

Restricting Veto Use In Humanitarian Crises: Urgency For Un Charter Amendment

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Received: 15/09/2025	Revised: 10/10/2025	Accepted: 05/12/2025
Abstract	This study examines the need to impose legal limitations on the use of veto power to reinforce the principle of sovereign equality under Article 2(1) of the United Nations Charter. It focuses on the absolute nature of the veto exercised by the permanent members of the United Nations Security Council, which remains legally unrestricted due to the absence of clearly defined legal standards regulating its exercise. In practice, this unrestricted authority has repeatedly obstructed humanitarian action and contributed to institutional paralysis during humanitarian crises. Using a normative juridical method with a conceptual and doctrinal approach, this research analyzes debates on veto power, the amendment procedure under Article 108 of the Charter, and the development of soft-law initiatives, including the Responsibility to Protect, the ACT Group's Code of Conduct, and the French–Mexican initiative. The findings suggest that absolute veto power fosters structural inequality among member states and erodes the legitimacy and effectiveness of the United Nations. The study concludes that a targeted amendment to the UN Charter, restricting the use of vetoes in clearly defined humanitarian crises, is both normatively justified and legally feasible within the existing constitutional framework of the United Nations.	
Keywords	Veto Power; UN Charter Amendment; Security Council Reform; Humanitarian Crises; Sovereign Equality	
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1. INTRODUCTION

The veto power of the United Nations Security Council (UNSC), rooted in the geopolitical arrangement of 1945, grants the five permanent members (P5) unparalleled authority within the UN system. Although historically justified as a mechanism to maintain post-World War II stability and to ensure the participation of major powers in global security governance, the absence of legal limitations on veto use has created a structural imbalance in decision-making, particularly during humanitarian crises. Article 27 of the UN Charter empowers any P5 member to veto a substantive resolution, even when an overwhelming majority of votes supports it. This design has increasingly been criticized for contradicting the principle of sovereign equality embedded in Article 2(1) of the Charter. (Martinali, 2024)



Over the past two decades, the unrestricted nature of veto power has contributed to significant humanitarian failures. The repeated blocking of ceasefire and aid delivery resolutions in Gaza, the obstruction of cross-border humanitarian access in Syria, and Russia's veto in the Sudan crisis demonstrate how absolute veto authority can impede responses to mass atrocities. These cases reveal that the veto is frequently employed not to advance collective peace and security but to protect geopolitical allies or national interests, thereby undermining the legitimacy and neutrality of the UNSC. (Rashed et al., 2014)

The Charter's absence of limiting veto use, even in atrocity crime situations involving genocide, crimes against humanity, or severe humanitarian suffering, reveals a critical normative gap. This absence of safeguards enables the veto to operate as an unfettered political privilege, which is inconsistent with contemporary developments in international law that emphasize human rights protection and accountability. (Hak et al., 2023)

Modern international law, shaped by instruments such as the Universal Declaration of Human Rights, the Rome Statute, and the jurisprudence of international courts, reflects a progressive shift toward protecting individuals and humanity. Scholars such as Cassese and Shaw emphasize that international law today is not merely inter-state but increasingly centered on the protection of civilian populations. Within this framework, an unrestricted veto appears as an outdated relic of a bygone era, inconsistent with the humanitarian values of the post-1945 legal order. (McDougal & Gardner, 1951)

Historical experience also demonstrates that a Charter amendment is legally possible. The 1965 amendment, which expanded the number of non-permanent members of the UNSC, demonstrates that procedural pathways under Article 108 can be activated when there is alignment of political will. This precedent reinforces the argument that Charter reform, specifically limiting the use of vetoes during humanitarian crises, is both feasible and normatively justified. (Wenaweser & Alavi, 2020)

Based on this, this study focuses on two main issues. First, this study examines how the current practice of absolute veto rights contradicts the principle of sovereign equality as stipulated in Article 2, paragraph 1, of the United Nations Charter. Second, this study examines the legal feasibility of amending the UN Charter, as outlined in Article 108, as a mechanism to limit the use of veto rights in the context of humanitarian crises. This study aims to fill an existing research gap by developing a normative juridical framework that links the principles of sovereign equality, humanitarian protection, and Charter amendment procedures, thereby contributing to the discourse on the legally feasible limitations of veto power within the United Nations Security Council.

This study aims to analyze the legal contradiction between the use of the veto power and the principle of sovereign equality. Furthermore, it evaluates the legal avenues available for amending the

United Nations Charter under Article 108. Furthermore, it aims to formulate a model for limiting the use of the veto power in humanitarian crises.

