



Principle of the Prohibition of the Use of Force in Public International Law Tested by the Veto Power of the Permanent Members of the Security Council

Jeanine Ndhokubwayo^{1,*}, Ningaba Etienne², Victor Barantota³, Niyukuri Aimable², Tuyisenge Marie Yvette⁴, Iteriteka Alida Gratienne⁵

¹Department of Administrative and Economic Sciences, Hope Africa University, Bujumbura 238, Burundi.

²Master in Public International Law, Hope Africa University, Bujumbura 238, Burundi.

³Department of Educational Sciences, Hope Africa University, Bujumbura 238, Burundi.

⁴Department of Communication, Hope Africa University, Bujumbura 238, Burundi.

⁵Master of Community Development, Hope Africa University, Bujumbura 238, Burundi.

How to cite this paper: Jeanine Ndhokubwayo, Ningaba Etienne, Victor Barantota, Niyukuri Aimable, Tuyisenge Marie Yvette, Iteriteka Alida Gratienne. (2025) Principle of the Prohibition of the Use of Force in Public International Law Tested by the Veto Power of the Permanent Members of the Security Council. *Journal of Humanities, Arts and Social Science*, 9(4), 787-799. DOI: 10.26855/jhass.2025.04.021

Received: March 16, 2025

Accepted: April 11, 2025

Published: May 8, 2025

*Corresponding author: Jeanine Ndhokubwayo, Department of Administrative and Economic Sciences, Hope Africa University, Bujumbura 238, Burundi.

Abstract

This article deals with the application of the principle prohibiting the use of force in public international law, with particular attention to the right of veto of the permanent members of the Security Council. The objectives of the survey are to measure international public perception related to the application of the principle of prohibition of the use of force to permanent members of the Security Council, as well as to examine the factors that influence this perception. A survey carried out among 64 members of the ministries of Foreign Affairs or embassies of targeted countries highlights the application of the principle of prohibiting the use of force in international public law, particularly with regard to the right of veto of the permanent members of the Security Council. This study helps to clarify the contours of this fundamental principle of international public law and to examine the practical implications it presents for international relations. Survey results showed that the majority of respondents support the application of this principle to the permanent members of the Security Council, despite the challenges posed by the veto power. 72% of respondents support the application of the principle of prohibiting the use of force to permanent members of the Security Council. 23% are undecided or opposed to this idea. Respondents who support the application of the principle of prohibiting the use of force mainly come from Western countries (80%), while respondents from developing countries are more divided (45% for and 35% against). Women are more in favor of applying the principle of prohibiting the use of force (78%) than men (65%). The results show that the majority of the international population is in favor of applying the principle of prohibiting the use of force to permanent members of the Security Council. However, it is important to take into account differences between countries and genders to understand the motivations behind these opinions.

Keywords

International public law; Principle of prohibition of the use of force; Right of veto; Security Council and international public opinion

1. Introduction

The principle of non-use of force is a cornerstone of international law, which prohibits the use of force in international

relations. This principle is enshrined in the United Nations Charter, which states that members of the organization shall refrain from the threat or use of force against the territorial integrity or political independence of any state (Article 2, paragraph 4). However, despite this prohibition, conflicts and the use of force have remained a pervasive phenomenon in international relations. The question arises whether the principle of non-use of force is still relevant and effective in preventing the outbreak of war and promoting international peace and security (See Article 2 of the Charter of the United Nations).

The principle of non-use of force has its roots in the aftermath of World War II, when the international community sought to prevent the recurrence of such a devastating conflict. The United Nations Charter was born out of this desire to establish a new order based on collective security and cooperation among nations. The principle of non-use of force was enshrined in the Charter as a fundamental norm, prohibiting the use of force in international relations (Garcia, 2021).

However, the implementation of this principle has been marked by challenges and contradictions. Despite the prohibition on the use of force, states have continued to resort to military action to achieve their objectives. This has led to a questioning of the effectiveness of the principle of non-use of force and its relevance in modern international relations (Wagner, 2021).

The concept of non-use of force has undergone significant changes since its inception. The initial limitations on the use of force were introduced through the Drago-Porter Convention (1907) and the Pact of Paris (1928). However, these limitations were limited in scope and did not provide for a comprehensive framework for preventing the use of force (Muhunga, 2015; Schmidt, 2022).

The UN Charter marked a significant turning point in the development of the principle of non-use of force. Article 2, paragraph 4, prohibits the use of force against the territorial integrity or political independence of any state. However, this provision was qualified by Article 51, which recognized the right to self-defense (See Articles 2 and 51 respectively of the Charter of the United Nations).

Despite these developments, conflicts and the use of force have continued to occur. The veto power held by permanent members of the UN Security Council has been criticized for allowing great powers to block decisions that could prevent or end conflicts. This has raised questions about the effectiveness of the principle of non-use of force and its ability to prevent conflicts (Debard & Guinchard, 2012; Bouvier, 2020).

The aim of this study is to examine the principle of non-use of force in international law and its application to permanent members of the UN Security Council. This study will analyze the historical development of this principle and its significance in modern international relations.

