

American Council for Justice and Conflict Resolution

WHITE PAPER

The UN Veto

Effectiveness, legitimacy and the role of the General Assembly

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PURPOSE

To assess how exercising the veto power in the UN Security Council impacts the effectiveness of negotiations and collective action.

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Introduction

UN decision-making impacts all nations and the veto power of the Security Council's permanent members has a decisive impact on the workings of the UN. There is much debate about whether the current veto system contributes to the effectiveness and legitimacy of that institution and the General Assembly. There is much concern over the accountability, impartiality, and paralyzing effect of the veto. In the case of Gaza, the Security Council was paralyzed by a single veto and the General Assembly lacked the ability to intervene in any meaningful way. Our "white paper" on veto-power in the Security Council will engage these issues, clarify what is at stake and provide positive suggestions for reform.

> Under the auspices of "Independent Experts Peace Initiatives," the "American Council for Justice and Conflict Resolution" and the Kazakh non-governmental organization, "Dignity," have brought together an independent and interdisciplinary team of renowned scholars and activists in order to develop an analysis of "the veto." Each of them was provided with a list of questions and the responses, which were then collated. Each respondent knows that he or she will not agree with everything in the white paper, and differing points of view are represented. But the participants in this project all share a commitment to dialogue and civic diplomacy. This makes it possible to provide a balanced and nuanced document that does not insist upon a single tactic, but rather provides options worthy of consideration that might improve the current arrangement.

CONTEXT

What is clearly a non-representative and anti-democratic organizational construct is also impractical and dangerously inefficient. Numerous efforts have been made, especially the initiatives proposed by former Secretary General Kofi Annan, to address this issue, but they have been overly focused on the technical issues and drawing balances between costs and benefits. We would like to move beyond that. The current veto is usually considered a practical rather than a moral tool for UN diplomacy: we would like to reorient the debate. All our collaborators agree that moral issues are implicated in employment of the veto and that introducing principles when dealing with interests is unavoidable when it comes to decision-making at the United Nations.

I. Effectiveness of the Veto

The United Nations has long been accused of ineffectiveness and inefficiency. It is important to consider how the veto impacts those perceptions. But the veto is only part of the problem. Its anticipation can prevent a draft from being tabled, weaken humanitarian provisions, delay negotiations or discourage elected members from proposing action. Conversely, adoption of a resolution does not guarantee implementation or civilian protection. Effectiveness must therefore be assessed through the entire sequence from deliberation to outcomes, not merely through the presence or absence of a veto.

1. How does the veto impact the ability to translate diplomacy into collective action using a particular example?

Comparative practice demonstrates both capacity and limits. In 2023, the Assembly established the Independent Institution on Missing Persons in the Syrian Arab Republic[1]. This was concrete institution building, not merely symbolic debate. In 2022, its recommendation concerning a Ukrainian register of damage was subsequently implemented through the Council of Europe framework[2]. By contrast, very large Assembly majorities concerning Gaza did not themselves secure compliance or civilian protection.

On 20 February 2024, Algeria submitted a draft resolution on Gaza demanding an immediate humanitarian ceasefire. The draft also addressed forced displacement, release of hostages and humanitarian access. Thirteen Council members voted in favor, the United Kingdom abstained and the United States voted against. The official meeting account records that the text failed after 14 members did not oppose the draft because of that single negative vote. Thus, the Security Council could not translate virtual consensus into collective action.

SUGGESTIONS The majority of our experts opposed eliminating the veto or the Security Council. However, opposing a Security Council member's decision to exercise the veto is difficult to enforce and might even escalate the given conflict. There was agreement on the need for change and, under present circumstances, this requires:

- The Council should not treat a veto as the end of diplomacy. It should put the veto to a vote. This would make political responsibility visible and allow the General Assembly to continue the debate.
- The veto should be confined to exceptional circumstances whose character will be clearly defined and, even if only in an advisory capacity, each veto should be voted on by the General Assembly.
- To facilitate this process, the nation casting the veto should publicly clarify the legal or factual justifications for a veto in 24 or 48 hours.
- More incentives should be provided for abstention, which would increase flexibility and allow for action by a permanent member without expressly endorsing it.