2. METHOD

This study employs normative legal research. According to Peter Mahmud Marzuki, normative legal research is a process of identifying and applying legal rules, principles, and doctrines to address legal issues that arise. The research adopts a conceptual approach, which examines doctrines and theories developed by legal scholars to analyze the principles of equality among nations, international mechanisms for responding to humanitarian crises, and patterns of veto use within the SC (Hehanussa et al., 2023). Primary data consists of the UN Charter, ICJ advisory opinions, and relevant UNGA resolutions. Secondary data is drawn from authoritative textbooks such as Malcolm N. Shaw's *International Law*, as well as peer-reviewed journal articles. The analysis applies three stages of qualitative legal reasoning: categorization, doctrinal interpretation, and comparative evaluation.

Categorization is an analytical stage in normative legal research that systematically classifies legal materials based on their thematic and normative relevance, in order to identify key legal norms and prepare them for doctrinal interpretation and comparative analysis (Vergne & Wry, 2014). Legal materials are classified based on key normative themes. Article 27 paragraphs (1)-(3) of the UN Charter are used as the legal basis for the veto mechanism, Article 2 paragraph (1) as the basis for the principle of equal sovereignty of states, and Article 108 as the legal basis for amendments to the Charter. This classification serves as the basis for evaluating the legal justification for restricting the use of the veto right in the context of humanitarian crises.

Doctrinal interpretation is an analytical stage in normative legal research that interprets legal norms and doctrines through textual, systematic, and teleological approaches to ascertain their normative meaning, scope, and coherence within the legal system (Susetiyo, 2025)—carried out through a textual, systematic, and teleological approach to the norms of the UN Charter. The analysis focuses on three doctrinal frameworks, namely Responsibility Not to Veto (RN2V) as the moral obligation of P5 of the UNSC to refrain from using their veto in situations of serious international crimes, Responsibility to Protect (R2P) as the basis for the collective responsibility of the international community, and the principle of equal sovereignty of states in Article 2 paragraph (1) as a parameter for testing the normative consistency of the veto privilege. This stage connects the normative design of the UN Charter with the development of contemporary international legal doctrine.

Comparative evaluation is an analytical stage in normative legal research that critically compares legal norms, principles, and practices to assess their consistency, effectiveness, and alignment with fundamental legal values, thereby determining the necessity of legal reform (Eberle, 2011). The

comparative evaluation stage compares normative tensions and practices in the veto regime through three dimensions, namely the potential internal inconsistency of the UN Charter between Article 27 and Article 2 paragraph (1), the difference between the normative idealism of R2P and the actual practice of using the absolute veto in humanitarian crises, and the evaluation of veto reform models, including RN2V, Code of Conduct, and amendments to the UN Charter based on Article 108. This analysis is used to assess the urgency and necessity of reforming veto power.

3. FINDINGS AND DISCUSSION

3.1. Legal Contradiction Between Articles 27(3) and 2(1)

Article 27 of the United Nations Charter establishes the voting framework of the UNSC by differentiating between procedural and substantive decisions. While all members formally possess an equal vote, the legal consequences attached to those votes differ significantly depending on the nature of the decision. Procedural matters may be adopted through the support of nine members. In contrast, substantive decisions are subject to an additional requirement that fundamentally alters the balance of decision-making authority within the Council. (Malik, 2005)

This additional requirement, commonly referred to as the “concurring votes” principle, operates by granting the P5 the capacity to prevent the adoption of substantive resolutions through a single negative vote. Although the Charter does not explicitly employ the term “veto,” the legal effect of this mechanism is the creation of an exclusive blocking power reserved for the P5. As a result, the formal equality reflected in equal voting rights is substantially displaced by a hierarchical structure that concentrates decisive authority in the hands of a limited group of states, thereby generating tension with the principle of sovereign equality enshrined in Article 2(1) of the Charter of the United Nations (1945).

The interpretation of the concurring votes requirement has further reinforced this asymmetry. Established UNSC practice, supported by the International Court of Justice in its 1950 Advisory Opinion on Voting Procedure, confirms that abstention by a P5 member does not invalidate a substantive decision. This interpretation suggests that the veto does not function as a requirement of active consent, but rather as a discretionary power to obstruct collective action. Consequently, while procedural decisions remain largely administrative in character, substantive decisions concerning sanctions, peace enforcement, or humanitarian intervention are structurally vulnerable to unilateral obstruction. This design reveals a persistent normative tension within the Charter between the ideal of formal equality and the political reality of institutionalized privilege within the UNSC. (Fakiha MAHMOOD, 2013)

It can be academically concluded that the P5 does not have the privilege of imposing its will to propose and adopt a substantive resolution (creating a legal product). However, it does have the

privilege to reject (veto) a substantive resolution regardless of the number of members who agree (Hanina Diastiti & Leni Widi Mulyani, 2025). For example, if the number of votes in favor of adopting a substantive resolution is less than 9, then clearly a substantive resolution must be rejected because it does not meet the specified formal requirements. If there are nine votes in favor and all P5 members decide not to vote (abstain), the substantive resolution will still be adopted because it meets the formal requirements.