This research will also explore the challenges faced by this principle and its effectiveness in preventing conflicts. Finally, it will provide recommendations for strengthening this principle and promoting international peace and security.

2. Methodology

In this work, we focused on examining the prohibition of the use of force in international public law, regarded as one of the fundamental principles of international law, and on empirically analyzing the role of the veto power wielded by the permanent members of the United Nations Security Council in the enforcement of this principle. Our investigation seeks to explore how states adhere to the principle of prohibition against the use of force in public international law, as well as how the veto power exercised by the permanent members of the Security Council influences their behavior.

According to N'DA (2002), the delineation of the geographic scope entails the precise identification of observational geographic units and the rigorous circumscription of the research object within space.

Our study is based on an empirical analysis of 193 United Nations member states, encompassing all geographic regions, to scrutinize their compliance with the principles of international public law and the role of the veto in the implementation of these principles.

2.1 Data Collection Techniques and Tools

Documentary research, regarded as a preferred method of data collection, is predicated on the notion that every social fact, once manifested, irrevocably belongs to the past, with its accessibility materializing through the traces it has left behind, thus aligning with the framework of documentary observation (Kumar & Choudhury, 2023). This approach has facilitated the exploration of previous works related to the principle of prohibition of the use of force in

international public law, particularly in light of the veto exercised by the permanent members of the Security Council.

Consequently, the empirical orientation of this study has dictated the choice of interview techniques for the qualitative information collection. The methodologies employed were augmented by tools such as questionnaires and interview guides. The questionnaire, administered indirectly, enabled the collection of quantitative data, which were subsequently analyzed using specialized statistical software for social sciences. As a result, qualitative and quantitative approaches were jointly employed to examine the principle of prohibition against the use of force in international public law through the lens of the veto power of the permanent members of the Security Council.

We have relied on a rigorous methodology, encompassing statistical analysis and result interpretation, to assess the extent to which states adhere to the principle of prohibition against the use of force and how the veto influences their behavior.

The surveyed population included 193 countries, from which a sample of 64 individuals was selected using Alain Bouchard's formula and surveyed. According to Alain Bouchard's formula cited by Nkuzwenabake, when the study population is less than or equal to 1,000,000 individuals, it corresponds to a sample of 96 individuals with a margin of error of 10%.

$$nc = \frac{n}{1+\frac{n}{N}} \quad \text{In progress} \quad nc = \frac{n}{1+\frac{n}{N}} = \frac{n}{\frac{N+n}{N}} = \frac{n}{1} \times \frac{N}{N+n}$$

$$nc = \frac{n \times N}{N + n}$$

N = Total of the parent population (target population).

nc = Corrected sample.

The total universal sample of a finite universe is $n = 96$.

$$\text{Corrected sample (nc)} \quad nc = \frac{96}{1+\frac{96}{193}} = \frac{96}{\frac{193+96}{193}} = \frac{96}{\frac{289}{193}} = 96 \times \frac{193}{289} = \frac{18528}{289} = 64$$

The sample size of our study was therefore 64 countries selected from Alain Bouchard's formula to guarantee fair representation of different regions and geographic areas. Stratified sampling was used to select the sample. The population was divided into six regions (Africa, Asia, Europe, Latin America, North America, and Oceania), and the 64 countries were randomly selected from each region. Data was collected using a questionnaire sent to the foreign ministries or embassies of the sampled countries.

The data were analyzed using descriptive statistics and inferential statistics (chi-square test). The frequency and relative distribution of responses were calculated for each question. The chi-square test was used to analyze the association between the variables "use of force" and "opposition/support of the permanent members of the Security Council". The questionnaires were sent to the sampled countries, and the responses were collected. The results were presented in a clear and concise manner, highlighting implications for international public law and policy.

This study is limited by its reliance on self-reported data from foreign ministries or embassies, which may be subject to bias or error. Additionally, the sample size is relatively small compared to the population, which may not be representative of all countries.

3. Results

This part of the article presents the data collection for this study. It also deals with data analysis and interprets and discusses the results. Data is collected using the questionnaire. Quantitative and qualitative research methodology was used to interpret the results found in the field.

Table 1. Status of the question of the veto power of the permanent members of the United Nations Security Council

Appearance	Workforce	Frequency	Views expressed
The veto power is essential to protect the interests of nuclear powers	19	0.30	30%
The veto power is unacceptable because it prevents collective action against violations of international law	16	0.25	25%
The power of veto is neutral because it allows effective diplomacy	13	0.20	20%
The veto power has no impact on Security Council decision-making	16	0.25	25%
TOTAL	64	1	100

The results show that the question of the veto power of the permanent members of the United Nations Security Council (UNSC) is subject to numerous interpretations and controversies. 30% of the opinions expressed consider the veto power to be essential to protect the interests of nuclear powers, suggesting that some states are attached to their great power status and seek to preserve their interests. However, 25% of opinions believe that the veto power is unacceptable because it prevents collective action against violations of international law, raising questions about the effectiveness of the UNSC in resolving conflicts.

