

UNVEILING THE WEIGHT OF VETO POWER: EXPLORING THE LEGAL DOMAIN OF THE UNSC AMIDST WAR

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Abstract

This research article explores the complex legal aspects that characterize the role of the United Nations Security Council (UNSC) during times of war. The UN, is also known as the "Sentinel of Justice," and the Security Council is UN's body to issue binding mandates on its member states but faces difficult obstacles in preserving peace, defending human rights, and enforcing international law as conflicts continue and change on a global scale. This article investigates the legal bases that underpin UNSC's involvement in armed conflicts by analyzing the UN Charter, Security Council resolutions, and international legal frameworks. It examines the organization's involvement in maintaining peace, averting conflicts, and upholding international humanitarian law. The practical applicability of these legal elements in various conflict scenarios is elucidated through the utilization of case studies and historical views. The goal of the article is to present a comprehensive overview of the legal modes and modalities adopted to resolve conflicts and end war by the UNSC. UNSC aims to promote international peace and justice, and this article seeks to give readers a grasp of the legal complexities of the UNSC's interventions during wartime. It also provides insights into the organization's accomplishments, constraints, and future opportunities for legal innovation.

Keywords: United Nations Security Council, Sentinel of Justice, international humanitarian law, human rights, Veto Power

Introduction

The United Nations' (UN) attempts to avert hostilities, uphold global peace and security, and alleviate the humanitarian effects of armed conflicts have been the outline of United Nations historical function in times of war. The United Nations has been involved in numerous war-related crises since its founding in 1945, and its level of involvement has changed over time.¹ The peaceful settlement of international conflicts and the avoidance of war are key components of the 1945 UN Charter.² In addition, the UN acts as a venue for diplomatic talks and dispute

¹ Rumki Basu, *The United Nations-Structure and Functions of an International Organisation*, 336 (Sterling Publishers, New Delhi 1996).

² The United Nations Charter, Article -2.

settlement.³ Nations can discuss and resolve disputes amicably on platforms provided by the Security Council and the General Assembly. The United Nations frequently uses mediators and specialized organizations to help disputing parties communicate and work out agreements.

Additionally, in order to address war crimes and hold people accountable for atrocities committed during armed conflicts, the UN has been actively involved in the establishment of tribunals and the support of international criminal justice mechanisms. Two examples of organizations founded with UN backing are the International Criminal Court (ICC) and the International Criminal Tribunal for the former Yugoslavia (ICTY).⁴ The UN's historical involvement in wartime illustrates its dedication to advancing international peace, security, and human rights. Even though the organization has encountered difficulties and criticism, its contributions to humanitarian aid, conflict prevention, and resolution are still valued highly on a global scale.

The legal foundation of actions of U.N. play a critical role in determining how the UN responds to conflicts, offering a methodical and moral basis for its involvement in intricate geopolitical situations. The legal framework guiding and controlling the active role of U.N. in times of conflict is contained in the UN Charter, which gives the body the power to mediate disputes, uphold the peace, and approve the use of force when required, is the foundation of the UN's legitimacy. The legal standards promote accountability and moral behavior in the face of unrest by upholding the rule of law and directing the behavior of UN employees and member states. International treaties and Security Council resolutions provide the legal framework for addressing the underlying causes of conflicts. Moreover, the legal mechanisms allow the UN to participate in diplomatic means and mediation to prevent and resolve conflicts.⁵ UN peacekeeping mission mandates, written within legal frameworks, specify the parameters of engagement and extent of participation. Furthermore, the UN's efforts to defend civilians, offer humanitarian aid and guarantee the rights and safety of affected populations are heavily influenced by legal considerations such as international humanitarian law and human rights law. The UN's role in holding people and organizations accountable for flagrant violations of international law is strengthened by the legal commitment to justice and accountability, which is made possible by international courts and tribunals formed by U.N. by virtue of powers

³ Frederick Rawski and Nathan Miller, *The United States in the Security Council : A Faustian Bargain?*, 360-361 (Viva Books, New Delhi, David M. Malone (ed.) 2006).

⁴ Thomas E. Ricks, (*Fiasco*, Penguin Press, London 2006).

⁵Maintain International Peace and Security, available at : <https://www.un.org/en/our-work/maintain-international-peace-and-security> (last visited on 22/11/2023).

conferred by the U.N. charter.⁶ All things considered, the legal aspects are essential to the UN's efficacy because they guarantee that its actions during conflicts are grounded in the values of justice, respect for human rights, and a dedication to maintaining the rule of law on a worldwide scale.⁷

This article's goal is to investigate and evaluate the legal aspects that specify the UN's (United Nations) role in times of conflict. The United Nations (UN) plays an important role in armed conflicts, with its significance rooted in a variety of factors. To begin with, the UN serves as a platform for international cooperation, encouraging diplomatic dialogue among nations and providing a forum for conflict resolution. The UN actively engages in on-the-ground efforts to mediate and stabilize regions engulfed in armed conflict through its peacekeeping missions, contributing to the restoration of peace and the protection of civilian populations.

