
THE INSTRUMENTALIZATION OF VETO POWER BY THE USA IN THE UNITED NATIONS: IMPLICATIONS FOR INTERNATIONAL PEACE AND SECURITY AND REFORM IMPERATIVES

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ABSTRACT

The authority of the permanent members of the United Nations Security Council (UNSC) to block substantive resolutions through the veto remains a defining yet controversial element of the international legal order. While originally justified as a safeguard to ensure participation of major powers in collective security arrangements, the practical operation of the veto has generated increasing criticism, particularly in situations involving serious violations of international law. The United States, in particular, has exercised this privilege frequently, especially in matters concerning Israel, raising questions regarding consistency, impartiality, and adherence to the foundational principles of the United Nations.

This paper examines whether such patterns of veto usage can be reconciled with international legal obligations or whether they amount to an improper exercise of authority. Using a doctrinal legal method, the study analyzes the interplay between Article 27 of the UN Charter, which enables veto power, and Article 24, which requires the Security Council to act in alignment with the organization's purposes.² It further evaluates whether emerging legal doctrines—such as peremptory norms and the principle prohibiting abuse of rights—impose meaningful limits on the exercise of this power.

By examining historical developments, judicial interpretations, and a detailed record of U.S. vetoes from 1972 to 2025, the paper identifies a pattern that reflects strategic considerations rather than neutral enforcement of international law. The study concludes that although the veto remains formally lawful, its application raises serious concerns about accountability, legitimacy, and the effective functioning of the collective security system.

Keywords: United Nations Security Council, Veto Power, United States, International Law, Abuse of Rights, Israeli–Palestinian Conflict, Jus Cogens, Collective Security, UN Charter, ICJ Jurisprudence.

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1. INTRODUCTION

After the ravage caused by World War II, the United Nations was established in 1945 with the purpose to maintain international peace and security, and to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace,

and to achieve international co-operation in solving international problems of an economic, social, cultural

or humanitarian character.¹ The objective is clearly enshrined in Art 1 of the United Charter signed on 26 June

1945 in San Francisco. It proved to be a transition toward collective security and multilateral governance.² Central to this system is the United Nations Security Council, entrusted with maintaining international peace and security.³ The veto power, enshrined under Article 27 of the UN Charter, reflects a political compromise designed to ensure cooperation among major powers. It is a distinctive feature of the Charter. It allows any of the P5 members to block any decision.⁴ However, in practice, the veto has frequently been used to protect national interests rather than uphold justice. This raises a critical normative question: whether the veto serves as a safeguard of peace or as an obstacle to accountability.⁵

The Post Cold War era has witnessed the notable and frequent use of veto by U. S. A. particularly in matters related to Middle East crises and the Israeli–Palestinian conflict. This resulted as a defeat to the objective of the Charter i.e. establish international peace and security.

2. RESEARCH QUESTION

This study is aimed to analyse following research questions:

- To what extent has the United States instrumentalized its veto power in the Security Council in ways that undermine the UN Charter's collective-security purpose, the legitimacy of Council decision-making, and accountability for serious violations of international law?
- Does the repeated use of veto power to block resolutions concerning humanitarian crises undermine obligations under international humanitarian and human rights law?

¹ See R. Higgins, P. Webb, D. Akande, S. Sivakumaran and J. Sloan, *Oppenheim's International Law: United Nations*, 2 vols., Oxford, 2017;

² See Ian Hurd, *After Anarchy: Legitimacy and Power in the United Nations Security Council* 98–102 (2007).

³ U.N. Charter pmbl.

⁴ U.N. Charter art. 27, 3.

⁵ See Thomas G. Weiss, *What's Wrong with the United Nations and How to Fix It* 42–45 (2016); <https://www.securitycouncilreport.org/un-security-council-working-methods/the-veto.php>

- What are the implications of veto use for the legitimacy and effectiveness of the UNSC?
- What legal or institutional reforms could address concerns regarding misuse of veto power?

