Kennan, Kenneth Waltz, Arnold Wolfers, and Robert Osgood have also contributed significantly to realism theory. They argue that both human beings and states are inherently power seeking and therefore no state can fully adhere to idealistic international norms or moral principles. As a consequence, international politics is increasingly characterized by intense power struggles. From the realist perspective, war is a normal condition of international politics. The primary duty and responsibility of every state is to increase its own power and to continuously engage in the struggle for greater influence. Each state seeks to protect and expand its national interest while remaining vigilant about power accumulation. The veto power of the United Nations Security Council (UNSC) represents a practical manifestation of realism theory. The P5 members states veto any resolution that conflicts with their national interests. This clearly demonstrates that states are not equal in the international system; rather, the decisions of powerful states prevail. According to Hans J. Morgenthau, the veto power is not an injury but reflection of political reality in international relations. He argued that if powerful states had not been granted special privileges, they would not have participated in the United Nations. This, the veto power serves as a concrete example of realism and power politics in international relations.

5. Case Study Approach: Abuse of Veto Power and Institutional fails of the United Nations Security Council (UNSC)

5.1 Rohingya Crisis

At present, there is limited diplomatic discussion on the Rohingya issue. Since the Military come to power in Myanmar, it has become impossible to return Rohingya. In 2017, acts of genocide, rapes and torture against Rohingya forced more than two million of them to seek refuge in Bangladesh. Whenever proposal

on Rohingya issue are raised at the United Security Council (UNSC), China use its veto power. Due to China frequent use veto power, Rohingya issue has unresolved. As a result The Security Council has so far failed to address this problem effectively. It was only through that International Court of Justice agreed to hear the case concerning atrocities committed against Rohingya people. During the interim period of provisional measures issued by ICJ, Chinese president Xi Jinping visited Myanmar, and agreements were signed on seaports and economic co-operation. In effect, China-Japan-and Russia have continued to shield Myanmar to safeguard their national interests. Notably, Russia has already opened an office in Myanmar through its state owned energy company "Gazprom" for oil and gas exploration. Even eight years, Rohingya crisis remains unresolved. International assistance is steadily declining, while Bangladesh's long-term capacity for tolerance and support is under severe strain without prompt and effective international action, the crisis may take a more dangerous turn. Given Bangladesh's small geographical size, dense population, and slowing economy the prolonged presence of Rohingya refugees is increasingly affecting the quality of life of its citizens.

5.2 Palestine (Gaza) War Crisis

The recent war Gaza has highlighted the global unrest and insecurity. The main reason behind this is the veto power. This war is still ongoing, and more than million people have lost their life. Even those who are injured have little to no access to medical treatment. The civilians who have somehow survived face severe shortages of foods, water, shelter and security. The United Nations Security Council (UNSC) repeatedly proposed resolutions calling for an end to the war or at least a ceasefire, but these proposals have been vetoed by United State. According to U.S. one of the main reasons for using the veto is to uphold Israel's right to self-defense (Article 51 of the UN Charter). Once against, when 14 members of the Security Council proposed a ceasefire for global peace and security, U.S. vetoed it, rendering the proposal ineffective. Although the majority agreed on the need for a ceasefire, the veto nullified this collective will.

5.3 Russia-Ukraine war Issue

Russia-Ukraine war is another example of the misuse of veto power. This war has been ongoing since 2022 and is being justified as a violation of Article 51. As a result of this war, more than 1.8 million soldiers have been injured or gone missing and over 7 million soldiers have died. Even many innocent civilians have lost their lives. Due to this war, citizen's properties, in both Russia and Ukraine have been destroyed. This war has had impact on the economy and society. Whenever the Security Council proposed resolutions to stop war. Russia exercised its veto. Each time proposals were presented, they were blocked by Russia's veto. Russia's use of the veto is widely viewed as a symbol of human rights violations and an affront to the Sovereignty of

other states. Even though the General Assembly takes several measures, they are ineffective in the face of Security Council vetoes. According to Russia, There is meant to protect their right to self-defense. However, the reality is that Article 51 is being used as a pretext to carry out attacks on another state. By using this veto, Russia has not only violated human rights but also infringed on the Sovereignty of the United Nations members states. Even though the General Assembly takes several measures, they are ineffective in the face of Security Council vetoes.

6. FINDINGS

6.1 Debate on the United Nations Security Council and Veto Power

Veto power is one of the most controversial issue in international politics. According to its supporters, granting veto power to P5 (five permanent members) has allowed the United Nations to continue functioning. They argue that taking action against major power could weaken the entire organization and lead to political instability. On the other hand, critics argue that veto power has rendered the Security Council ineffective in addressing many serious humanitarian crises and international conflicts such as those in Gaza, Syria and Ukraine. Since 1946, more than 320 vetoes have been used, resulting in the council's failure to take action even in situations involving human rights violations and genocide. The use of veto often prioritizes national interest over morality and humanitarian considerations. Many countries-including Canada, Japan, India, Brazil and Finland-have discussed the issue of veto power and emphasized the need to reform the United Nations Security Council and limit the use of the veto Former United Nations Secretary General Kafi Annan also stated that veto power has made the Security Council dysfunctional. Although veto was originally established to satisfy the demands of major power, it has now repeatedly obstructed international justice and humanitarian efforts. As a result, demands for reform of the veto power are increasing day by day.

7. RECOMMENDATIONS

7.1 A Time for Change: Restructure the United Nations Security Council (UNSC) and Boundary Veto Power

The activities of the United Nations Security Council (UNSC) and the use of veto power have long been the subject of debate. It has become necessary to reform the Security Council and rationalize the use of veto power. If the veto power is limited, the Security Council will be able to carry out its functions more effectively, responsible and with greater accountable. Therefore, reforms can be carried out in several ways:

1. Increase the number of permanent members adding around 10 new permanent members and give greater representative to smaller states such as Canada, Brazil, Germany Japan and Finland. Then the balance of power will be safeguarded.

- 1) The use of veto power must be reduced in cases of human right violations and genocide. If any member of the organization exercises a veto in such situations, they must provide reasonable justification.
- 2) If any member of the Security Council violates the UN Charter, that member's voting rights should be suspended.
- 3) Increase the number of Non-permanent members from 10 to 20, and extend their term of election from 2 years to 5 years.
- 4) If a resolution is proposed for the protection of international peace and security and human rights, and it receives the consent of a least 10 members (including both permanent and Non-permanent members) the resolution should be adopted swiftly.
- 5) All members of the United Nations Security Council (UNSC) both permanent and non-permanent must be required to be members of the International Criminal Court (ICC).

8. CONCLUSION

The major powers in the United Nations Security Council were originally entrusted with the responsibility of maintaining global peace and security. However, the exercise of veto power has often rendered collective action ineffective. As a result, instead of ensuring peace and security, the has at times contributed to instability and insecurity. The dominance created by the veto has undermined the position of smaller and weaker states and has distorted the original objectives of the United Nations.

This study has demonstrated that use of the veto power frequently leads to violations of the provisions of the UN charter and has weakened the effectiveness of the Security Council itself. At the time, the research has proposed several reforms through which the Security Council can better fulfill its responsibilities and ensure that the veto power does not become an obstacle to the protection of human rights.

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