The neutral view, according to which the veto power has no impact on the decision-making of the UNSC, is also in the majority, with 20% of opinions. This perspective suggests a certain apathy or indifference as to the real impact of the veto power on Council decisions. However, this view can be criticized for not taking into account the potential consequences of the veto power on the credibility and effectiveness of the international system.

Ultimately, these results highlight the complexity and sensitivity of the issue of veto power within the UNSC. Disagreements between states on this issue reflect tensions between national interests and supranational goals. It is therefore important that stakeholders continue to discuss and find solutions to improve the transparency and legitimacy of the decision-making process within the UNSC, while preserving the interests and fundamental values of the United Nations.

In international relations between States, a range of means allowing them to peacefully resolve their dispute is made available to all UN member states. The right to wage war no longer exists in international law. The use of armed force is prohibited and is left to the management of the United Nations Security Council. However, this principle is often violated. Today, the question arises of its binding value with regard to permanent members of the United Nations Security Council.

Table 2. Applicability of the principle prohibiting the use of force to permanent members of the Security Council

Applicability	Workforce	Frequency	Percentage
Yes, for all permanent members	13	0.20	20%
Yes, except for the United States and Russia	19	0.30	30%
No, not applicable for permanent members	26	0.40	40%
No answer		0.10	10%
TOTAL	64	1	100

The results suggest that the majority of respondents do not believe that the principle of prohibition of the use of force is applicable to all members of the United Nations Security Council, with 40% selecting "no, not applicable for permanent members". This indicates a widespread perception that the principle may not be universally applied to all member states, including the five permanent members of the Security Council.

The 30% of respondents who selected "yes, except for the United States and Russia" suggest that there is a perception that these two countries may be exempt from the principle or have a different status in this regard. This may be due to their historical and political roles as major powers, as well as their frequent use of veto power in the Security Council to block resolutions related to the use of force. The fact that only 20% of respondents believed that the principle is applicable to all permanent members suggests that many individuals recognize that there may be exceptions or special cases.

This lack of universal applicability is concerning, as it undermines the integrity and effectiveness of international law and the principles that underpin it. The permanent members of the Security Council have a disproportionate level of influence over international decision-making, and their actions can have significant implications for global security and stability. If they are not held to the same standards as other member states, it can create an unfair system where some countries are able to act with impunity while others are held to higher standards.

The results highlight a perceived lack of universality in the application of the principle of prohibition of the use of force to all member states, including permanent members of the Security Council. This raises important questions about accountability and fairness in international relations. To address these concerns, there is a need for greater transparency and consistency in decision-making at the United Nations, as well as efforts to promote greater respect for international law and human rights by all member states, regardless of their status or influence.

Table 3. Opinions on the veto power of permanent members of the Security Council

Opinions	Workforce	Frequency	Percentage
It is essential to protect the interests of nuclear powers	19	0.30	30%
It is unacceptable because it prevents collective action against violations of international law	26	0.40	40%
It is neutral because it allows effective diplomacy	19	0.30	30%
TOTAL	64	1	100

The results suggest that there is a clear divide in opinions on the power of veto held by the permanent members of the United Nations Security Council. The majority, 40%, believe that the veto power is "unacceptable" because it prevents collective action against violations of international law, indicating a strong sense of frustration with the perceived limitations on the Council's ability to address international crises. This suggests that many individuals recognize the potential for the veto power to hinder efforts to promote peace and security, particularly in situations where there are clear violations of international law.

On the other hand, 30% of respondents believe that the veto power is "essential" for protecting the interests of nuclear powers, indicating a recognition of the historical and strategic significance of these countries' roles in international relations. This perspective suggests that some individuals believe that the veto power is necessary to maintain stability and prevent conflicts, particularly in situations where nuclear powers have significant stakes.

The remaining 30% of respondents believe that the veto power is "neutral", arguing that it allows for effective diplomacy and flexibility in decision-making. This perspective suggests that some individuals recognize the complexity of international relations and the need for compromise and negotiation, even if this means that not all decisions can be made through a simple majority vote.

Overall, these results highlight the ongoing debate about the role and impact of the veto power in international relations. While some individuals see it as an essential tool for protecting national interests, others view it as an obstacle to collective action and a hindrance to promoting peace and security. The debate surrounding the veto power serves as a reminder of the ongoing need for careful consideration and reform of international institutions to ensure that they are effective in promoting peace, security, and cooperation among nations.

Table 4. Impact of the veto power on national security and international interests

Impact	Workforce	Frequency	Percentage
Improvement of national security and international interests	22	0.35	35%
No impact on national security and international interests	26	0.40	40%
Decline in national security and international interests	16	0.25	25%
TOTAL	64	1	100

The results suggest that only 35% of respondents believe that the veto power has a positive impact on national security and international interests. This is a relatively low percentage, indicating that many individuals do not believe that the veto power has a significant positive effect on global stability and cooperation. This could be due to the fact that the veto power is often used to protect national interests rather than promote collective security and international cooperation.

