

Evaluation Of The United Nations Security Council Veto In Cases Of Atrocity Crimes

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Abstract

This research aims to evaluate the use of veto power by the United Nations Security Council (UNSC) concerning human rights violations, particularly atrocity crimes. Permanent member states, such as the United States and Russia, often misuse the veto to protect national interests, undermining the UN's goals of maintaining international peace and security. Employing a normative legal research method focused on legislation and case studies, the findings reveal that veto usage in atrocity cases obstructs the Security Council's actions and creates injustices in international law enforcement. The conflicts in Israel-Palestine and Ukraine exemplify how the veto shields human rights violations. The study recommends reforms to the veto mechanism, including establishing an independent assessment body and enhancing transparency in decision-making. Ultimately, it aims to enable the UNSC to more effectively protect human rights and prevent atrocity crimes, contributing to the development of international law and serving as a reference for future research.

Keyword: UN Security Council, Veto, Atrocity Crimes, Human Rights Violation

Introduction

The United Nations (UN) is a global international organization with a broad scope, encompassing all countries and organizations in the world. The UN was founded on October 24, 1945, when the UN Charter was ratified by the 5 major powers, known as "The Permanent 5 (P5)". The UN Security Council plays an important role in maintaining international peace and security. The UN Security Council consists of five permanent members (P5) and 10 non-permanent members elected by the UN General Assembly for a two-year term. The UN Security Council has influence in its authority and role within the UN Security Council.

The veto is the right to revoke provisions, decisions, or resolutions that will be established by other UN Security Council members. The UN Security Council is often misused for national interests, particularly in a political context. The national interests of the veto-wielding country often lead to violations that should not occur, even very crucial ones, such as human rights violations in the form of atrocity crimes.

The use of the veto in atrocity crimes is a biased stance that influences the conflict between Israel and Palestine, with the United States showing favoritism toward Israel by frequently intervening and vetoing UN Security Council draft resolutions that could condemn Israel's actions, even tho what they are doing is wrong and even very fatal. This can be seen in cases related to the Israeli army's attacks on Palestinian civilians and also in the Israeli attacks on hospitals in Palestine. By the end of 2023, the UN had attempted to address the attacks by creating a permanent ceasefire resolution between Palestine and Israel, which is hoped will reduce or prevent further violations related to human rights abuses and strive to create a safe and peaceful situation.

In addition, other permanent members of the UN Security Council also use their veto power for their own national advantage, as seen in the case of Russia vetoing the extension

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of cross-border aid to Syria, which resulted in 4.1 million people being unable to access food, water, and even medicine.

The existence of the veto gives the five member states unequal rights, potentially leading to various abuses as previously outlined, where the use of this veto can have a negative impact on the international order.

Discussion

The veto originated after World War II, helping major powers ensure they had a significant role in maintaining global security. Franklin Delano Roosevelt, the President of the United States, led negotiations at the 1944 Dumbarton Oaks Conference and the 1945 Yalta Conference. Subsequently, these efforts culminated at the 1945 San Francisco Conference to establish the framework for the United Nations, which was enshrined as a key aspect of the UN Charter. The veto was considered a mechanism to prevent decisions deemed detrimental to national interests. Veto was first used on February 16, 1946, by the Soviet Union regarding a draft resolution on the withdrawal of foreign troops from Lebanon and Syria. In the early years, the veto was often used by the Soviet Union to block the admission of new members. Starting in 1970, the United States has recorded the most vetoes compared to other members of the Security Council, and has used them most frequently to block decisions unfavorable to Israel. Britain first used its veto on October 30, 1956, during the Suez Crisis, and has used it a total of 29 times. France has used its veto 16 times in total, with its first use being on June 26, 1946, regarding the Spanish issue. Similarly, China has used its veto 18 times, and China used its veto for the first time on December 14, 1955.

The impact of the veto on the resolution of atrocity crimes cases on effective international action against states and non-state actors involved in atrocity crimes cases. The Security Council, which is the main body of the UN, has a range of powerful instruments to respond to threats and breaches of peace. These instruments include the authority to impose economic and diplomatic sanctions, send peacekeeping forces to protect civilians and monitor ceasefires, and refer cases of serious international crimes to the International Criminal Court (ICC) for investigation and prosecution. The use of the veto in cases of atrocity crimes not only hinders international action but can contribute to the long-term normalization of impunity and human rights violations. When states and non-state actors see that serious criminals like those who commit atrocity crimes can escape punishment due to the protection of the veto, this can send and give the wrong perception or message that human rights violations can be committed without consequences. In addition, the normalization of impunity thru the use of the veto in atrocity crimes cases can also damage different and diverse interests. Use of veto in cases of atrocity crimes is considered a controversial aspect of international relations. It is not only a means to enforce international law, but also creates a scenario where human rights can be violated without international intervention. This can lead to a weakening of the UN credibility within the global community, this also raises concerns about the norms and integrity of the global legal system. With the UN power to prevent global violence, it can create a situation that

is not only unjust but also undermines the authority of international organizations responsible for enforcing the law.