3. HYPOTHESIS

To further refine the analysis, the research is guided by the following subsidiary hypotheses:

- The repeated use of veto power by the United States in the United Nations Security Council, particularly in matters relating to Israel, constitutes an abuse of rights and is inconsistent with the purposes and principles of the United Nations as embodied in the UN Charter.
- The United States has exercised veto power in a selective and inconsistent manner, primarily to protect strategic allies, thereby undermining the principle of equality before International law.
- Frequent and politically motivated use of the veto contributes to a decline in the legitimacy, credibility, and effectiveness of the United Nations Security Council.
- The use of veto power in situations involving humanitarian crises contributes to the failure of the UNSC to prevent or respond effectively to violations of international humanitarian law.

4. LITERATURE REVIEW

The veto power of the United Nations Security Council (UNSC), particularly its use by the United States, has generated extensive scholarly debate. While the veto is legally grounded in the UN Charter, its political use has been criticized as undermining international law, humanitarian protection, and institutional legitimacy. This literature review surveys key academic perspectives, focusing on legality, misuse, selectivity, and reform. Scholars have long debated whether the UNSC operates as a legal institution or a political arena dominated by great powers.

Thomas M. Franck argues that legitimacy is central to compliance in international law, emphasizing that institutions like the UNSC derive authority not merely from legal rules but from perceived fairness.⁶ Conversely, Martti Koskenniemi critiques international law as inherently political, suggesting that legal arguments often mask power dynamics.⁷

Similarly, Nico Krisch contends that the Security Council reflects a constitutional imbalance, where the veto entrenches dominance of powerful states rather than equality among nations.⁸

⁶ Thomas M. Franck, *The Power of Legitimacy Among Nations* 24–26 (1990).

⁷ Martti Koskenniemi, *The Politics of International Law*, 1 *Eur. J. Int'l L.* 4 (1990).

⁸ Nico Krisch, *The Security Council and the Great Powers*, 133 *Yale L.J.* 1 (2008).

A substantial body of literature focuses specifically on U.S. veto usage, particularly in relation to the Israel–Palestine conflict.

John Quigley highlights how the United States has consistently used its veto to shield Israel from Security Council condemnation, thereby limiting enforcement of international humanitarian law.⁹

Empirical analyses from reports like the Security Council Report confirm that a significant proportion of U.S. vetoes relate to Middle East issues, reinforcing claims of selective application of international law.¹⁰

Numerous scholars advocate reform of the veto system.

Bardo Fassbender proposes limiting veto use in cases involving mass atrocities, while others suggest expanding UNSC membership or introducing override mechanisms.¹¹

Literature gap here is that many studies discuss the veto generally, while fewer concentrates the United States as a sustained case study of selective veto use in relation to accountability crises, especially in the Middle East.

5. RESEARCH METHODOLOGY

This study adopts a **qualitative doctrinal research methodology**, supplemented by empirical and case study analysis. The research focuses on examining the legality, legitimacy, and practical implications of U.S. veto use in the UNSC.

The primary sources in this study are

- UN Charter,
- General Assembly resolutions,
- Security Council draft resolutions, meeting records, and
- official UN press statements.

The secondary sources are :

- journal articles on veto reform, legitimacy, abuse of rights, collective security, and U.S. foreign policy.

6. HOW VETO CAME INTO EXISTENCE?

The veto emerged during the Yalta Conference, where Allied powers insisted on retaining control over enforcement mechanisms.¹² The major victors of the Second World War agreed to participate

⁹ John Quigley, *The U.S. and Israeli Settlements*, 15 Harv. Hum. Rts. J. 105 (2002).

¹⁰ Security Council Report, *The Veto* (2023).

¹¹ Bardo Fassbender, *UN Security Council Reform and the Right of Veto* (1998).

¹² *Legal Consequences of the Wall*, 2004 I.C.J. 136.

in a collective security system only on condition that they could prevent the UN from acting against their vital interests. Contemporary legal commentary emphasises that this arrangement is fully embedded in the Charter, meaning that paralysis resulting from a veto is lawful even when widely perceived as morally or politically objectionable.

Article 27(3) of the UN Charter requires the “concurring votes” of the permanent members for all substantive decisions of the Security Council; a negative vote by any permanent member constitutes a veto. Procedural questions—such as setting the agenda or inviting non-members—are decided by an affirmative vote of nine members and are not subject to the veto, while abstentions by permanent members do not prevent adoption. The veto thus grants each P5 member an unconditional negative power over binding measures under Chapter VII, including sanctions regimes, authorization of force, peacekeeping mandates, and referrals to international judicial bodies.