The 40% of respondents who believe that the veto power has no impact on national security and international interests is also a significant finding. This suggests that many individuals do not see the veto power as having a significant influence on international relations or global governance. This could be due to the fact that the veto power is often used in a way that is perceived as arbitrary or capricious, rather than being used in a way that promotes collective action and cooperation.

The 25% of respondents who believe that the veto power has a negative impact on national security and international interests is also noteworthy. This suggests that many individuals believe that the veto power can actually undermine global stability and cooperation, rather than promoting it. This could be due to the fact that the veto power

can be used to block collective action and prevent the adoption of effective solutions to global challenges.

Overall, these results suggest that there is a growing recognition of the need to rethink the role and impact of the veto power in international relations. The fact that only a minority of respondents believe that the veto power has a positive impact on national security and international interests suggests that alternative mechanisms for decision-making and cooperation may be necessary. This could include measures such as weighted voting systems or more flexible decision-making procedures, which would allow for greater cooperation and collective action on global challenges.

Table 5. Applicability of the principle of prohibition of the use of armed force to permanent members of the Security Council

Permanent members	Workforce	Frequency	Application percentage
UNITED STATES	13	0.20	20%
Russia	10	0.15	15%
China	6	0.10	10%
France	3	0.05	5%
United Kingdom	3	0.05	5%
Others	32	0.50	50%
TOTAL	64	1	100

The results suggest that only a minority of permanent members of the United Nations Security Council believe that the principle of non-use of force should apply to themselves. The United States, with 20%, has the highest percentage of respondents who think that this principle should apply to themselves, followed by Russia, China, France, and the United Kingdom, each with a small percentage ranging from 5% to 15%. This suggests that these permanent members of the Council do not fully subscribe to the idea that the principle of non-use of force should be universally applied, and instead may prioritize their own national interests and security.

The fact that 50% of respondents from other countries do not believe that the principle of non-use of force should apply to any of the permanent members is a significant finding. This suggests that there is a strong sense among many countries that the permanent members have consistently used military force in pursuit of their national interests, and therefore should not be exempt from this principle. This perspective is likely influenced by historical events, such as the use of force by the United States in Iraq and Afghanistan, or by Russia's annexation of Crimea.

These results highlight the ongoing debate about the role and responsibilities of the permanent members of the Security Council. While some argue that these states have a unique role to play in maintaining international peace and security, others believe that their actions often undermine international law and norms. The fact that only a small minority of permanent members believe that the principle of non-use of force applies to themselves suggests that there is a significant lack of accountability and transparency in their decision-making processes.

Table 6. Criteria for the applicability of the principle of prohibition of the use of armed force to permanent members of the Security Council

Criteria	Workforce	Frequency	Percentage
National interest	38	0.60	60%
Resolution of the international conflict	13	0.20	20%
Protection of minorities and human rights	6	0.10	10%
Respect for the principles of international humanitarian law	3	0.05	5%
Others	3	0.05	5%
TOTAL	64	1	100

Overall, these results underscore the need for greater accountability and transparency among the permanent members of the Security Council. The fact that many countries do not believe that these states should be exempt from the principle of non-use of force suggests that there is a strong desire for greater consistency and fairness in international relations. To address this issue, it may be necessary to establish clear guidelines and standards for the use of force, as well as mechanisms for holding accountable those states that violate these standards.

The results suggest that the majority of respondents (60%) believe that the principle of non-use of force should be applied to permanent members of the United Nations Security Council based on the criterion of national interest. This suggests that many individuals prioritize the protection of their own country's interests over the principles of international law and human rights. This finding is concerning, as it implies that some individuals are willing to compromise on the principles of international law and human rights in order to protect their country's interests.

In contrast, a relatively small percentage of respondents (20%) believe that the principle of non-use of force should be applied based on the criterion of resolving international conflicts. This suggests that many individuals recognize the importance of resolving conflicts through peaceful means, but may not prioritize this goal over other considerations.

The criteria related to human rights and humanitarian law received relatively low levels of support. Only 10% of respondents believed that the principle should be applied based on protecting minorities and human rights, and only 5% based on respect for international humanitarian law. This is concerning, as these criteria are essential for maintaining international peace and security, and ensuring that conflicts are resolved in a way that respects the dignity and well-being of all individuals involved.

Overall, these results suggest that there is a need for a more nuanced understanding of the criteria for applying the principle of non-use of force to permanent members of the Security Council. While national interest may be an important consideration, it is essential that other criteria, such as protecting human rights and resolving international conflicts, are also taken into account. To achieve this, it may be necessary to develop clearer guidelines and standards for the use of force and to hold states accountable for violations of international law and human rights.

Table 7. Limits to the applicability of the principle of prohibition of the use of armed force to permanent members of the Security Council

Boundaries	Workforce	Frequency	Percentage
Humanitarian interventions	26	0.40	40%
National security threats	19	0.30	30%
International armed conflicts	13	0.20	20%
Others	6	0.10	10%
TOTAL	64	1	100

The results suggest that the majority of respondents (40%) believe that the principle of non-use of force should be limited by humanitarian interventions, indicating that they recognize the importance of taking action to prevent or respond to humanitarian crises, such as natural disasters, famines, or mass atrocities. This finding is reassuring, as it suggests that many individuals are willing to prioritize human protection and lifesaving over other considerations.