The abstention of the P5 does not affect the number of votes in favor of the resolution, but it does not prevent a substantive resolution from being adopted. If there are 14 votes in favor and only one P5 member state votes against, the substantive resolution fails to be adopted because it does not meet the cumulative formal requirements of Article 27 (3). It should be noted that countries involved in the conflict may not participate in drafting and voting on the substantive resolution to be adopted. (United Nations, 1945)

Historically, this power was granted to the victors of World War II to ensure global security. However, in practice, it institutionalizes structural inequality by allowing five states to override the collective will of the majority (Rubbiyanti & As'ad Rizqullah, 2024). The doctrine of concurring votes, although technically part of the Charter, has evolved into a prerogative resembling veto power, and the absence of explicit legal limitations enables P5 members to exercise this power without accountability. Cases such as the US blocking the Gaza Strip humanitarian resolution and Russia's veto on aid delivery in Syria and Sudan illustrate how Article 27(3) conflicts with the egalitarian principle of Article 2(1). Therefore, although the UN is formally an egalitarian forum, the veto mechanism produces a structural contradiction that favors P5 dominance over the collective sovereignty of other member states. (Vilmer, 2018)

The principle of equality in UN decision-making is a fundamental principle regulated in the UN Charter, specifically Article 2, Number 1, which states that "this organization is based on the principle of equal sovereignty of all its member states." Every UN member state, regardless of its size, has equal legal standing, regardless of its military strength, economic power, or land area. This principle is embodied in the decision-making mechanism of the UNGA as stipulated in Article 18 of the UN Charter on UN decision-making. It states that each member state has one vote. In important decisions, such as the adoption of resolutions on peace, international security, the admission of new members, and budgetary matters, decisions must be taken by a two-thirds majority of the members present. (United Nations, 1945)

Thus, the principle of equality in decision-making is a key pillar of the UN, ensuring that all countries, without exception, have equal opportunities to participate in international resolutions. However, in practice, this principle is often criticized because of the existence of the P5 veto right, which

is considered to be contrary to the principle of equal sovereignty (Maya et al., 2025). The veto mechanism currently in force in the UNSC is absolute for its holders, namely the P5. The UN Charter does not specifically regulate the limitations on the use of the veto right, nor does it impose any limitations on its use.

The legal void regarding the limitations of the veto right in the UN Charter is a loophole for the P5 to exercise their veto continuously, regardless of whether a resolution is good or bad. Therefore, when examined normatively, the P5 will never be legally wrong to continuously exercise their veto right, because legally there is nothing that prohibits it, so it can be concluded that what is not prohibited is permitted (Malcolm N. Shaw, 2021)

3.2. Humanitarian Failures Due to Veto Abuse

One illustrative example of the humanitarian consequences resulting from the use of vetoes can be observed in the Gaza conflict. UNSC practice demonstrates that proposed resolutions aimed at facilitating humanitarian ceasefires and aid delivery have been repeatedly obstructed through the exercise of veto power. Despite widespread international concern over civilian suffering, the Council's inability to adopt binding measures has delayed coordinated humanitarian responses and weakened the protection of civilians. This situation highlights how the use of vetoes may serve as a legal barrier to collective action in the face of large-scale human rights violations. (Rahman et al., 2023)

A similar pattern is evident in the Syrian conflict, particularly with respect to the cross-border humanitarian assistance mechanism. Although a substantial majority of UNSC members supported the continuation of aid delivery to opposition-controlled areas, veto intervention prevented the renewal of the mandate (Meleen et al., 2024). The termination of this mechanism disrupted long-standing humanitarian operations and significantly reduced access to essential resources for affected populations. This case highlights the vulnerability of humanitarian frameworks that depend on UNSC authorization when veto power is exercised for reasons unrelated to humanitarian necessity. (Chaziza, 2014)

The Sudanese conflict further illustrates the structural consequences of veto use in humanitarian crises. Proposals calling for ceasefires, humanitarian access, and civilian protection received broad support within the Council but were vetoed due to intervention (Constance, 2017). As a result, international efforts to mitigate violence and address humanitarian needs were rendered ineffective, contributing to prolonged displacement, food insecurity, and deteriorating public health conditions. Collectively, these cases demonstrate that the veto mechanism, while legally entrenched, has repeatedly constrained the capacity of the UNSC to respond effectively to humanitarian crises. (Nyadera, 2018)

To illustrate the practical implications of veto use in humanitarian crises, the following table summarizes selected UNSC cases and their legal consequences.

Table 1. Selected Cases of Veto Use in Humanitarian Crises and Their Legal Implications

Humanitarian Crises	Use of Veto by Permanent Member	Legal and Humanitarian Consequences
Gaza Crises	The United States vetoed the ceasefire and humanitarian access resolutions.	Failure to adopt a binding UNSC resolution resulted in blocked and generally delayed humanitarian assistance, as well as limited protection for civilians.
Syrian Crises	The Russian Federation vetoed resolutions on cross-border aid and accountability.	Inability to authorize humanitarian access mechanisms led to prolonged humanitarian suffering.
Sudan Crises	The Russian Federation vetoed resolutions addressing civilian protection.	The absence of collective enforcement measures contributed to the escalation of violence and humanitarian instability.