2. Independent Institution on Missing Persons in the Syrian Arab Republic, key documents. https://iimp.un.org/en/key-documents
2. Council of Europe, Register of Damage for Ukraine, institutional follow through. https://rd4u.coe.int/en/-/first-preparatory-meeting-on-an-international-instrument-to-establish-a-claims-commission-for-ukraine

FURTHER REMARKS The veto affects the translation of diplomacy process at three stages. It can prevent adoption after negotiations have produced majority support. Its anticipation can weaken a text before adoption. Anticipation may force negotiators to seek a more broadly acceptable and implementable text, but it may also prevent the Council from acting upon the desires of an otherwise overwhelming majority. The veto can also discourage UN members from forwarding a stream of empty resolutions, and anticipating it might actually facilitate negotiation and compromise. The veto's impact should be assessed not only by counting failed resolutions, but also by examining drafts abandoned, provisions removed and action displaced to other institutions.

2. Can the General Assembly respond effectively when the Security Council is paralyzed by a veto?

The General Assembly cannot generally translate its recommendations into binding measures when the Security Council is blocked. Nevertheless, its resolutions do not ordinarily require prior Security Council approval. Under Articles 10-14, the Assembly may discuss issues and make recommendations, subject to Article 12. It may also use its budgetary and institutional powers, request advisory opinions under Article 96, remain involved under resolutions 76/262 and 79/327. These mechanisms cannot overturn a veto, but they can sustain scrutiny and support lawful collective action.

SUGGESTIONS The General Assembly can express the collective position of states, recommend measures, support investigations, request an advisory opinion from the International Court of Justice, and keep a crisis on the international agenda. However, it cannot convert its recommendations into binding Chapter VII measures. Article 27, paragraph 3, governs Council voting and requires a party to a dispute to abstain in decisions under Chapter VI and Article 52, paragraph 3. Public debate after a veto arises from General Assembly resolution 76/262, while resolution 79/327 allows for presidential summaries and strengthens follow through. These mechanisms should be used more systematically.

- Change the rules so that a veto can be overturned if two permanent members or four temporary members of the Security Council vote against it.
- Change the rules so that a veto can only be upheld if a 2/3 vote by the General Assembly supports it.
- If a member repeatedly blocks action on the same crisis, General Assembly resolution 76/262[3] already provides for debate after a veto. But this does not challenge the underlying privilege; censure by the GA should become a viable option.
- The Assembly should also use its budgetary and institutional powers where a defined mandate can produce measurable results. Advisory opinions can clarify disputed legal questions, and willing States can implement lawful recommendations collectively.

3. United Nations, General Assembly resolution 76/262, Veto initiative. https://mandates.un.org/mandate/A/RES/76/262?subject=Veto

> **FURTHER REMARKS** A formal override of the veto requires Charter amendment. Realistic reform will focus on furthering prospects for disciplined bargaining between the Security Council and the General Assembly. This calls for easier access to information, more equal drafting access, reasoned justification and documented follow through. This will make ineffective action more difficult to conceal.

3. Can the General Assembly play a constructive role in dealing with the "national interest" that is so often used to justify use of the veto by members of the Security Council?

International politics will never be free from national interests and a few of our experts argued that this situation is not correctable by rational argument. Legal reasoning and evidence cannot make those interests disappear. They can, however, make the exercise of power more accountable. A permanent member that uses the veto should explain why it considers the proposed decision inconsistent with the Charter or harmful to peace. It should also say what alternative it is prepared to support.

SUGGESTIONS The General Assembly must work according to the principle that the interests of no particular state are identifiable with international law and the need to uphold it. Those interests should not determine whether international law is upheld.

- The General Assembly must call upon its members to assert that principle even when their own national interests are involved.
- The General Assembly can magnify the vetoing state's isolation from the world community and encourage coordinated action by other states.
- The General Assembly can create investigative mechanisms, offer legal challenges, even if it cannot substitute its recommendations for binding Council decisions.
- Secure a universal political commitment in writing from all members of the Security Council rejecting use of the veto in situations involving genocide, crimes against humanity, or large-scale war crimes.

> **FURTHER REMARKS** An institutional imbalance of power exists at the core of the relationship between the Security Council and the General Assembly precisely because an imbalance of power exists between nations and regions. Essentially no act of any consequence can be undertaken without the Security Council whose members privilege their national interests. However, whatever the resentment less powerful nations have of major powers, and however much they want to reduce the influence of those powers, they will not want to introduce procedures that will impact their own sovereignty.

II. Legitimacy

: The world has grown larger than it was when the United Nations was founded in 1945. There were fifty-one members of the General Assembly and five permanent members of the Security Council: The Republic of China, the United Kingdom, France, the Soviet Union (now the Russian Federation) and the United States. Today, there are 193 members of the General Assembly and the same five permanent members of the Security Council. The absence of representatives from Africa, Central Asia, and Latin America is striking. Not only are the most crucial decisions made by a small coterie, but the demand for consensus creates a situation in which one veto can paralyze the UN entirely.