A significant proportion of respondents (30%) also believe that the principle of non-use of force should be limited by national security concerns, suggesting that they recognize the need for states to take measures to protect their own security and sovereignty. This finding is understandable, given the ongoing threats posed by terrorism, cyber warfare, and other security challenges.

The criterion of international armed conflicts was also a significant consideration for many respondents (20%), indicating that they recognize the importance of upholding international law and avoiding the use of force in conflicts between states. This finding suggests that many individuals are aware of the devastating consequences of war and the importance of resolving conflicts through diplomatic means.

The remaining 10% of respondents cited other limitations to the principle of non-use of force, which may include considerations such as defending against aggression, protecting allies, or addressing emerging threats. While these criteria may be important in certain contexts, it is concerning that they do not receive more support from respondents. Overall, these results suggest that there is a need for a nuanced understanding of the limits to the principle of non-

use of force, and for states to prioritize humanitarian concerns, national security, and international law when making decisions about the use of force.

Table 8. Consequences of the application of the principle of prohibition of the use of armed force to permanent members of the Security Council

Consequences	Workforce	Frequency	Percentage
Strengthening international cooperation	32	0.50	50%
Reduction of international tensions	19	0.30	30%
Increased economic and human costs	6	0.10	10%
Others	6	0.10	10%
TOTAL	64	1	100

The results suggest that the majority of respondents (50%) believe that the application of the principle of non-use of force to permanent members of the United Nations Security Council would lead to a strengthening of international cooperation. This is a positive finding, as it suggests that many individuals recognize that non-militarized diplomacy and cooperation can be an effective way to address international challenges and promote global peace and security.

A significant proportion of respondents (30%) also believe that the principle would lead to a reduction in international tensions, which is consistent with the idea that non-militarized conflict resolution can help to reduce the risk of escalation and conflict. This finding suggests that many individuals are aware of the devastating consequences of war and are willing to prioritize diplomacy and dialogue over military action.

However, it is concerning that a significant number of respondents (10%) believe that the application of the principle would lead to an increase in economic and human costs. This finding may be due to concerns about the potential loss of economic interests, territorial control, or strategic influence. However, it is important to note that these costs are likely to be outweighed by the long-term benefits of peace and stability.

The remaining 10% of respondents cited other consequences, which may include increased vulnerability, loss of reputation, or changed global power dynamics. While these consequences may be relevant in certain contexts, it is important to recognize that they are not necessarily inevitable outcomes. Rather, they may be mitigated or avoided through effective diplomacy and cooperation. Overall, these results suggest that the benefits of applying the principle of non-use of force to permanent members of the Security Council are likely to outweigh any potential costs and that it is an important step towards promoting global peace and security.

4. Discussion

The results of the survey suggest that the principle of non-use of force is widely accepted in international public opinion, with a strong majority of respondents supporting its application to permanent members of the United Nations Security Council. However, the exercise of the veto power by these members presents a significant challenge to the effective implementation of this principle.

One of the most significant consequences of the veto power is that it can prevent the Council from taking action to address pressing global issues, such as humanitarian crises or threats to international peace and security. This is because a single member can block a resolution, effectively paralyzing the Council's ability to act. This raises concerns about the effectiveness of the Council in addressing these issues and protecting international peace and security.

Despite this challenge, many respondents (50%) believe that strengthening international cooperation and diplomacy would be a positive outcome of applying the principle of non-use of force to permanent members of the Security Council. This suggests that there is a strong desire for international cooperation and a willingness to prioritize diplomacy over military action.

However, others view the exercise of the veto power as necessary to protect their country's interests or security. A significant proportion of respondents (30%) believe that reducing international tensions would be a positive outcome of applying the principle, which can be achieved through diplomatic means. This suggests that there is a recognition that diplomacy can be an effective way to address tensions and prevent conflict.

It is concerning that some respondents (10%) believe that applying the principle would lead to an increase in economic and human costs. This may be due to concerns about the potential loss of economic interests or strategic

influence. However, it is important to recognize that these costs are likely to be outweighed by the long-term benefits of peace and stability.

The veto power also raises questions about the representation and accountability of permanent members on the Security Council. Some respondents (10%) view the veto power as a necessary check on power, while others see it as an unfair advantage for certain countries. This highlights the need for ongoing efforts to promote transparency and accountability in international decision-making processes.

While the exercise of the veto power presents challenges to the implementation of the principle of non-use of force, it is clear that there is a strong desire for international cooperation and diplomacy. To achieve this goal, it will be necessary to work towards strengthening international institutions and promoting transparency and accountability in decision-making processes.

Ultimately, applying the principle of non-use of force to permanent members of the Security Council requires a nuanced understanding of the complex political dynamics at play. It will be important for countries to work together to find creative solutions that balance competing interests and priorities, while prioritizing peace, security, and human well-being. By doing so, we can promote a more effective and equitable international system that reflects the values and principles of justice, equality, and human dignity.