Sources: (UN News, 2025)

3.3. Weaknesses of Soft Law Commitments

Soft-law initiatives, such as the Responsibility to Protect and various voluntary Codes of Conduct, are designed to promote self-restraint among the P5 of the UNSC during humanitarian crises. These instruments have gained considerable political support from a significant number of UN member states and prominent international figures, reflecting a broad moral consensus against the misuse of veto power. However, their voluntary character fundamentally limits their effectiveness. Because these initiatives lack binding legal status, they are unable to compel compliance or prevent P5 from exercising veto power in a manner that obstructs humanitarian action. Consequently, despite their symbolic and ethical value, soft-law mechanisms fail to address the structural imbalance embedded within the UNSC decision-making process, allowing entrenched inequalities to persist during humanitarian crises. (Folarin, 2018)

From a doctrinal perspective, soft law operates outside the realm of legally enforceable obligations (Guzman et al., 2009). Its normative influence relies primarily on political pressure, reputational costs, and voluntary adherence rather than on formal sanctions or adjudicatory mechanisms. While this flexibility may facilitate dialogue and cooperation among states, it

simultaneously permits powerful actors to disregard commitments without facing legal consequences. In contexts where institutional restraint and mandatory compliance are essential, particularly in limiting the use of vetoes within the UNSC, such non-binding arrangements prove insufficient. The persistent reliance on moral persuasion alone underscores the inherent limitations of soft-law approaches. It reinforces the argument that legally binding, hard-law reforms are necessary to regulate veto power in situations involving grave humanitarian harm effectively. (Vicente, 2013)

3.4. The Tension Between Sovereign Equality and the Veto Power in the UN Security Council

The discussion begins by reaffirming that the United Nations, as an organization comprising more than 200 sovereign states, is fundamentally grounded in the principle of sovereign equality as articulated in Article 2(1) of the UN Charter. This principle assumes that no state should hold a structurally superior position within the UN's institutional framework. However, the practical reality diverges significantly from this normative ideal, revealing an internal tension between the egalitarian foundation of the Charter and the hierarchical configuration embedded within its institutional organs. (Wendra & Sutrisno, 2024)

A central manifestation of this tension lies in the structure of the UNSC, which exercises decisive authority through substantive resolutions and the veto power. These instruments are controlled exclusively by P5, enabling them to shape or obstruct outcomes that affect the entire international community. While historically justified as a mechanism to secure great-power participation and maintain global stability, the veto has evolved into a tool that entrenches systemic superiority. The lack of legal limitations on its use has generated serious challenges, particularly when the veto is employed to block humanitarian action or peace initiatives in situations involving mass atrocities. (Blessing Nneka Iyase & Sheriff Folami Folarin, 2018)

In light of these structural and normative deficiencies, this discussion evaluates the necessity of imposing explicit restrictions on the veto in the context of genocide, crimes against humanity, ethnic cleansing, and other atrocity crimes. The objective is not to abolish the veto but to recalibrate its use through a Charter amendment under Article 108, supported by the collective political will of UN member states. Such reform would enhance UNSC responsiveness to humanitarian imperatives, reduce the entrenched asymmetry among states, and realign the Council with its intended role as a genuinely egalitarian and human-oriented “keeper of peace.” (Teuku Zulman Sangga Buana & Adwani, 2018)

3.5. Arguments Supporting the Retention of the Veto

Proponents of the veto argue that it serves as a stabilizing mechanism within the international security architecture by ensuring that no coercive measure is taken without the consent of the major powers. From a realist standpoint, the veto preserves strategic balance. It prevents the UNSC from being

dominated by a numerical coalition of smaller states whose interests may diverge from global safety concerns. Historically, the veto was viewed as a necessary compromise to secure the participation of the P5 in the United Nations; without it, the UN risked replicating the structural weaknesses of the League of Nations, which faltered due to the disengagement of major powers. Supporters also claim that the veto fosters diplomatic negotiation by compelling states to achieve a great power consensus before authorizing enforcement actions. (Rojek, 2022)

According to the United Nations' own institutional framework, the veto power is an integral component of the UNSC design, reflecting the foundational political compromise that enabled the creation of the post-war international order. The UN Charter, particularly Article 27, establishes a dual voting structure in which substantive decisions require not only a numerical majority but also the concurring votes of the five permanent members (P5). This mechanism was intentionally crafted by the drafters of the Charter, who believed that the P5 states, bearing the greatest responsibility for maintaining international peace and security, would be indispensable to the functioning and legitimacy of the UNSC. (Macmahon, 2024)