Furthermore, the role of the UN in armed conflict is critical for upholding international law and human rights. It acts as a defender of the principles enshrined in the United Nations Charter, working to prevent violence from escalating and to lessen the impact of armed conflicts on vulnerable populations. The organization's commitment to humanitarian assistance ensures that critical aid reaches those in need, addressing the immediate consequences of conflict while also assisting in long-term recovery.

Additionally, the United Nations plays a critical role in coordinating global efforts to address the root causes of armed conflict, such as socioeconomic disparities, political instability, and resource disputes. The UN actively seeks to understand the complex dynamics of conflicts through research initiatives, identifying patterns and trends that can inform more effective conflict prevention and resolution strategies. In essence, the UN's role in armed conflict goes beyond immediate peacekeeping efforts to include a comprehensive approach to building long-term peace and preventing the recurrence of violence on a global scale. This article tries to shed light on the UN's significance in influencing international responses to armed conflicts by delving into the complex legal frameworks, international agreements, and mechanisms that direct the organization's actions and what stops them from rendering this role effectively and efficiently. It also aims to assess how these legal aspects might be used in practice to prevent conflicts, maintain peace, and safeguard civilians. The article aims to shed light on the UN's

⁶ The U.N. Charter, Chapter – XIV.

⁷ Urmila Sharma and S.K. Sharma, *International Relations (Since World War II)*, 122 (Atlantic Publishers and Distributors, New Delhi, 1997).

accomplishments, obstacles, and possible innovations in carrying out its legal mandate amidst the complexity of modern armed conflicts by carefully analyzing the legal nuances.

Legal Foundations of the United Nations in Times of War

The UN Charter and its relevance to armed conflicts

The UN Charter, a founding document outlining the organization's principles and purposes, serves as the legal cornerstone of the UN during times of war.⁸ The 1945 UN Charter outlines the legal parameters for the organization's involvement in armed conflicts and gives it the power to take action in matters of international peace and security. Chapter VII of the UN Security Council's Charter, which gives it the authority to use force if necessary to combat threats to peace and security, is essential to this legal authority. The United Nations Charter's Chapter VI addresses the peaceful resolution of international disputes. In contrast to Chapter VII, which authorizes the Security Council to take enforcement measures, Chapter VI emphasizes diplomatic and non-coercive conflict resolution methods. The primary emphasis is on negotiation, mediation, and other peaceful means of preventing disputes from escalating into armed conflicts. Chapter – VI is also helpful as it gives legal justification for the acts of Security Council, for its interventions, which are crucial in determining how the UN acts during times of war. The U.N. resolutions approve a wide range of actions, including the deployment of peacekeeping troops, diplomatic initiatives, sanctions, and, in the worst situations, military operations.⁹

Principles guiding the UN's involvement in conflict:

The United Nations (UN) is shaped by core values that prioritize respect for international law, collective security, and diplomacy when engaging in conflicts. The UN Charter's commitment to the peaceful settlement of disputes takes precedence over all other principles. The organization's commitment to treating all member states equally and respecting their political and territorial integrity is emphasized by the principle of sovereign equality. The UN's commitment to thwarting aggression and advancing peaceful resolutions is further emphasized by the fundamental principle that forbids the use of force, save in cases of self-defense or as approved by the Security Council.¹⁰ The United Nations (UN) is shaped by core values that

⁸ V.N. Khanna, *International Relations*, 382 (Vikas Publishing House Pvt. Ltd. New Delhi).

⁹ The UN Charter, Chapter VI and Chapter VII.

¹⁰ David Armstrong and Theo Farrell, *Force and Legitimacy in World Politics, Review of International Studies*, (Cambridge University Press, New York, Vol. 31, 2005).

prioritize respect for international law, collective security, and diplomacy when engaging in conflicts.

Authorization of the use of force under Chapter VII

One of the most important aspects of the UN's response to threats to global peace and security is the authorization of force under Chapter VII of the UN Charter.¹¹ One of the key UN bodies, the Security Council, has the authority to use force if necessary to preserve or re-establish global peace and security. The UN Security Council is given the power to act, including the use of force, under Chapter VII when there is an obvious and immediate threat to peace. This power is given to deal with acts of aggression, peace violations, and aggression that could spark international hostilities. The broad ban on the use of force stated in Article 2(4) of the Charter is significantly altered by the Security Council's authority to approve the use of force. The Security Council may use measures ranging from economic sanctions to military intervention when diplomacy and nonviolent means are found to be insufficient. Authorizing the use of force is a serious and well-thought-out decision that needs the support of the majority of Council members and, in certain situations, the lack of a veto from the permanent members. The United Nations' commitment to upholding international peace and security and making sure that the use of force is only used as a last resort within a framework of group decision-making and respect for international law is reflected in this legal mechanism.¹²