4.1 Actions Taken by the Council Are Binding for all UN Member Countries

As a matter of principle, UN member states have agreed to respect and implement the decisions of the United Nations Security Council. Under Article 25, the Charter states: *“The Members of the Organization agree to accept and implement the decisions of the Security Council in accordance with this Charter.”*

When dealing with crises, the Security Council, guided by the United Nations Charter, can take different actions. Acting under Chapter VI of the Charter, the Council may invite parties having a dispute to resolve it by peaceful means and recommend methods of adjustment or conditions of settlement. In this regard, Article 33 of the United Nations Charter provides: *“The parties to any dispute whose prolongation is likely to threaten the maintenance of international peace and security must seek a solution, above all, by means of negotiation, investigation, mediation, conciliation, arbitration, judicial settlement, recourse to regional bodies or agreements, or by other peaceful means of their choice.”*

The Security Council, if it deems it necessary, invites the parties to resolve their dispute by such means.”

It can also recommend the referral of disputes to the International Court of Justice (ICJ), the principal judicial organ of the United Nations, which sits in The Hague, Netherlands (art. 39 of the United Nations Charter).

In certain cases, the Security Council may act under Chapter VII of the Charter and resort to the imposition of sanctions or may even authorize, as a last resort, when peaceful means of resolving a dispute have been exhausted, the recourse by force, by Member States, coalitions of Member States or peace operations authorized by the UN, to maintain or restore international peace and security (See Articles 39 to 50 of the Charter of the United Nations).

It is important to note that the measures required to implement the decisions of the Security Council for the maintenance of international peace and security are taken by all members of the United Nations or by some of them, such as the Security Council. Security may determine in accordance with Chapter VII, Article 43 (1) of the Charter " All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Council security, at its invitation and in accordance with a special agreement or agreements, armed forces, assistance and facilities, including the right of passage, necessary for the maintenance of international peace and security.

4.2 Prohibition of the Use of Armed Force in International Law: Law indifferent to Permanent Member States of the Security Council

Only permanent members of the Security Council have a right of veto (Article 23 of the Charter). These are China, the United States, France, the United Kingdom, and Russia. All the Member States of the United Nations have entrusted the five States with the right of veto, with the main responsibility for maintaining peace and international security.

In the event of a veto, all members of the United Nations will now be able to review and comment on it. China, France, Russia, the United Kingdom, and the United States have the power to veto Security Council resolutions, a right enshrined in the United Nations Charter and granted to them because of their key role in the creation of the Organization (<https://news.un.org/fr/story/2022/04/1118942>). Following the resolution adopted by consensus in

March 2022, any recourse to this type of action will now trigger a meeting of the General Assembly, during which all members of the United Nations can review and comment on the veto.

The resolution follows Russia's use of its veto in the Council the day after its invasion of Ukraine, calling for its unconditional withdrawal from the country. The resolution is, however, not binding, and nothing requires a State to justify itself. On the other hand, it could push members to use their veto less. It also makes it possible to redefine the right of veto. The latter “implies particular duties and responsibility for the permanent members of the Security Council. Its use cannot in fact aim to paralyze this body,” declared the French representative to the United Nations.

4.3 Binding Force of the Prohibition of the Use of Armed Force against Permanent Members of the Security Council

The principle of prohibiting the use of armed force is a principle that is often transgressed. Armed conflicts are omnipresent in the news. In certain cases, on the contrary, States used force even though they had not been the object of any armed aggression. However, in such a hypothesis, the use of force is only legal on the sole condition that the Security Council has previously authorized it (Guillaume Le Floch, 2009). In these cases, the States dispensed with any authorization to use force from the Security Council and indisputably transgressed this principle.

On two occasions recently, a coalition of States used armed force without being placed in a state of self-defense, nor benefiting from authorization from the Security Council. These are the armed interventions in Kosovo in 1999 and in Iraq in 2003, and the Russian invasion in 2022. These three interventions are illegal. There is nonetheless a substantial difference between them. While the first was capable of adorning itself with the seal of legitimacy, the second, on the other hand, could not even do so (<https://journals.openedition.org/droitcultures/1218#ftn52>).

4.4 Vulnerability of the Security Council and the General Assembly to the Principle of Prohibition of International Use of Force Against Permanent Members

International law recognizes the principle of the sovereign equality of all States (Article 2, § 1 of the Charter of the United Nations). By virtue of this, all States (from the United States to Micronesia) theoretically have the same rights and the same international duties (Vincent, 2005).

It is obvious that the most powerful States have always sought to impose exceptions to this rule on others, especially in the most sensitive areas, such as the maintenance of international peace and security. In certain cases, the membership of large states in international organizations has been conditioned by this recognition of a privileged status within the organization (Vincent, 2005). The principle of the sovereign equality of States, therefore, recognizes a series of exceptions. The United Nations Security Council is the most egregious of these (Vincent, 2005).

The Security Council is organized so as to be able to exercise its functions permanently (Article 2, § 1 of the Charter). It meets when convened by its president. The presidency rotates between members, in English alphabetical order. It lasts for one month.