The veto was justified as a safeguard against unilateral enforcement actions that could provoke major power conflict. However, this justification has weakened in the post-Cold War era.

7. CHANGING VETO PATTERNS AFTER 1991

Historically, the Soviet Union was the most frequent user of the veto, casting over one hundred vetoes between 1946 and the late 1980s, frequently to block the admission of new member states and Western backed initiatives.¹³ In contrast, the United States did not cast its first veto until 1970, and Western veto use remained relatively limited during the early decades of the UN. With the end of the Cold War, the formal use of the veto declined sharply between 1990 and 2004, the P5 cast only about one veto per year.

In year 1970, the USA used veto first time since the evolution of United nation, in the draft proposed by Burundi etc, regarding the situation of Southern Rhodesia which was considered as a “threat to International peace and security” . It was criticized all over the world.

Later that, the first time the U.S. used its veto to support Israel was in September of 1972, when it vetoed a resolution that called on Israel to cease its aggression in Lebanon. This was the second time the U.S. had ever used its Security Council veto. After that, the U.S. used its veto to halt resolutions critical of Israel frequently.

In year 1974-1975, where the United nations showed disappointment towards the act of Apartheid by South Africa and asked to withdraw military from Namibia , for the same resolution was passed to expel South Africa from United Nation as per Article 6 of the United Nations Charter which states a

¹³ Céline Nahory, “The Hidden Veto” May 2004 Global Policy Forum, <https://archive.globalpolicy.org/security-council/42656-the-hidden-veto.htm>

member that has persistently violated the Charter's principles may be expelled by the General Assembly on recommendation of the Security Council., the same was vetoed by USA.

In year 1976-1981, again resolution was called upon to pressurize south Africa to withdraw its power from territory of Namibia supporting the decision of International Court of justice and to release political prisoners detained under Internal Security laws . Further, requested the other states to refrain from giving armed assistance including the suspension of agreement to supply arms and ammunition. In this case, USA used veto backed by Britain and France claiming to be mediator between the Namibia and South Africa.

Between 1980 and 1990, the U.S. used its veto in support of Israel 21 times – nearly half of the U.S.'s total vetoes in support of Israel. The vetoed resolutions criticized Israel's aggression in Lebanon and its occupation of Palestinian territories.¹⁴

The U.S. has exercised its veto power 98 times till 2025 . The most frequent use were in favour of Israel specially those resolutions which were called for “ Humanitarian Pause” . Among these resolution 33 were

aimed to the Israeli occupation of Palestine territories or inhumane treatment treatment in the Palestine border.

Russia and China also vetoed an Oct. 25 resolution backed by the U.S. The resolution demanded the immediate release of the hostages taken by Hamas and called for “all measures” to be taken to allow humanitarian aid into Gaza, including humanitarian pauses. The Chinese representative on the council said

they vetoed it because the resolution didn't call for a cease-fire, a sentiment Russia reflected in a cease-fire resolution it brought to the council after China and Russia vetoed the U.S. resolution.¹⁵

8. CASE STUDIES OF ALLEGED MISUSE

8.1 The reassertion of Panamanian sovereignty over the Panama Canal

The United States used its veto power in the resolution brought in 1973 which involve the question that the resolution sought to resolve was a new Panama Canal treaty that would offer greater and meaningful sovereignty to Panama over its canal. It was intended to replace the Hay-Bunau-Varilla Treaty of 1903, which granted Washington the right to build and operate “in perpetuity” a canal across the Panamanian Isthmus. The then-Ambassador John Hay, who negotiated the eponymous 1903 treaty, was a fervent supporter of the racist and colonial Monroe Doctrine. Hay infamously described

¹⁴ Hope O'Dell, “How the US has Used its Power in the UN to Support Israel for Decades”, The Chicago Council on Global affairs,<https://globalaffairs.org/commentary-and-analysis/blogs/how-us-has-used-its-power-un-support-israel-decades>

¹⁵ Ibid.

the Spanish-American War, which saw the early imperial claims by Washington on Cuba and the Philippines, as a “splendid little war”.