1. Does the current veto system ensure credible and impartial decision-making, especially with regard to crises that involve large-scale civilian casualties?

A majority vote does not automatically make a resolution legally binding, but a veto does not automatically make the opposing position morally or politically legitimate. We should assess the process by examining the evidence, the consistency of the arguments with international law, the transparency of negotiations, and the consequences for peace and civilian protection. When a single state's veto repeatedly defeats broadly supported measures, it raises fundamental questions about whether the institution is serving the international community or primarily protecting the interests of the most powerful states.

SUGGESTIONS Geographic disparities require fair resolution and, it would seem, a new configuration of power-sharing within the Security Council and between it and the General Assembly.

- The absence of African and Latin American representatives as permanent members on the Security Council, and the under-representation of Asia, is striking and reinforces beliefs that the UN is a racist and Eurocentric organization.
- Genocide, war crimes, crimes against humanity, and mass atrocity situations should fall under a special legally-defined category that privileges the General Assembly in determining policy.
- Enable the General Assembly to determine what is a humanitarian crisis and approve a limited range of non-military measures. The purpose should be to respond to exceptional paralysis, not to create a second Security Council, to let a permanent member know that an isolated veto could no longer end the process entirely.
- Secure a universal political commitment against veto use in situations involving genocide, crimes against humanity, or large-scale war crimes.
- The UN and the General Assembly should not submit to blackmail: If the United States or the Russian Federation threatens to withdraw because they fear a more representative General Assembly or impingement on their veto-power, rather than fold up the tent, the UN might consider bringing nations like India or Germany into the Security Council, (which it might want to do anyway). This might demand rearrangement of finances, but also present new possibilities for reforming the veto.

FURTHER REMARKS Legitimacy suffers most when permanent privilege prevents action in comparable crises, when directly interested States influence outcomes, or when adopted decisions remain unenforced. States seeking to challenge the organization can exploit these failures rhetorically to justify unilateral action or disregard for Council decisions. Reform should combine wider drafting access, stronger elected member influence, voluntary veto restraint, public justification and longer renewable terms or other accountable membership categories. Any permanent expansion should address regional representation, selection, size and whether extending the veto would create additional deadlock. Democracy should improve participation and accountability without making effective decision making impossible.

2. Should Security Council members recuse themselves if they are participants in disputes under consideration? That is particularly relevant when it comes to genocide, war crimes, and crimes against humanity.

One of our experts argued that it is naïve to expect a nation to recuse itself precisely when its interests are at stake. But the rest insist that no member in a dispute can serve as the judge of that dispute and that recusal under such circumstances is basic to the rule of law. Nor should any state be able to block action without having to explain its position to the wider UN membership. Both legislative action and "shaming" are possible.

SUGGESTIONS The initial question involves who decides on whether genocide or a mass atrocity is taking place. Article 27 could be amended so that this determination is made by the General Assembly. Such reform would require the amendment procedure under Article 108, including ratification by all five permanent members. This is difficult politically, but it should remain a regulative goal. Where recusal is justified in principle, however, its legitimacy depends on who determines direct interest and under what procedure.

- Article 27(3) requires a party to a dispute to abstain from voting on decisions under Chapter VI and Article 52(3). Article 27 could be amended so that the vetoing state should retain the right to present its position in the Security Council, but not vote.
- Under Resolution 377 A (V), "Uniting for Peace," adopted on 3 November 1950, the Assembly can recommend collective measures when the Council fails to exercise its primary responsibility because of a lack of unanimity among permanent members. Under Resolution 76/262 of 26 April 2022, a Security Council veto also leads to a General Assembly debate within ten working days. These mechanisms should be used more assertively.
- The General Assembly may discuss any matter within the scope of the Charter, subject to Article 12, and make recommendations under Articles 10-14. Its role is not limited to debate. Under Articles 17 and 22, it also exercises budgetary authority and may establish subsidiary organs. These powers do not permit it to replace the Council's binding Chapter VII functions, but they can support investigations, documentation, humanitarian action, and institutional follow-through.

FURTHER REMARKS Recusal should require a direct and material interest, such as participation in hostilities, territorial claims, control over a party or responsibility for conduct under examination. Clear evidence and an opportunity to respond would be essential along with a route for clarification, potentially through an advisory opinion requested under Article 96. A layered approach is preferable. First, clarify and apply the existing Article 27 obligation. Second, strengthen voluntary restraint where genocide, crimes against humanity or war crimes are alleged. Third, if a broader binding rule is sought, use the Charter amendment procedure under Article 108. Recusal is justified in principle, but its legitimacy depends on who determines direct interest and under what procedure.