The P5 were therefore granted a special voting privilege, the veto, on the premise that no enforcement action should be undertaken against the will of a major power whose cooperation was essential to the stability of the international system. From this perspective, the veto operates as a structural safeguard designed to prevent the UNSC from adopting resolutions that could escalate great-power confrontation, undermine global stability, or replicate the failures of the League of Nations, which collapsed partly due to the disengagement of major powers. In this sense, the official rationale of the UN positions the veto not as an instrument of domination, but as a stabilizing device that ensures collective security measures retain the consent and participation of the actors most capable of implementing and sustaining them. (Kondratieff, 2018)

The article by Ambassador Richard Butler presents several substantive arguments in support of retaining the veto, grounded in historical, structural, and functional considerations of the UNSC. Butler emphasizes that the veto was not created as an arbitrary privilege, but as an essential mechanism to maintain unity among the major powers whose cooperation was viewed as indispensable for the preservation of international peace following the catastrophic failures of the League of Nations.

During the San Francisco Conference, the drafters affirmed that durable peace required unanimity among the great powers, and that denying them the power of veto would effectively collapse the creation of the United Nations itself. Official statements from the P5 demonstrated a shared conviction that major powers must possess a structural guarantee ensuring they would not be bound by coercive decisions that could threaten their national interests. Therefore, the veto was conceived as a stabilizing

force designed to prevent a scenario in which great powers would simply withdraw from the organization or act unilaterally outside the UN framework (Nyadera, 2018).

From a functional perspective, the veto serves as a check against hasty or politically motivated actions by the UNSC that could escalate conflicts or compromise the legitimacy of collective security measures. SC is the only UN organ whose decisions are legally binding under Article 25, and it also possesses the authority to authorize the use of force under Chapter VII. Given the gravity of these powers, a unanimous or near-unanimous alignment among major military powers is argued to be a necessary safeguard to prevent coercive or interventionist actions that might be opposed by states with the largest capacity to influence global security. The veto, therefore, acts as a restraint that prevents the UNSC from being exploited by shifting geopolitical coalitions or temporary majorities whose decisions might provoke great-power confrontation. (Antonio Cassese, 2001)

The veto, despite its frequent criticism, contributes to international stability by ensuring that SC enforcement actions reflect a minimum threshold of consensus among states with the greatest strategic capabilities, including nuclear powers. Without this structural check, there is a real risk that P5 would simply disregard or undermine Council decisions, which would erode the authority of the UN and return the international system to the instability that marked the interwar period.

For this reason, the veto should be understood not merely as a privilege, but as an institutional instrument that incentivizes major powers to remain engaged within the UN system. Even though he ultimately advocates reform, his writing clearly articulates why many scholars and diplomats continue to view the veto as a necessary element of global governance rather than a defect. (Adventura, 2021)

3.6. Normative Rebuttal

From a normative perspective, the RN2V constitutes a principled and institutionally coherent response to the structural paralysis of the UNSC in situations involving mass atrocity crimes. As articulated by Vilmer, RN2V is not designed to abolish the veto or undermine the authority of P5, but rather to preserve the legitimacy and credibility of the Council by preventing the misuse of veto power in cases where fundamental humanitarian values are at stake.

Persistent veto use in the face of genocide, crimes against humanity, and war crimes has increasingly eroded the moral authority of the UNSC and weakened confidence in its capacity to act as the guardian of international peace and security. In this context, voluntary restraint through RN2V is normatively justified as a mechanism to safeguard the institutional integrity of the UN, ensuring that the veto does not function as an instrument of impunity or geopolitical obstruction. (Azmi -Student et al., 2023)

The normative strength of RN2V is further reinforced by its close relationship with the R2P. R2P establishes a collective obligation on the international community to act when a state manifestly fails to protect its population from atrocity crimes. However, as widely acknowledged in scholarly discourse, R2P remains largely ineffective when a single P5 veto blocks UNSC action. RN2V addresses this normative gap by articulating a minimum expectation of conduct for the P5, namely that they should refrain from actively preventing collective action aimed at protecting civilian populations. In this sense, RN2V operates not as a competing norm but as a necessary normative complement to R2P, enhancing its operational relevance and preventing it from being reduced to a purely declaratory principle devoid of practical effect. (Borelli et al., 2025)

Critics frequently argue that RN2V and similar soft law initiatives lack legal binding force and therefore cannot meaningfully constrain state behavior. While this critique accurately reflects the non-binding character of RN2V, it underestimates the normative and political impact of such commitments within the international legal order. As Vilmer persuasively argues, RN2V generates reputational costs, political accountability, and normative expectations that shape state conduct over time, particularly within highly visible forums such as the UNSC.