Security Council resolutions and their legal implications:

Within the framework of the United Nations (UN), Security Council resolutions are legally significant because they are authoritative directives issued by the primary body tasked with upholding international peace and security. Under UN Charter Article 25, these resolutions have legal force and are binding on all UN members. The Security Council's resolutions act as a comprehensive legal framework outlining the actions that the international community must take when addressing conflicts. They may also designate diplomatic initiatives, impose sanctions, create peacekeeping missions, and authorize the use of force under Chapter VII in response to threats or acts of aggression. All member states are required to abide by these resolutions, and noncompliance may result in the application of coercive measures or diplomatic isolation, among other penalties. Resolutions passed by the Security Council have

¹¹ Rashid Khalidi, *Resurrecting Empire*, (Beacon Press, Boston, 2010).

¹² Mickael J Glennon. *Why the Security Council Failed*, (Foreign Affairs, Vol. 82, 2003).

legal ramifications for the entire international community in addition to their individual members, highlighting our shared responsibility for preserving peace and security. Moreover, resolutions have the potential to foster the growth of customary international law by reshaping the legal framework for conflict resolution and impacting the wider conversation about the use of force and collective security in international relations.¹³

Case studies illustrating Security Council actions in wartime scenarios:

The UN Security Council can take a wide range of actions to address conflicts and uphold international peace and security, as demonstrated by a number of case studies that offer illustrative examples of its actions in wartime scenarios.

1. Gulf War (1990-1991):

The Security Council issued Resolution 678 in reaction to Iraq's invasion of Kuwait, granting member nations the right to employ all necessary tactics to free Kuwait.¹⁴ This was a blatant example of the Security Council using its Chapter VII authority to deal with aggression.

2. Bosnian War (1992-1995):

The International Criminal Tribunal for the former Yugoslavia (ICTY) was established by the Security Council through Resolution 827 in response to the crisis in the Balkans. This demonstrated the Council's dedication to bringing those responsible for war crimes during the Bosnian War to justice and accountability.¹⁵

3. Liberia (2003):

In order to aid in the stabilization of the nation, safeguard civilians, and facilitate the implementation of a ceasefire agreement, the Security Council approved the deployment of a UN peacekeeping mission (UNMIL) during the Second Liberian Civil War through Resolution 1509.¹⁶

4. Darfur Conflict (2003):

In response to the Darfur crisis, the Security Council issued Resolution 1706, which called

¹³ Thomas G Weiss, David P Forsythe, Roger A Coate Kelly-Kate Pease, *The United Nations and Changing World Politics*, 54, (Westview Press, Colorado, 2009).

¹⁴ Barak Mendelsohn, *Combating Jihadism: American Hegemony and Interstate Cooperation in the War on Terrorism*, (University of Chicago Press, 2009).

¹⁵ C. Stahn & M. El Zeidy, *The International Criminal Court and Complementarity: From Theory to Practice* 888-919 (Cambridge University Press, Cambridge, 2011).

¹⁶ G. K. Kieh, "The roots of the second liberian civil war", 26 *International Journal on World Peace*, 25, (2009).

for the sending of a UN peacekeeping force. However, the full deployment of force was not achieved because of opposition from the Sudanese government. The issue was addressed in later resolutions, which emphasized the necessity of a political solution.¹⁷

5. Libya (2011):

The Security Council authorized member states to take action to protect civilians in Libya with Resolution 1973, which was passed in response to the rising violence during the Arab Spring. This prompted a military intervention by NATO, demonstrating the use of force in humanitarian intervention.¹⁸

6. Syrian Civil War (2011):

There have been disagreements among the permanent members of the Security Council regarding how to respond to the Syrian crisis. The fact that several resolutions were vetoed illustrates how difficult it is to reach agreement. The complexity of international responses to ongoing conflicts is demonstrated by the resolutions that have addressed topics like the use of chemical weapons and humanitarian access.¹⁹

7. Ukraine War:

The UN's Human Rights Monitoring Mission in Ukraine (HRMMU) has confirmed that since the war started on February 24, 2022, over 9,000 civilians—including over 500 children—have died; however, the actual number may be far higher. A draft resolution meant to stop the Russian Federation's military assault against that neighboring State was rejected by the UN Security Council during its meeting amid the developing crisis in Ukraine. The United States and Albania submitted the draft, and although it received support from eleven members, the Russian Federation vetoed it. United Arab Emirates, China, and India did not participate.²⁰

8. Palestian War:

In the most significant escalation of the Israeli-Palestinian conflict in several decades, war broke out in early October 2023 between Israel and Hamas, the militant Islamist group that has controlled Gaza since 2006. After firing rockets into Israel, Hamas fighters overran cities

¹⁷ Julie Flint, *Darfur: A Short History of a Long War*, 45 (Zed Books, London, 2005).