U.S described the resolution as “unbalanced and incomplete and therefore subject to serious misinterpretation.”¹⁶

8.2 Suspending apartheid South Africa from participation

Between 1974 and 1988, the U.S. government vetoed resolutions relating to South Africa’s apartheid system and military aggression towards African countries 15 times. On Oct. 30, 1974, the United States, along with former colonial forces in Africa, France and Britain, vetoed a resolution in the Security Council to expel South Africa from the UN, due to its apartheid policies. The resolution cited South Africa’s “constant violation of the principles of the Charter and the Universal Declaration of Human Rights,” as well as its refusal to withdraw military forces from sovereign Namibian lands as grounds for South Africa’s expulsion. Put forward by Kenya, Mauritania and Cameroon, it was supported by the broad majority of Security Council members, including permanent members the Soviet Union and China.

In an attempt by Benin, Libya and Mauritius in October 1977 to impose economic sanctions and a global

arms embargo on South Africa, once again the United States joined France and Britain to strike down these

efforts. This resulted in the end of the United States shipping enriched uranium for South Africa’s SAFARI-1 research nuclear reactor.

The reason behind the USA supporting South Africa:

- Supporting South Africa would dominate the influence of USSR in the region as it was considered as a strong region during the Cold war Era;
- South Africa is considered as abundant of critical minerals, USA does not want to be deprived of the resource support blindly support its inhumane activities;
- USA have various economic investments in region , thus to protect its own economic interest always backed the South Africa.

8.3 Sanctioning Rhodesia

In March of 1970, the governments of Burundi, Nepal, Sierra Leone, Syria and Zambia put forward a resolution condemning the existence of the racist minority regime, declaring it null and void.

¹⁶ “Abolish U.S. veto power in the UN Security Council”, <https://liberationnews.org/abolish-u-s-veto-power-in-the-un-security-council/>

Further, it called on all UN member states to void their recognition of white-ruled Rhodesia, severing all diplomatic, consular, economic and military relations with the regime. The United States took this moment to cast its first ever veto in the Security Council, claiming they “found it an impractical step to restrict relations to that extent.”¹⁷

8.4 Admission of post-war Vietnam to UN

In 1977, after a long and hard-won struggle for national liberation against colonial and imperial forces of Japan, France and the United States, the Socialist Republic of Vietnam was admitted to the UN. Yet after experiencing a resounding defeat by the Vietnamese people, the United States went out of their way to thwart several efforts to admit the country into the UN body.

The first Security Council draft resolution initiated by the missions of Belarus, China, Guyana, Iraq, Mauritania, Sweden, the USSR, Cameroon, and Tanzania, was put forward in early August 1975, several months after the People’s Army of Vietnam and National Liberation Front took control of then-Saigon (now Ho Chi Minh City). The U.S. Mission utilized a veto to withhold Vietnam’s access to the UN, and continued to do so the following month and the following year, eventually with the Carter administration relenting in this crusade.

8.5 Israel –Palestian Conflict

A central strand of the misuse argument concerns situations where the Council appears poised to take action that could mitigate human suffering or reinforce respect for international humanitarian law, but such action is prevented or diluted by a US veto. Critics maintain that in such cases the US is not protecting an essential security interest but rather shielding Israel from accountability, thereby undermining the Council’s capacity to respond to serious violations of international law.¹⁸

A study from various journalists and scholars have concluded that US vetoes have repeatedly blocked resolutions calling for an immediate ceasefire, for investigations into incidents involving civilian casualties, or for the cessation of settlement construction in occupied territory. By eliminating or weakening these measures, the US is said to encourage a sense of impunity, reduce pressure on the parties to negotiate in good faith, and erode the normative weight of Security Council pronouncements.