Moreover, RN2V does not impose an obligation to support all humanitarian resolutions indiscriminately; rather, it preserves the possibility of veto use where proposed measures may exacerbate conflict or civilian harm. Consequently, RN2V represents a balanced and pragmatic normative solution that reconciles the realities of power politics with the evolving humanitarian conscience of international law, offering a credible pathway toward reducing veto abuse without destabilizing the foundational structure of the UN Charter. (Gifkins, 2021)

In summary, the normative rebuttal presented in this study asserts that the retention of the veto cannot be justified solely on historical or geopolitical grounds when its exercise systematically impedes the protection of civilian populations. The RN2V does not seek to abolish the veto power, but rather to preserve the legitimacy of the UNSC by ensuring that this privilege is not employed in situations involving mass atrocity crimes. Without such restraint, the R2P risks being reduced to a declaratory norm devoid of operational significance. Although RN2V and R2P operate primarily as soft law instruments, their normative value lies in their capacity to generate political accountability, reputational costs, and evolving expectations of responsible conduct among P5.

In this sense, voluntary veto restraint represents a pragmatic and normatively coherent response to the structural limitations of the current Charter framework, offering a realistic pathway toward reconciling the continued existence of the veto with the humanitarian objectives and egalitarian principles that underpin contemporary international law. (Gultom et al., 2024)

3.7. Strengths and Limitations of Soft-Law Approaches

Historically, the concept of R2P emerged following the international community's failure to address the tragedies in Rwanda (1994) and Srebrenica (1995), which led to the development of the R2P doctrine through the 2001 Report of the International Commission on Intervention and State Sovereignty (ICISS).

However, a formal initiative on RN2V was launched by France in 2013, calling on the P5 to voluntarily refrain from using their veto in cases of serious violations of international human rights. Mexico later reinforced this proposal through cooperation with the Accountability, Coherence, and Transparency Group (ACT Group), which launched a Code of Conduct regarding UNSC action against genocide, crimes against humanity, or war crimes in 2015. Support for this principle continues to grow, with more than 100 UN member states, including the majority of European Union and Latin American countries, having expressed their commitment to RN2V. (Guzman et al., 2009)

Soft law approaches, such as the RN2V, the R2P, and the ACT Group's Code of Conduct, possess significant normative and practical strengths within the framework of international law. As argued by scholars, including Andrew T. Guzman, soft law plays an important role in shaping state behavior by articulating shared expectations, reducing uncertainty, and coordinating political commitments without triggering the resistance often associated with binding legal obligations.

In the context of veto restraint, soft law offers a politically feasible avenue for reform by accommodating the sovereignty concerns of P5 while simultaneously embedding humanitarian values into UNSC practice. Initiatives such as RN2V derive their strength from reputational accountability, diplomatic pressure, and moral authority, particularly in highly visible atrocity situations where the costs of defection are amplified. Moreover, soft law instruments often function as precursors to legal development, facilitating the gradual internalization of norms that may later crystallize into binding rules. (Savira et al., 2015)

However, the limitations of soft law are equally evident, particularly when confronted with entrenched power asymmetries and high-stakes geopolitical interests. The non-binding nature of soft law means that compliance remains entirely voluntary, with no formal enforcement mechanisms or legal consequences for violation. As Guzman emphasizes, soft law lacks credibility when the incentives to defect outweigh reputational costs.

This condition frequently arises in UNSC decision-making involving strategic allies or national security interests of the P5. Empirical practice demonstrates that despite widespread endorsement of RN2V and related initiatives, P5 continue to exercise the veto in humanitarian crises without meaningful restraint. This reveals a structural weakness of soft law, namely its inability to override material interests or constrain actors possessing disproportionate power. Consequently, while soft law contributes to

normative discourse and agenda-setting, it cannot, by itself, resolve the systemic paralysis of the UNSC in situations of mass atrocity. (Trahan, 2024)

Taken together, these findings indicate that soft law should be understood neither as ineffective nor as sufficient. Its primary strength lies in its capacity to legitimize humanitarian expectations, mobilize political pressure, and serve as a transitional mechanism toward deeper institutional reform. However, its limitations underscore the necessity of complementing normative commitments with binding legal arrangements capable of addressing structural inequalities within the UN system. In the absence of hard law constraints, soft law remains vulnerable to selective compliance and strategic disregard, reinforcing the conclusion that voluntary veto restraint, while normatively valuable, cannot substitute for formal legal reform of the veto regime. (Wouters & Ruys, 2005)

3.8. Superiority of Hard-Law Mechanisms

The amendment procedure of the United Nations Charter is firmly grounded in Article 108, which establishes a formal constitutional pathway for institutional reform. Rather than functioning as a simple legislative rule, Article 108 reflects the Charter's character as a foundational legal instrument that governs the collective will of the international community. Any proposed amendment must obtain approval from a two-thirds majority of the General Assembly and subsequently be ratified by two-thirds of UN member states through their respective constitutional processes, including the concurrence of all P5 of the UNSC. This dual requirement illustrates that Charter amendments operate through both international consensus and domestic legal validation, thereby reinforcing their binding and universal character once adopted. (Folarin, 2018)