3. Does it make sense to talk about "the force of the better argument" when referring to decision-making in the Security Council? How might this be better empowered?

"The force of the better argument" is at the core of communicative action and the heart of legitimate international decision-making. However, power and national ambitions are not necessarily concerned with the better argument, and the sword is usually mightier than the pen. Still, the "better argument" can sometimes have an impact on policy debates and the understanding of self-interest in any given situation.

SUGGESTIONS

- Every veto should be explained to the public. This would require more publicity and a far more expansive social media presence.
- Every veto should be open to institutional scrutiny through public debate in the Security Council and the General Assembly, follow through under resolutions 76/262 and 79/327, and, where a legal question arises, a request for an advisory opinion from the International Court of Justice under Article 96. The Secretary General may also bring threats to international peace and security to the Council under Article 99. The International Criminal Court does not review the legality of a veto, and neither the Office of the High Commissioner for Human Rights nor the Secretary General can exercise judicial review over Council voting.
- The institutional privileges of permanent members should not exempt them from the obligation to justify their positions on substantive, evidentiary, and legal grounds.
- Though the "force" of the better argument cannot compel compliance by a permanent member, it can legitimate "shaming" what might be called "the veto villain" by the General Assembly.

FURTHER REMARKS The France-Mexico initiative provides a basis for future changes in this vein based on public justifications for invoking the veto, expanded possibilities for abstention, and mass atrocity situations. But more robust implications should be drawn. The better argument matters if only because the Security Council acts on behalf of all UN members. Its decisions should therefore rest on reasons that others can examine, not only on the power of the states taking them. Permanent members have an important role, but their institutional privileges should not exempt them from the obligation to justify their positions on substantive and legal grounds.

III. The General Assembly and the Veto

The Charter deliberately gives the Security Council primary responsibility for international peace and security. The legitimacy crisis begins when this authority becomes selective, unrepresentative, or paralyzed by national ambitions in moments of crisis and grave human suffering. Veto restraint, stronger abstention principles, greater representation, General Assembly oversight, and ultimately Charter reform could strengthen legitimacy without weakening the UN system.

1. Does the General Assembly's vote on an issue give it greater legitimacy than the Security Council when the latter is blocked by a permanent-member veto?

A majority vote does not automatically make a resolution legally binding, but a veto does not automatically make the opposing position morally or politically legitimate. The current situation with the veto relegates the General Assembly into serving as a kind of humanitarian aid society whose projects can be carried on without clearance by the Security Council. The Council can act, but its composition and veto rules reflect the political settlement of 1945 rather than today's world.

SUGGESTIONS

- The Security Council has legal authority in international peace and security under Article 24, while the General Assembly has broader democratic legitimacy because it reflects the collective global will of 193-member states. This distinction should matter when discussing the veto. The General Assembly's representative legitimacy should enable it to provide a political and moral counterweight through debate under Resolution 76/262. This should serve as the regulative framework for reform.
- The legitimacy of the General Assembly and the UN in general would benefit from celebrating what it can do rather than by what its members so often want to do. This means highlighting humanitarian efforts and small-scale peace-keeping while down-playing crisis and intervention.
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- The General Assembly is usually portrayed as the additive sum of national interests. Were it to present itself instead as representing the planetary general will, this could help legitimate demands to check the veto. However, that is only possible with a campaign that calls for public support for this new self-understanding.
- Legitimacy requires the General Assembly and its leaders to better assert their roles: often seen as a mere debating society, this institution should affirm itself a body that actually deserves recognition for acting to "advise and consent."

SUMMARY REMARKS The Security Council and the General Assembly draw legitimacy from different sources. The Assembly represents the full UN membership and gives every state an equal vote. The Council has a narrower membership, but the Charter gives it primary responsibility for peace and security and allows it to adopt binding decisions. The Assembly is representative, but most of its decisions are recommendations.

2. What actions can the General Assembly take to deal with an arbitrary use of the veto?

The General Assembly has an important democratic and representative advantage over the Security Council because all 193 UN member states have a voice and no state possesses a veto. Its decisions therefore carry considerable political and moral legitimacy, particularly when they reflect a broad international consensus.

SUGGESTIONS Under Resolution 377 A (V), "Uniting for Peace," adopted on 3 November 1950, the Assembly can recommend collective measures when the Council fails to exercise its primary responsibility because of a lack of unanimity among permanent members. These mechanisms should be used more assertively.