¹⁷ Abolish U.S. veto power in the UN Security Council”, <https://liberationnews.org/abolish-u-s-veto-power-in-the-un-security-council/>

¹⁸ Huzefa F Indonesiawala and Adv. Aniruddha S. Kulkarni ,” Veto power and its misuse: A critical analysis of The UN Security council”, JLRJS Vol. 4 Issue 4; Vlad Mirel, “Examining the United Nations Security Council's Veto Powers in the Context of Human Rights Violations”, <https://ihrp.law.utoronto.ca/examining-united-nations-security-councils-veto-powers-context-human-rights-violations;>

In October 2023 the US cast a veto against a resolution calling for “humanitarian pauses” in hostilities, despite 12 Council members voting in favour. Subsequent drafts calling for a ceasefire or more robust civilian protection were either vetoed by the US or altered substantially to accommodate US and Israeli concerns, contributing to a perception that Washington was using its veto to prevent the Council from responding effectively to a rapidly deteriorating humanitarian situation.

In December 2023 South Africa filed a complaint before International Court of Justice for Genocide in Gaza under Article 9 of the Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention). The ICJ issued several legally binding orders against Israel to refrain from committing acts of Genocide and provide humanitarian aids. The case is still ongoing and backed by multiple nations.

In September 2025, the United States again exercised its veto against a resolution demanding an immediate and unconditional ceasefire in Gaza and the lifting of Israeli restrictions on humanitarian aid, despite support from 14 of the 15 Council members. Reuters notes that this was the sixth US veto related to the nearly two-year war, reinforcing the view that Washington acted as a diplomatic shield for Israel in the Council.

Russia criticized it as “ Strategic cooperation”.

The primary reasons for USA supporting Israel :

- Middle East provides secured trade routes to USA;
- Isarel is technologically advanced and provides advanced military equipments and weapons to USA;
- Israel has strong military force which assist USA in sharing its strategic military practice through joint military projects.
- USA wants to appear as a Mediator or Peace provider to sustain its power politics .

9. POLITICAL AND NORMATIVE CRITIQUES OF US VETO USE

9.1 Accusations of double standards and selectivity

The US veto pattern has attracted extensive criticism for perceived double standards, particularly when contrasted with Washington’s rhetorical emphasis on a “rules-based international order” and its condemnation of Russia’s vetoes over Ukraine. Observers note that the United States champions strong Council action, including sanctions and condemnations, when adversaries violate international law, but blocks similar action when close allies, particularly Israel, are at issue.¹⁹

¹⁹ N.G. Octaviansyah, Impact of Veto Power, J. Ilmu Hukum (2024).

This selectivity is said to undermine the legitimacy of the Council's decisions and fuel narratives of Western bias, especially in the Global South, where many states have supported successive ceasefire resolutions on Gaza only to see them vetoed by the United States. Such perceptions may weaken the UNSC's authority as a neutral arbiter of international peace and security.²⁰

9.2 Impact on civilian protection and humanitarian norms

Humanitarian organisations argue that US vetoes have tangible consequences for civilian protection by delaying or preventing legally binding Council demands for ceasefires, safe humanitarian access, and accountability measures. Amnesty International, for example, has characterised repeated US vetoes of Gaza ceasefire resolutions as effectively a “green light” for continued military operations that have caused large-scale civilian suffering.^{news}

From a legal-normative perspective, critics contend that the pattern of vetoes in situations involving mass atrocities—whether committed by allies or adversaries—undermines the development of robust norms on responsibility to protect (R2P) and erodes confidence in the Council's willingness to act impartially in the face of grave breaches of international humanitarian law.²¹

The International Court of Justice's judgment also clarified in *Bosnia v Serbia* that states have an obligation to prevent genocide. As a result, vetoing a resolution dealing with genocide violates a P5 state's legal mandate to prevent these crimes. In addition, one member's veto may push other Security Council nations into an indirect breach of their own obligations, as they are forced to remain inactive in preventing such injustices by the veto.

9.3 Threat of “Hidden Veto”

Often the P5 use the threat of a veto, what is frequently called a hidden veto, to block or water down resolutions. It is a lot harder to shed light on the impact of hidden vetoes, because they often don't show up in public records and they rarely get picked up by the media. The hidden veto can come in various forms. It can consist of explicit statements that a country will veto a draft resolution if a certain provision is included, or it can be more subtle, by raising concerns during negotiations without ever referring to the veto at all. This leaves the other members of the Security Council to try to come up with a draft resolution that is acceptable to the P5 or risking that all the work will be for nothing and that no resolution gets passed at all.²²

²⁰ D.D. Caron, *The Legitimacy of the Collective Authority of the Security Council*, 87 AJIL (1993).