¹⁸ Jason Pack, *The 2011 Libyan Uprisings And The Struggle For The Post-Qadhafi Future*, (Palgrave Macmillan, London, 2013).

¹⁹ Yossef Bodansky, *Secret History of the Iraq War*, (Harper publication, New York, 2004).

²⁰ Security Council Fails to Adopt Draft Resolution on Ending Ukraine Crisis, as Russian Federation Wields Veto, available at : <https://press.un.org/en/2022/sc14808.doc.htm> (last visited on : 15/11/2023).

and towns in southern Israel across the Gaza Strip, killing over 1,300 Israelis, wounding 3,300, and capturing hundreds of hostages. Though the state swiftly launched a lethal counteroffensive, Israel was caught off guard by the attack. Following the official declaration of war against Hamas by the Israeli cabinet one day after the October 7 attack, the defense minister ordered the Israeli Defense Forces (IDF) to impose a "complete siege" on Gaza.

The UN Security Council on 18 October, 2023 failed to adopt a Brazil-led draft resolution that would have called for humanitarian pauses in the ongoing Israel-Hamas conflict to allow full access for aid to the Gaza strip after the U.S. vetoed the text.

These case studies highlight the role that the Security Council plays in resolving armed conflicts by approving the use of force, establishing international tribunals, sending out peacekeeping teams, and imposing sanctions, among other measures. They also draw attention to the difficulties the Security Council has had in reaching agreement and unity, illustrating the difficulties of international diplomacy when armed conflicts are involved.²¹

The Veto power

When permanent members of the United Nations Security Council (UNSC) exercise their veto power in times of war, it significantly affects the Council's capacity to act decisively and resolve armed conflicts.²² The five permanent members of the United Nations (the United States, China, France, Russia, and the United Kingdom) have the power to veto any substantive resolution, even if it has the overwhelming support of the other member states. This special privilege has important repercussions:

Stalemates and Inaction

The potential for deadlocks and inaction on diplomatic matters is the veto power's most direct consequence. Resolutions requiring consensus may be blocked by the opposition of one permanent member, which would paralyze the Council's ability to address pressing issues pertaining to ongoing conflicts. On the other hand, when there is disagreement among the permanent members, the veto power—which is intended to prevent coercive measures that go against the interests of major powers—can ironically lead to a deadlock. One permanent

²¹ UNSC fails to adopt resolution on Israel-Palestine conflict after veto by U.S. available at : <https://www.thehindu.com/news/international/unsc-fails-to-adopt-resolution-on-israel-palestine-conflict-after-veto-by-us/article67435649.ece> , (last visited on 15/11/2023).

²² Dimitris Bourantonis, *The History and Politics of UN Security Council Reform*, (Routledge, London, 2005).

member's objection can impede progress and create a sense of diplomatic paralysis, even when the majority of member states support a proposed resolution or course of action. This impasse frequently happens in dire circumstances where prompt and decisive action is necessary, like during armed conflicts or humanitarian crises. The UNSC's ability to carry out its mandate has been hampered by the veto's frequent use, especially in situations where international intervention is obviously and urgently needed. As a result, the UNSC is unable to respond quickly and effectively to new threats to global peace and security. As a result, the Council is rendered immobile by competing interests, which makes it more difficult for it to function as a cohesive force for world peace and stability.

Impaired Credibility and Legitimacy:

The UNSC's legitimacy and credibility may be damaged by the use of the veto. When the Council uses its veto power to prevent it from acting in the face of serious crises, it can be seen as incompetent and unable to carry out its main duty of preserving world peace and security. The concept of equality among sovereign states is threatened by the power of a single member to obstruct resolutions, even in the face of broad international agreement.²³ The UNSC loses credibility in this way because it seems incapable of taking decisive action on important matters because of the conflicting interests of a small group of people. The Council's authority to represent the larger interests of the international community is called into question by its frequent use of the veto, especially in situations where immediate action is obviously required. People no longer have as much faith in the UN's efficacy or capacity to handle challenging geopolitical situations as they once did.

Polarization and Division

Repetitive veto use can deepen political rifts among member states, particularly when it comes to divisive issues. The Council's capacity to promote agreement and collaboration in tackling the intricate and diverse problems related to armed conflicts is compromised by this division. Part of the United Nations Security Council's (UNSC) organizational design is the veto power, which has fueled division and polarization amongst nations.²⁴ The capacity of a solitary permanent member to obstruct significant resolutions has gradually established a geopolitical milieu in which disparate national agendas may hinder the Council's capacity to function in a unified manner. Controversial vetoes have been known to deepen political rifts among member

²³ Poul Toumian, *Changes in the Security Council*, 502 (Shahid Behesti Law Faculty Press, Tehran, 1996).