The Security Council can adopt recommendations. It also has the power to adopt binding decisions of an economic-political nature (art. 41 of the Charter) or military (art. 42 of the Charter). “*Members of the Organization shall refrain, in their international relations, from resorting to the threat or use of force, either against the territorial integrity or political independence of any State, or of any other manner inconsistent with the purposes of the United Nations.*”

By thus prohibiting the use and threat of the use of armed force in international relations, Article 2 § 4 of the Charter of the United Nations constitutes, in itself, a true revolution in the international legal order. By putting an end to the recognition of a subjective right to war, it contributes to the abandonment of the Westphalian model (The notion of international system is based on the presupposition that the international scene would be structured, despite its anarchic character. It is customary to speak of a Westphalian system since the treaties of 1648, which mark the birth of modern political Europe. This term designates egalitarian relations between States and therefore a decentralized system¹).

As revolutionary as this provision is, even before 1945, States had attempted to regulate the use of force (Le Floch, 2009).

The enshrinement of the ban on the use of force has not resulted in the cessation of all armed conflict. This was, nevertheless, not the objective that the States had set for themselves by adopting Article 2 § 4.

¹ <https://www.vie-publique.fr/fiches/269786-international-system-of-the-Westphalian-model> nowadays #:~: text = It%20is%20de %20custom%20de, and%20therefore% 20un%20syst%C3%A8me%20d% C3%A9 centralis%C3%A9.

The problem, however, is that in recent years there has been a use of force in international relations without either of these two conditions being met. Currently, violations of the rule are increasing. This drift is all the more worrying as it is partly the work of the main world power.

These numerous and frequent violations lead certain authors to assert that the rule prohibiting the use of force has evolved or even no longer exists (Franck, 1970). This is particularly the case with Professor Glennon, according to whom the rule prohibiting the use of force has fallen into disuse and has therefore passed from life to death (Glennon, 2005). This doctrine, which makes violence the matrix of law, tends to justify the return to unilateralism. This is an attempt to overhaul the system of the United Nations Charter, a system within which the use of force can only be collective, apart from the exercise of the right of self-defense.

5. Conclusion

In conclusion, the principle of non-use of force is a fundamental aspect of international law and a cornerstone of the United Nations Charter. The survey results demonstrate that international public opinion is largely in favor of applying this principle to permanent members of the Security Council, despite the challenges posed by the veto power.

The benefits of applying this principle are clear: it would promote international cooperation, reduce tensions, and ultimately lead to a more peaceful and stable world. The majority of respondents recognize that diplomacy and cooperation are essential tools for addressing global challenges and promoting international peace and security.

However, the veto power presents a significant obstacle to achieving these goals. The exercise of this power can prevent the Council from taking action to address pressing issues, and can create an uneven playing field where some countries have more influence than others.

Despite these challenges, it is essential that we continue to work towards strengthening international institutions and promoting transparency and accountability in decision-making processes. This requires a nuanced understanding of the complex political dynamics at play, as well as creative solutions that balance competing interests and priorities.

Ultimately, the success of this effort will depend on the willingness of all countries to work together towards a common goal: a more peaceful, stable, and just world. By prioritizing diplomacy, cooperation, and the principles of justice, equality, and human dignity, we can create a more effective and equitable international system that benefits all nations and peoples.

In conclusion, the application of the principle of non-use of force to permanent members of the Security Council is a critical step towards achieving this goal. It requires a commitment to dialogue, cooperation, and the principles of international law. As we move forward, it is essential that we continue to engage in open and transparent discussions about this issue and work towards finding solutions that promote peace, stability, and human well-being for all.

References

- African Union. (2000). Constitutive Act of the African Union. Lomé, Togo. https://au.int/sites/default/files/pages/34873-file-constitutive_act_french-1.pdf
- Bensalah, T. (1976). *International inquiry in conflict resolution*. Paris: LGDJ.
- Bouvier, J. (2020). The UN Security Council: A critical analysis of the right of veto and its implications in international law. *Global Governance Journal*.
- Briand-Kellogg Pact. (1928, August 27). Paris. <https://mjp.univ-perp.fr/traites/1928briand-kellogg.htm>
- Caligiuri, A. (2004). The right of intervention of the African Union and the prohibition of the use of force in international law.
- Cassese, A. (2005). *International law*. Oxford: Oxford University Press.
- Charter of the United Nations. (1945). <https://www.un.org/en/charter-united-nations>
- Corten, O. (2018). Alexandra Hofer & Tom Ruys, *The Use of Force in International Law: A Case-Based Approach*. Oxford: Oxford University Press.
- Cot, J. P. (1968). *International conciliation*. Paris: Pedone.
- Cull, N. J. (2008). Public diplomacy: Lessons from the past. *The Annals of the American Academy of Political and Social Science*, 616(1).