Historical practice demonstrates that this amendment mechanism is not merely theoretical; it is a practical reality. A notable example is the 1963 reform of the UNSC, which entered into force in 1965 following the adoption of UNGA Resolution 1991 (XVIII). That amendment expanded the number of non-permanent UNSC members from six to ten by revising Articles 23 and 27 of the Charter. (Hosli et al., 2011)

After the resolution was approved at the General Assembly, member states ratified the amendment in accordance with their national constitutional procedures. Once the ratification threshold was reached, including approval by all P5 members, the amendment became legally binding on all UN members without requiring a re-signing of the Charter. This precedent confirms that Charter amendments are collective in nature and may materialize when supported by a sufficiently broad political consensus among states. (Hosli & Dörfler, 2019)

Despite this demonstrated legal feasibility, no substantive reform has been undertaken to regulate or limit the veto power of the P5 since that period. More than six decades after the last structural

modification of the UNSC, the veto remains legally unrestricted, despite international law evolving toward a more inclusive and humanitarian-oriented normative framework. Contemporary legal scholarship and sustained criticism from the international community have increasingly highlighted the absence of legal constraints on veto use as a structural deficiency within the UN system, particularly in light of recurring humanitarian deadlocks. (Baraka, 2025)

From the perspective of progressive international law, the imposition of limitations on the use of vetoes constitutes a normative necessity rather than a political ambition. Such restrictions are not aimed at redistributing power or undermining the institutional role of the P5, but at preventing the use of the veto in circumstances involving mass atrocities, genocide, ethnic cleansing, or large-scale attacks against civilian populations. In these contexts, restricting the use of vetoes would ensure that humanitarian assistance and protective measures cannot be blocked for strategic or geopolitical reasons. Accordingly, veto limitation should be understood as a humanitarian safeguard designed to enhance the effectiveness and moral credibility of the UNSC, rather than as an attempt to abolish the veto altogether. (Trahan, 2022)

Nevertheless, the difficulty of amending the Charter should not be underestimated. The requirement of collective approval, including ratification by the P5 themselves, renders veto reform politically challenging. However, this difficulty does not negate the urgency of reform. On the contrary, the persistent perception that the veto entrenches power asymmetry and obstructs the UNSC's primary mandate to maintain international peace and security reinforces the argument that veto regulation has become one of the most pressing issues within UN reform discourse. (Hathaway et al., 2025)

In recent decades, debates surrounding veto limitation have repeatedly emerged within the General Assembly, particularly in the context of discussions on UNSC reform conducted by the Open-Ended Working Group on Equitable Representation. While no binding consensus has yet been achieved, these debates reflect growing dissatisfaction with the continued use of the veto in humanitarian crises. The P5 have consistently resisted reforms that would curtail their authority, invoking the historical compromise that underpinned the creation of the United Nations after World War II. However, reliance on historical justification alone becomes increasingly untenable as humanitarian norms and expectations of accountability continue to develop. (Trivedi, 2021)

This tension has been further underscored by critical voices from within the UN system itself. Former High Commissioner for Human Rights Zeid Ra'ad al-Hussein, for instance, has argued that the exercise of the veto in situations of mass suffering effectively transfers responsibility onto the victims by preventing international action capable of alleviating harm. Such statements highlight the moral and institutional costs associated with veto use in humanitarian crises and reinforce the perception that the

continued absence of legal restraint undermines the legitimacy of the United Nations as a peacekeeping institution. (Ved P. Nanda, 2020)

Against this background, hard-law mechanisms, particularly formal Charter amendments under Article 108, represent the most coherent and effective means of regulating the use of vetoes in cases involving atrocity crimes and humanitarian crises. Unlike soft-law initiatives that depend on voluntary compliance and political goodwill, hard law generates binding legal obligations that restructure the normative framework governing UNSC decision-making. By legally constraining the use of veto in narrowly defined humanitarian circumstances, a Charter amendment would transform humanitarian restraint from a discretionary moral appeal into an enforceable legal duty. (Ac & Butler, 2012)

The superiority of hard-law reform lies in its capacity to address veto abuse as a structural problem rather than a behavioral one. As long as the veto remains legally unrestricted, moral pressure and reputational concerns are insufficient to prevent its use for strategic purposes. A binding legal limitation would close this structural gap by embedding humanitarian priorities directly into the Charter framework. In doing so, hard-law reform offers a durable solution capable of restoring the legitimacy of collective security mechanisms and reinforcing the principle of sovereign equality under Article 2(1), while preserving the veto as an institutional tool subject to clearly defined humanitarian boundaries. (Baraka, 2025)

4. CONCLUSION

This study confirms that the unrestricted use of veto power within the UNSC constitutes a structural flaw in the UN Charter that undermines both the principle of sovereign equality and the organization's ability to respond effectively to humanitarian crises. Although the United Nations is founded as an egalitarian forum of states, the concentration of decisive authority in the hands of the P5 has, in practice, perpetuated institutional superiority that is increasingly difficult to reconcile with contemporary humanitarian and legal norms.