²⁴ Charles Daniel Drake, *The Veto Power: Its Nature and History; The Danger to the Country from Its Exercise, and the True Position of Parties and Presidential Candidates in Relation to It*, 158 (Nabu Press, Carolina, 2010).

states, especially in periods of increased international tension or conflict. The inability to reach a consensus on important matters resulting from this polarization frequently impairs the Council's ability to effectively address global challenges. These divisions are exacerbated by the veto's frequent use, which reflects differing geopolitical priorities and creates an atmosphere in which competing national interests supersede the needs of collective security. Consequently, the veto power paradoxically contributes to a Council marked by polarization, discord, and difficulties in fostering a united front against global threats, despite being intended to prevent the imposition of unilateral decisions.

Humanitarian Consequences:

The veto power may prevent the Council from approving interventions or humanitarian aid that could lessen suffering in conflict areas, which could have catastrophic humanitarian repercussions. This is especially clear in cases of widespread displacement, human rights abuses, or mass atrocities. The United Nations Security Council (UNSC) permanent members' veto power has severe and frequently disastrous humanitarian repercussions.²⁵ The veto power can make it more difficult for the UNSC to approve prompt and forceful interventions when there is an urgent need for humanitarian aid, such as during armed conflicts or mass atrocities. Delays in the deployment of peacekeeping forces, the provision of humanitarian aid, or the approval of critical interventions to safeguard civilians are frequently the result of this obstruction. As a result, without the prompt international response that the UNSC is uniquely positioned to offer, vulnerable populations continue to suffer from violence, displacement, and violations of their human rights.²⁶ When used in the face of humanitarian emergencies, the veto power conveys a disturbing message that geopolitical interests take precedence over the need to end human suffering. This dynamic has been especially noticeable in situations where the UNSC's use of the veto has prevented it from reaching a consensus, prolonging conflicts and making their effects more severe on civilians. These incidents serve as a sobering reminder of the humanitarian costs associated with the intricacies of international decision-making.

Potential for Abuse of Power:

When strategically used by permanent members to further their own national agendas, the veto power can be seen as a tool for geopolitical agendas rather than for defending the UN Charter's

²⁵ J. Trahan, (2020). *Introduction. In Existing Legal Limits to Security Council Veto Power in the Face of Atrocity Crimes*, 8 (Cambridge University Press, Cambridge, 2020).

²⁶ Baedi Ncjad and others, *Evolution In The UN Structure*, 78 (The Institute for International and Politics Studies, Tehran, 2005).

principles. This calls into question the Council's ability to act impartially as well as instances of power abuse. The permanent members of the United Nations Security Council (UNSC) possess the power of veto, which creates a potential avenue for power abuse and raises questions regarding the impartiality and fairness of the international decision-making process. Although major powers were meant to use the veto as a tool to protect their interests, the UN's core ideals may be compromised by its frequent use, which is frequently motivated by geopolitical concerns.²⁷ A permanent member may choose to put its national agenda ahead of the interests of the group as a whole if it has the power to unilaterally block resolutions. This could result in decisions that are more motivated by strategic considerations than by the larger objectives of global cooperation and peace. The democratic ideals of equal representation among member states are challenged by this potential for power abuse, which also creates a situation where some countries can act without consequence and are not subject to the collective will of the international community. Concerns about the misuse of the veto power emphasize the necessity of continuing talks about UNSC reform in order to guarantee a more just and efficient system of global governance.

Erosion of Multilateralism

The veto power can be used to undermine the multilateral strategy that the UN aims to represent, particularly when it is used against the will of a large segment of the international community.²⁸ It might cause states to rely more on other forums or take unilateral action, which would reduce the value of international cooperation in resolving disputes. The concept of shared responsibility and group problem-solving is the cornerstone of multilateralism, but it is undermined by a single member's veto power over resolutions. Recurring use of the veto reduces the efficacy of multilateral approaches to global challenges, especially when there is widespread international agreement. Though the UNSC is supposed to represent global cooperation, some see it as a place where a small number of people have undue power and diminish the importance of other countries.²⁹ The degradation of multilateralism is particularly noticeable when polarizing geopolitical concerns supersede the joint endeavor to achieve harmony, safety, and equity. In order to meet this challenge, the UNSC's structure must be

²⁷ Farideh Shayegan, *Maintaining the United Nations Peace*, 59 (Tehran, The Institute For International And Political Studies, 1993).

²⁸ J. Gifkins, "Beyond the Veto: Roles in UN Security Council Decision-Making. *Global Governance: A Review of Multilateralism and International Organizations*," 27 Brill and Hague Academy of International Law 24 (2021).