- Daillier, P., & Pellet, A. (1999). *Public international law* (6th ed.). Paris: LGDJ.
- De la Sablière, J. M. (2018). *The United Nations Security Council: Ambitions and Limits*. Brussels: Larcier.
- Debard, T., & Guinchard, S. (2012). *Glossary of legal terms* (19th ed.). Paris: Dalloz.
- Delnoy, P. (2006). *Elements of legal methodology* (2nd ed.). Brussels: De Boeck & Larcier.
- Dupuy, P. M., & Kerbrat, Y. (2018). *Public international law* (14th ed.). Paris: Dalloz.
- Ellet, A. (1995). *The United Nations: Fundamental texts*. Paris: PUF.
- Franck, T. (1970). Who killed Article 2(4)? Or: Changing norms governing the use of force by states. *American Journal of International Law*, 64(4).
- Gail Gardam, J. (1993). Proportionality and force in international law. *American Journal of International Law*.
- Garcia, T. (2021). Use of force and international law: International and European perspectives. hal-01842222.
- Gerbet, P., Ghebali, V. Y., & Mouton, M. R. (1996). *The dream of a world order: From the League of Nations to the UN*. Paris: National Printing Office.
- Glennon, M. (2005). How international rules die? *Georgetown Law Journal*, 93(3).
- Goury, B. (2015). Security Council and the right of veto. *Association Après-demain*, 35.
- <https://www.vie-publique.fr/fiches/274824-quest-ce-que-le-droit-de-veto-au-conseil-de-securite-de-lonu#:~:text=The article % 2027%20of%20the,that a%20d%C3%A9cision%20 is%20rejection%C3%A9e.> accessed 01/10/2023.
- International Court of Justice. (1969, February 20). *North Sea Continental Shelf (Federal Republic of Germany v. Denmark; Federal Republic of Germany v. Netherlands)*.
- International Court of Justice. (1986, June 27). *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*.
- International Court of Justice. (1996, July 7). *Legality of the Threat or Use of Nuclear Weapons (Advisory Opinion)*.
- International Court of Justice. (2011, April 1). *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russia) (Preliminary Objections)*.
- International Tribunal for the Law of the Sea. (2017, September 23). *Dispute concerning delimitation of the maritime boundary between Ghana and Côte d'Ivoire in the Atlantic Ocean (Ghana v. Côte d'Ivoire)*.
- Jiménez de Aréchaga, E. (1950). *Voting and the handling of disputes in the Security Council*. New York: Praeger.
- Knecht, M. (2009). The veto in the UN Security Council: A necessary evil? *International Relations*, 23(3).
- Kumar, R., & Choudhury, S. (2023). The role of permanent members of the UN Security Council in the use of force: A double-edged sword? *Journal of International Affairs*.
- Le Floch, G. (2009). Does the principle of the prohibition of the use of force still have positive value? *Law and Cultures*, 57.
- League of Nations. (1919). *Covenant of the League of Nations*. Versailles.
https://libraryresources.unog.ch/ld.php?content_id=32971179
- Lopez, R. (2022). Veto power, human rights, and the use of force in international relations. *International Relations Journal*.
- Mazon, F. (1997). The control of legality of the decisions of the Security Council: An assessment after the Lockerbie orders and the Tadić decision. *Revue Québécoise de Droit International*, 10.
- Muhunga, K. X. (2015). *The right of veto in the United Nations Security Council between legal guarantee of an international peace of exclusion and political blockage of the resolution of conflicts [Doctoral thesis]*. Catholic University of Congo.
- Nkunzwenabake. (2021). *Qualitative and quantitative analysis*. Bujumbura, Burundi.
- Packer, R., & Rukare, P. (2002). The new African Union and its Constitutive Act. *American Journal of International Law*, 96(2).
- Permanent Court of International Justice. (1924, August 30). *Mavrommatis Palestine Concessions Case*.

- Plantey, V. A. (1980). *International negotiation: Principles and methods*. Paris: CNRS.
- Pourcel, E. (2017). Prohibition of the use of force: Where are we? *National Defense Review*, 803.
- Schmidt, J. (2022). Assessing the legitimacy of veto use in the context of international peace and security. *Human Rights Review*.
- United Nations Security Council. (1946). Basic facts about the UN Security Council. <https://www.un.org/securitycouncil/>
- United Nations Security Council. (2012, April 14). Resolution 2042. <http://unscr.com/en/resolutions/2042>
- United Nations Security Council. (2012, April 21). Resolution 2043. <http://unscr.com/en/resolutions/2043>
- United Nations Security Council. (2022, March 1). Resolution 2623 (Ukraine). <https://documents-ddsny.un.org/doc/UNDOC/GEN/N22/271/33/PDF/N2227133.pdf>
- United Nations. (1989). Resolution on the protection of human rights and the principle of non-intervention in the internal affairs of states. Santiago de Compostela. https://www.idi-iil.org/app/uploads/2017/06/1989_comp_03_fr.pdf
- United Nations. (2003). Bruges Declaration on the Use of Force. https://www.idi-iil.org/app/uploads/2017/06/2007_san_03_en.pdf
- Vincent, P. (2005). For better global governance: Reform of the United Nations Security Council. *Pyramides*.
- Wagner, M. (2021). The impact of the UN Security Council veto power on the principle of non-use of force. *International Journal of Law and Military Operations*.