Use of veto has numerous consequences for global communities. With the power of the P5 to prevent global violence, they can only use it to inform the government and wealthy nations. This can lead to a situation where conflict and human rights violations are not addressed, potentially resulting in a crisis of humanity. The use veto also raises concerns about the norms of international law, particularly in cases like Israel and Palestine. The veto can lead to moral or human rights violations, a lack of strategic and political influence, and a lack of legitimacy for the UN as an international organization. This can create a crisis of legitimacy for the UN, as many countries believe it does not fully recognize its global cultural importance and only focuses on its own interests. In conclusion, the use of the veto in cases of atrocity crimes is a controversial issue in international relations. It can lead to the weakening of international law, the weakening of international institutions, and a lack of legitimacy for the UN as an international organization. Reforming the use of the veto in cases of atrocity crimes can help address these issues and promote a more just and equitable international order.

The use of the UN Security Council veto in cases of atrocity crimes is a crucial instrument that grants power to five member states, including the UN or P5. The veto is used as an instrument to maintain global peace after World War II, but it has been criticized for its lack of collective power. In cases where P5 countries use the veto to resolve conflicts related to human rights, escalating conflicts, or intervention in human affairs, this situation can lead to a crisis of humanity due to the numerous individuals who have been trained and urged to resist. This also raises concerns about international legal norms, particularly regarding the protection of human rights and the right to be free from human rights abuses. In cases where the Veto is not effective, it can lead to new conflicts that disrupt international cooperation. Therefore, the evaluation process involving the Veto should focus on reforms that create a more effective, transparent, and responsible system to meet the needs of the international community during this complex era.

Israel and Russia's use of the veto in the UN Security Council shows that they have different political and strategic interests. Israel uses its veto power to limit national interests, such as the conflict with Palestine, which is biased due to its reliance on other perspectives and rights. Russia uses its veto power to control its influence in specific regions, such as Syria and Ukraine, which are seen as ways to prevent pro-Russian resistance and prompt Western intervention. Both countries argue that using the veto does not always serve national interests, preventing them from achieving peaceful and effective solutions in international conflicts. The first international society to use the Veto is the "Responsibility to Protect" (R2P) report. The International Commission on Intervention and National Defense (ICISS) stated in 2001 that it is not necessary for a country to have collective human rights thru a veto. However, this report was not included in the 2005 World Summit Outcome Documents, which was a diplomatic tool for countries like the USSR, Russia, and China.

In 2009, the UN's Secretary-General's report revealed that the use of the veto in cases of genocide and human rights abuses is still being debated. The report also highlighted the need for a more comprehensive approach to combating atrocity crimes, focusing on the

UN's role in addressing these issues. In 2005, the S5 was a series of resolutions aimed at improving the accountability, transparency, and participation of non-permanent government officials. The resolutions were passed in the General Assembly of the PBB in 2006 and 2012, which called for reforms to enhance the accountability, transparency, and participation of non-permanent government officials. However, the 2012 resolution faced resistance from P5 members who opposed the reforms. The ACT Group, also known as Accountability, Coherence, and Transparency (ACT), was formed in 2013 and comprises various national committees focused on the effectiveness of the PBB's Dewan Keamanan. The ACT was officially introduced on October 23, 2015, and aims to improve the speed and efficiency of the Dewan Keamanan in combating crimes, avoiding the use of veto in controversial resolutions, and enhancing the transparency, coherence, and accountability of the Dewan Keamanan's work. The ACT is preventive and universal, aiming not only to address crimes committed by the Security Council but also to other countries that have the potential to become Security Council members. It also aims to increase transparency, coherence, and accountability in the Security Council's work. Since 2020, the ACT has been supported by 121 countries, including the UK and France, and has received support from various global human rights organizations.

Recommendations for Reforming the Use of the UN Security Council Veto Limiting the use of the veto by permanent members of the UN Security Council is an important step that must be taken to ensure that actions taken by the Security Council are effective and just, and do not conflict with human rights. The veto should not be used in situations involving human rights violations such as genocide, ethnic cleansing, or other serious breaches that could threaten human life and dignity. All decisions made by the Security Council should be accompanied by a committee responsible for addressing human rights crises. The International Court of Justice (ICJ) can provide an independent body to evaluate decisions made by the Security Council. The main function of this body will be to analyze the impact of decisions made, including those using vetoes, and to evaluate future outcomes. Transparency in this process can also serve as a platform for dialog between member states.

Conclusion

The use of veto mechanisms in decision-making in the UN Security Council is a structural change, where six countries have the right to block actions by others. This change is due to the lack of procedural and non-procedural issues in the veto system, which hinders conflict resolution and reduces the effectiveness of the UN in responding to complex global challenges. To address this, there is a need to evaluate the effectiveness of veto mechanisms and develop reforms that can create a more effective, transparent, and responsible system for international needs. This can be achieved through multilateral dialogue and collaboration between all PBB countries to reach a consensus on veto use.

The aim is to increase transparency and accountability in decision-making by involving other countries in the discussion process. This can help prevent veto use in small and developing countries and provide a broad and objective perspective. By doing so, the UN Security Council can improve decision-making processes and enhance the

international community's support for the UN as a credible and effective entity in managing global issues. This can lead to better international peacekeeping and security, ensuring human rights worldwide.

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