²⁹ Mohammad Reza Ziaie Bigdeli, *The Public International Law*, 219 (Ganj-c-Danesh press, Tehran, 2002).

carefully examined to make sure that it supports the ideals of multilateral cooperation and changes as needed to better meet the changing needs of the global community.

Benefits of Veto Power

Protection of National Interests:

A permanent member can protect its vital national interests and security concerns by using its veto power to stop actions that could jeopardize its sovereignty. The United Nations Security Council (UNSC) permanent members possess the power of veto, which is an essential tool for defending the sovereignty and national interests of these powerful nations. It provides these countries with a buffer against decisions or actions that might run counter to their strategic objectives or pressing security issues. By preventing the imposition of measures that could jeopardize their sovereignty or undermine strategic objectives, the ability to veto ensures that decisions made within the UNSC are in line with the fundamental interests of the permanent members.³⁰ The veto power serves a protective function because major powers have distinct geopolitical considerations and unique responsibilities, which means they need a safeguard against decisions that might not be in their best interests as a nation. Therefore, these countries can actively participate in international decision-making while defending their fundamental interests on the world stage thanks to the veto power. ***Preventing Hasty or Unjust Actions:***

Veto power serves as a restraint on hasty or unfair decisions made by the majority. It guarantees that important decisions are well thought out and in line with the values and interests of all relevant parties. The United Nations Security Council's (UNSC) permanent members' veto power is essential for averting rash and unfair decisions that could otherwise result from the Council's collective decision-making. The United Nations Security Council (UNSC) endeavors to guarantee that significant decisions are thoroughly thought out and in line with the strategic interests and national interests of these powerful countries by allowing each permanent member to veto substantive resolutions. This system serves as a vital safeguard against snap judgments or unfair actions that might have far-reaching effects. The veto power promotes careful consideration of suggested courses of action, creating an environment where diplomatic discussions and compromises take precedence over snap judgments or potentially biased ones.³¹ The veto power functions as a protective measure in this manner, enabling permanent

³⁰ Giji gya, *Global policy and the United Nations Security Council, An Examination of the Changing Perception of global security and the Necessity of Security Council change* 61 (2001).

³¹ Giji gya, *Global policy and the United Nations Security Council, An Examination of the Changing Perception of global security and the Necessity of Security Council Change*, 61 (2001).

members to use caution and due diligence to avert actions that might not be in their best interests or that might have unforeseen and unfair consequences on a worldwide scale.

Maintaining Stability among Major Powers

Veto power keeps major powers stable by stopping actions that might spark disputes or confrontations. It promotes diplomatic discussions and compromises in order to resolve difficult problems. The United Nations Security Council recognizes the power dynamics and geopolitical realities among these powerful nations by granting each permanent member the right to veto substantive resolutions. By blocking actions that could disproportionately affect the strategic interests or security concerns of any one major power, this mechanism fosters stability. By acting as a deterrent to coercive measures that might cause tensions or conflicts among powerful members, the veto power promotes a diplomatic atmosphere in which major powers are forced to negotiate and communicate instead of taking aggressive measures.³² The veto power serves to preserve equilibrium and steadiness within the UNSC by acknowledging the varied viewpoints and concerns of its permanent members and promoting cooperative endeavors to tackle worldwide issues.

Reflecting Geopolitical Realities

The veto system recognizes the influence and obligations of major powers in preserving international peace and security, reflecting the geopolitical realities of the post-World War II era. The UNSC recognizes the dominant position of the world's five superpowers—China, France, Russia, the United States, and the United Kingdom—as stated in the UN Charter. Given the then-current geopolitical dynamics, the veto power was purposefully created to acknowledge and take into account the interests and sway of these countries. This mechanism acknowledges that special responsibilities and viewpoints held by major powers need to be taken into account when making international decisions. Even though the geopolitical environment has changed since the UN was established, these countries' persistent influence in international affairs is reflected in their veto power. It serves as a sobering recognition of the multipolar global order in which some countries carry considerable geopolitical sway, guaranteeing the UNSC's continued relevance and efficacy as a venue for tackling today's pressing issues.³³

³² D. Sinha, *Veto Provision in UN Charter: Issues and Dimensions*, 14 (4) *Indian Foreign Affairs Journal*, 274 (2019).

³³ *Ibid.*

Shortcomings of Veto Power

Impeding Effective UN Action

The biggest disadvantage is that the UN Security Council may become paralyzed as a result of veto power, making it more difficult for the body to act swiftly and decisively when humanitarian emergencies arise. Even in cases where there is broad international agreement, a single permanent member's veto power over resolutions frequently leads to diplomatic deadlock and prevents the Council from acting decisively. Addressing urgent problems like conflicts, mass atrocities, and humanitarian crises will be significantly impacted by this dynamic.³⁴ The exercise of the veto power has the potential to block the deployment of peacekeeping forces, hinder the approval of interventions aimed at stopping violations of human rights, and impede the Council's capacity to act promptly in the face of new threats to global peace and security.³⁵ Recurring uses of the veto power damage the UNSC's reputation and reduce its usefulness as a global peacekeeping and conflict resolution organization, particularly when there is evident proof of flagrant transgressions of international law.