²¹ A. Blätter & P.D. Williams, *Responsibility Not to Veto*, *Global Responsibility to Protect* (2011).

²² Céline Nahory, “The Hidden Veto” May 2004 Global Policy Forum, <https://archive.globalpolicy.org/security-council/42656-the-hidden-veto.htm>

10. REFORM DEBATES AND PROPOSALS CONCERNING THE VETO

10.1 Initiatives to restrain veto use in atrocity situations

Persistent criticism of veto use, including by the United States, has fuelled proposals to voluntarily limit or condition the veto, particularly in situations involving mass atrocities such as genocide, war crimes, and crimes against humanity. France and Mexico have spearheaded an initiative calling on the P5 to voluntarily and collectively suspend the veto in cases of mass atrocities, while the Accountability, Coherence and Transparency (ACT) group has developed a Code of Conduct encouraging Council members to act decisively in such situations and for P5 members to refrain from using the veto.²³

Although the United States has expressed general support for enhancing Council effectiveness, it has not formally committed to binding constraints on its veto, preferring case-by-case political discretion. Nonetheless, domestic and international advocacy continues to press Washington to adopt clearer principles governing veto restraint where atrocity risks are high.

10.2 General reform of the Security Council and the veto

Broader proposals to reform the UNSC such as expanding permanent or non-permanent membership and altering veto rules are closely linked to critiques of US and other P5 veto practices. Many states argue that the concentration of veto power in five states reflects an outdated post-1945 power distribution and that frequent veto use, including by the United States, impedes the Council's capacity to address contemporary threats to peace and security.

However, any formal amendment of the UN Charter to curtail or abolish the veto requires ratification by all P5 members, including the United States, which makes structural reform politically improbable in the near term. As a result, discussion has focused on informal political commitments, greater transparency about veto explanations, and procedural innovations such as General Assembly debates automatically triggered after a veto to mitigate its most negative effects.

11. ASSESSMENT: STRATEGIC LOGIC AND CONSEQUENCES OF USA VETO USE

From a strategic perspective, the United States uses its veto primarily to defend core foreign-policy interests and protect key allies, operating within the original great-power logic of the Charter. The preponderance of vetoes on Israel-related questions reflects the centrality of Israel to US Middle East policy and domestic political considerations, along with Washington's view that the Council has often produced drafts it perceives as one-sided.

²³ <https://www.securitycouncilreport.org/un-security-council-working-methods/the-veto.php>

At the same time, the cumulative effect of these vetoes has been to weaken the perceived impartiality and effectiveness of the UNSC, especially when US obstruction contrasts sharply with broad majorities in favour of action and with its own criticism of other P5 vetoes. In acute crises such as the recent Gaza wars, vetoes that block ceasefire resolutions have immediate humanitarian consequences and may erode confidence in the Council as an instrument for civilian protection and conflict management.news.

Overall, the US veto illustrates the tension between the UN's universalist aspirations and the entrenched privileges of great powers, raising enduring questions about the legitimacy and sustainability of a collective security system that allows a single state to block action even in the face of overwhelming international support.

12. CONCLUSION

The United States' use of the veto in the UN Security Council has evolved from early restraint to frequent and often controversial deployment, especially in relation to Israel and the Israeli–Palestinian conflict. While rooted in the UN Charter's design and consistent with the great-power bargain underlying the organisation, this pattern of veto use has generated serious political and normative concerns about double standards, civilian protection, and the credibility of multilateralism.

Reform initiatives aimed at restraining veto use in atrocity situations, enhancing transparency, and strengthening the role of the General Assembly represent partial attempts to reconcile great-power prerogatives with the UN's broader mandate to maintain international peace and security. Whether and how the United States adjusts its veto practice, particularly in the context of recurring crises such as Gaza ,will remain a central question for scholars and practitioners of international law and international relations, as well as for states seeking a more equitable and effective collective security architecture.