- The General Assembly can use Resolution 76/262 to argue that a forum be automatically convened within ten working days of any veto and that an emergency special session should be called after repeated vetoes on the same situation.
- Using Resolution 79/327, the General Assembly can demand presidential summaries that would preserve arguments and recommendations for later action. These mechanisms make obstruction more visible but cannot compel a permanent member to accept the better argument.
- The General Assembly can seek a Charter amendment under which one permanent member cannot alone block a draft supported by at least nine Council members in narrowly defined civilian-protection cases.
- The General Assembly can engage in a coordinated diplomatic effort that might help ensure that the veto of a Security Council permanent member does not leave the international community without meaningful options.

SUMMARY REMARKS Empowering the General Assembly can prove a positive step though it might spark something of a constitutional struggle with the Security Council. This is to be avoided at all costs and it implies that proposals to strengthen the General Assembly cannot be framed as a matter of which organization "rules" the UN. Aside from the matter of whether changes can occur without intervention by the Security Council, their advocates must make sure that all the constitutional ducks are in a row before proceeding:

3. Are institutional and legal safeguards necessary for an empowered General Assembly ready to deal with the veto?

Though some of our experts wish to see the Security Council turn into an advisory body for the General Assembly, others consider this hazardous. The objective should not be to abolish the Council's role, but to make the collective security system more effective and representative while respecting the UN Charter. They maintain that a narrower system of enhanced scrutiny would be more consistent with their respective functions.

SUGGESTIONS Should the General Assembly be given greater authority over the veto, that power should be exceptional, reviewable and limited to clearly defined circumstances such as maintaining a ceasefire, humanitarian access, civilian protection, or disaster relief. The General Assembly cannot simply assume powers that the Charter reserves to the Council. Independent legal clarifications through Article 96 will prove necessary along with remedies for individuals and minorities harmed by unlawful implementation.

- Provide a clearly defined threshold for triggering action, such as a supermajority of member states working in concert with the International Court and an independent commission designed to assess the facts.
- Introduce provisions for periodic review, judicial scrutiny where appropriate, transparent financing, and protection against the misuse of new powers for geopolitical purposes.
- Article 27 could be amended so that vetoes involving genocide, crimes against humanity, or major war crimes are referred to the General Assembly. But a high majority, such as two-thirds or three-fourths, would be required for it to override a veto. Such reform would require the amendment procedure under Article 108, including ratification by all five permanent members.
- Recognition of the regulative principle that stronger UN institutions must serve international law, sovereign equality, and civilian protection rather than replace one form of concentrated power with another.

> **FURTHER REMARKS** Who monitors the monitor is a legitimate concern. The General Assembly is also composed of States pursuing interests, and a large majority does not automatically establish the general interest. Any persistent veto procedure should therefore require public reasons, reliable evidence, attention to civilian consequences and consideration of Charter purposes. Contested legal questions could be submitted for advisory clarification. The Security Council should remain the main body for binding action. The Assembly should provide broader political review when the Council is unable to act. The legitimacy of the UN is stronger when authority and representation support each other rather than compete.

IV. Summation

This white paper recognizes that the final decision on regulating the veto rests with members of the Security Council who alone can exercise the veto. It should thus be read less as a laundry list of specific recommendations than as a guide for approaching the problem in a meaningful way. The veto was created to keep the major powers engaged in the collective security system and restrain the General Assembly. But it remains the task of that body to confront the Security Council when the political interests of its members threaten to override humanitarian concerns as was the case in 2026 with regard to Gaza. We should therefore advocate restraint in veto use where genocide, crimes against humanity, or major war crimes are involved.

The GA has an important democratic and representative advantage because all 193 UN member states have a voice and no state possesses a veto. Its decisions can therefore carry considerable political and moral legitimacy, particularly when they reflect a broad international consensus—especially when it appears to incorporate the planetary general will. The veto can undermine diplomatic and humanitarian undertakings, even when a supermajority supports them. This weakens the credibility of the UN and, ironically, the interests of the Security Council as well. Reaffirming the legitimacy of the UN rests on the Security Council listening to the voice of the powerless in the General Assembly. That begins with reforming the veto.

The veto cannot be separated from the political foundations of the United Nations, but neither should it remain beyond accountability. Reform should proceed in stages. The immediate task is to require restraint, recusal, public justification, and continued General Assembly scrutiny. The longer-term task is to ensure that one state cannot indefinitely prevent collective action supported by the rest of the international community.