Humanitarian Consequences

The use of veto power can have disastrous humanitarian effects since it can obstruct the approval of interventions or humanitarian aid that is required to lessen suffering in conflict areas, as was covered earlier in this article.

Geopolitical Bias and Unfairness

Rather than being motivated by the ideals of justice, equality, or international law, the use of veto power may be motivated by geopolitical concerns. Perceptions of unfairness and bias in the decision-making process may result from this.

Undermining the Principle of Collective Security

Veto power permits individual states to put their interests ahead of the group's duty to uphold international peace and security, which is in opposition to the UN Charter's notion of collective security.

Inequality among Member States

³⁴ W. Wiist & S. White, *Preventing War and Promoting Peace: A Guide for Health Professionals* 191 (Cambridge University Press, Cambridge, 2017).

³⁵ Bijayalaxmi Misra, *United Nations and Security Challenges in New Millennium*, 163 (Kilaso Books, New Delhi, 2004).

Because of the veto power, some states in the UN have more influence than others due to an uneven power dynamic. The idea of member state sovereignty is compromised by this.

Encouraging Unilateralism

States may act unilaterally outside of the UN framework out of frustration with the veto system, which would reduce the efficacy of multilateralism in resolving global issues.³⁶

To summarise, the exercise of veto power presents notable obstacles in addition to safeguarding national interests and preserving stability among superpowers. These challenges primarily stem from the potential for bias, humanitarian consequences, and inequality in international decision-making. The continuous discussion about veto power illustrates the necessity of striking a balance between the obligations of the international community as a whole and the interests of individual states.³⁷

Examination of challenges faced by the UN in implementing its legal mandates during wartime

The complex nature of modern armed conflicts means that the United Nations (UN) faces many different obstacles in carrying out its legal mandates during times of war. One significant barrier is found in the UN Security Council, where political differences and permanent members' use of veto power can cause deadlocks that impede prompt and decisive execution of mandates like peacekeeping operations or authorization of the use of force. It is challenging to secure access to affected populations due to security risks, restrictions from conflicting parties, or uncooperative host governments. Conflicts give rise to complex crises that make it difficult to provide humanitarian aid. Ensuring accountability for violations of international humanitarian law and human rights principles during times of war can be challenging due to inconsistent adherence by conflicting parties to these standards. When peacekeeping forces are deployed, they face security risks that put the lives of both civilians and peacekeepers in danger and necessitate a careful balancing act between the use of force and mandates protecting civilians. Effective implementation requires coordination between UN agencies, regional organizations, and local actors; however, smooth cooperation is frequently hampered by conflicting priorities and poor communication. The UN's capacity to send staff and resources to conflict areas is hampered by logistical and financial limitations, which has an impact on the

³⁶ D. Sinha, "Veto Provision in UN Charter: Issues and Dimensions", 14(4) Indian Foreign Affairs Journal 274 (2019).

³⁷ Ibid.

provision of humanitarian aid and other necessities. Additional difficulties arise in post-conflict scenarios, necessitating the development of efficient systems for accountability, reconciliation, and transitional justice. In order to carry out its mandate of upholding international peace and security and negotiate the legal complexities of armed conflicts, the UN must overcome these interrelated obstacles.³⁸

Criticisms of the legal frameworks and their impact on the UN's effectiveness

The legal structures that oversee the United Nations (UN) have come under fire for their influence on how well the organization performs in tackling today's global issues. A primary critique centers on the veto authority possessed by the permanent members of the United Nations Security Council, which has been viewed as an impediment to prompt and resolute measures during emergency situations.³⁹ Even in the face of overwhelming international consensus, a single member's ability to block resolutions has impeded the UN's ability to respond promptly to pressing issues and occasionally caused diplomatic deadlock. Concerns concerning the impartiality and consistency of UN rulings have also been raised by the complexity of international law and the application of legal doctrines. Legal frameworks, according to critics, are essential for maintaining standards and values but can also impede organizations' agility in responding quickly to changing international circumstances by erecting bureaucratic roadblocks and slowing down response times. One recurring theme in these criticisms is the need for reform in the UN's legal structures, with calls for a more responsive and inclusive system that can better negotiate the complexity of the modern geopolitical landscape.