The analysis confirms that existing normative initiatives promoting veto restraint, while morally significant, remain insufficient due to their non-binding and voluntary character. The repeated paralysis of the UNSC in situations involving mass atrocities demonstrates that reliance on political goodwill alone cannot provide reliable protection for civilian populations or ensure the consistent fulfillment of the UN's humanitarian mandate.

This research concludes that a targeted amendment of the UN Charter under Article 108, aimed at restricting veto use in situations of genocide, crimes against humanity, war crimes, and other atrocity humanitarian crises, represents a legally feasible and normatively justified solution. Such reform does not seek to abolish the veto, but rather to recalibrate its exercise in a manner that strengthens

institutional legitimacy, enhances responsiveness to humanitarian imperatives, and realigns the UNSC with its foundational role as a genuine guardian of international peace and security.

This study identifies four principal findings. First, Article 27(3) of the UN Charter institutionalizes a structural privilege for the P5 of the UNSC that is fundamentally inconsistent with the principle of sovereign equality enshrined in Article 2(1). Second, the unrestricted exercise of veto power has repeatedly resulted in UNSC paralysis during humanitarian crises, thereby undermining the protection of civilian populations and the credibility of the collective security system. Third, soft-law initiatives such as the Responsibility Not to Veto and the Code of Conduct, while normatively significant, remain ineffective in restraining veto abuse due to their non-binding and voluntary nature. Fourth, a targeted amendment to the UN Charter under Article 108 constitutes a legally feasible and normatively superior mechanism for recalibrating the use of vetoes in situations involving atrocity crimes and severe humanitarian crises.

It is recommended that the United Nations adopt a specific Charter provision limiting the exercise of the veto in situations involving mass atrocity crimes and severe humanitarian crises. This provision could take the form of a Humanitarian Veto Restriction Clause, stipulating that P5 shall not exercise their veto to block resolutions aimed at facilitating ceasefires, humanitarian access, medical assistance, or emergency relief operations in cases of genocide, crimes against humanity, war crimes, or ethnic cleansing. Such a clause would preserve the existence of the veto as a political safeguard while preventing its use to obstruct urgent humanitarian action.

The proposed restriction should be implemented through a formal amendment under Article 108 of the UN Charter, which provides a lawful mechanism for constitutional reform within the UN system. Historical precedent demonstrates that amendments to the Charter are legally feasible when supported by a sufficient political consensus, as evidenced by the 1965 amendment that expanded the membership of the UNSC. Importantly, the proposed reform does not seek to abolish veto power but to recalibrate its scope in narrowly defined humanitarian circumstances, thereby enhancing the Charter's internal coherence and normative legitimacy.

To prevent the abuse or politicization of humanitarian exceptions, the Charter amendment should incorporate objective legal thresholds that trigger restraint on the use of veto. These thresholds may include formal determinations by competent international bodies such as the UN Secretary-General, the Office of the High Commissioner for Human Rights, or commissions of inquiry mandated by the UNGA or UNSC itself. By grounding veto limitation in clearly articulated legal criteria rather than political discretion, the amendment would strengthen legal certainty and prevent selective application.

The proposed reform should be explicitly aligned with existing international legal doctrines, particularly the R2P and emerging norms such as the RN2V. By embedding these principles into

binding Charter provisions, the United Nations would transform moral and political commitments into enforceable legal standards. This integration would bridge the gap between aspirational norms and institutional practice, ensuring that humanitarian protection is not subordinated to geopolitical interests.

This research is subject to several limitations that should be acknowledged to clarify its analytical scope and methodological boundaries. First, the study employs a normative legal research method, focusing on the interpretation of legal texts, doctrines, and institutional practices. Consequently, it does not incorporate empirical data derived from diplomatic negotiations, interviews with state representatives, or quantitative analysis of voting behavior within the UNSC. While such empirical approaches may provide additional insights into the political dynamics behind veto usage, they fall outside the methodological framework of this study.

Second, the scope of analysis is deliberately confined to the use of veto power in humanitarian crises involving mass atrocity crimes, including genocide, crimes against humanity, and other humanitarian crises. The research does not examine veto practices in non-humanitarian contexts, such as economic sanctions, peacekeeping mandate renewals, or procedural matters within the UNSC. This limitation is intended to maintain analytical focus on the normative tension between veto power and humanitarian protection, rather than to offer a comprehensive evaluation of all aspects of UNSC reform.

Finally, the study assesses the feasibility of restricting veto use within the existing constitutional framework of the United Nations, particularly the amendment procedure outlined in Article 108 of the UN Charter. It does not attempt to predict future geopolitical developments or shifts in the political will of the P5. As such, the conclusions are grounded in legal possibility and normative justification rather than political forecasting. Future research may expand upon this study by incorporating empirical political analysis or comparative institutional approaches to examine pathways toward effective UNSC reform further.

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