Proposals for strengthening the UN's legal role in times of war:

A number of recommendations have been made to improve the United Nations' (UN) effectiveness in order to strengthen the organization's legal role during times of war and address criticisms. One of the main recommendations is to review the UN Security Council's veto power and propose changes that would restrict its use in situations involving mass murder or humanitarian emergencies. In order to promote more inclusive and representative decision-making, proposals have also been made to improve the UNSC's accountability and transparency. Another idea to address difficulties in maintaining legal frameworks during times

³⁸ Bijayalaxmi Misra, *United Nations and Security Challenges in New Millennium*, 72 (Kilaso Books, New Delhi 2004).

³⁹ Frederick Rawski and Nathan Miller, *The United States in the Security Council : A Faustian Bargain?*, 360-361 (Viva Books, New Delhi, David M. Malone (ed.) 2006).

of war is to strengthen the enforcement mechanisms of international law and work together to ensure compliance by all member states.⁴⁰ There have also been requests made for the creation of more comprehensive and precise legal guidelines for humanitarian intervention that take changing threats to international security into consideration. Proposals for strengthening the UN's legal role also center on the promotion of diplomacy and conflict prevention tactics, along with a dedication to international cooperation. In the end, these ideas aim to bring the legal frameworks of the UN into line with the current geopolitical environment, making the organization more capable of handling the intricacies of armed conflicts and carrying out its mandate to uphold global peace and security.⁴¹

Consideration of emerging legal challenges and potential adaptations

In order to remain effective in the constantly changing field of international affairs, the United Nations (UN) must carefully consider and possibly adapt to the dynamic landscape of emerging legal challenges. The quick development of technology and its effects on warfare, such as cyber warfare and the deployment of autonomous weapons, present a significant challenge. The creation of rules governing the responsible use of technology in the context of armed conflicts is necessary in order for the UN's legal frameworks to adapt in order to counter these new threats. The emergence of non-state actors and transnational threats, which cast doubt on conventional ideas of state-centric international law, is another urgent issue. To effectively address the actions of non-state entities and ensure accountability and compliance with international norms, the UN may need to modify its legal mechanisms. Furthermore, the legal landscape surrounding climate change and its effects on security is complex and necessitates creative solutions. It might be essential to modify international law in order to handle the confluence of conflict, displacement, and environmental degradation. The UN's legal frameworks must continue to be flexible, accepting modifications that honor the organization's core values while reflecting the modern complexity of the international system. This is necessary as the nature of warfare and global challenges continue to change.

Conclusion

A complicated and multidimensional scene emerges from the analysis of the legal aspects of the UN's involvement in times of war, with an emphasis on the veto power. The main

⁴⁰ Lopez-Claros, A., Dahl, A., & Groff, M., *The General Assembly: Reforms to Strengthen Its Effectiveness*. In *Global Governance and the Emergence of Global Institutions for the 21st Century*, 106 (Cambridge University Press, Cambridge, 2020).

⁴¹ *Ibid.*

conclusions highlight the substantial influence of the permanent members of the UN Security Council's veto power, outlining both advantages and disadvantages. Positively, the veto power is acknowledged for its ability to protect national interests, avert rash or unfair decisions, and advance stability among major powers. The results also highlight important obstacles to the veto, such as its capacity to obstruct efficient UN action, have negative humanitarian effects, and foster geopolitical bias and division. Furthermore, exercising veto power has an impact on the legitimacy and credibility of the UN, and there's a chance that it will be abused, raising questions about justice and undermining multilateralism. The results point to the necessity of striking a careful balance between defending national interests and making sure that there is an impartial, group response to international crises. Reassessing the current legal frameworks, taking into account veto system reforms, and improving procedures for accountability and adherence to international law may all be necessary to meet these challenges.⁴²

The dynamic nature of global challenges and the need for adaptable responses are reflected in the United Nations' (UN) evolving role in international law and conflict resolution. The UN's role has grown beyond traditional peacekeeping to address issues like cyber warfare, conflicts related to climate change, and the actions of non-state actors as the international community faces new and complex threats. The organization may need to create novel legal frameworks that address new technologies, environmental issues, and the changing nature of warfare in order to pursue its future goals in international law and conflict resolution. Enhancing the UN's effectiveness could be achieved by reinforcing international law enforcement mechanisms, re-evaluating the extent of the veto power, and encouraging greater inclusivity in decision-making processes. Furthermore, the significance of sustainable development promotion, conflict prevention, and preventive diplomacy as essential elements of UN conflict resolution initiatives is becoming increasingly acknowledged. To meet the changing needs of a world that is changing quickly, the organization must be able to modify and adapt its legal frameworks. Only then will it be able to continue serving as a major force for security, justice, and peace for years to come.⁴³

⁴² Manoj Kumar Mishra, *The United Nations Security Council: Need for A Structural change*, 145-156 (The Indian Journal of Political Science, Vol. LXVIII, No.1, 2007).

⁴³ Anjali V. Patil, *The role of the veto in the United Nations security council 1945-1975*, (2017) (Unpublished Ph.D. thesis, Shivaji University).