

Living with the Veto



From Left to Right: Ambassador Zhang Jun (China) (UN Photo/Manuel Elías); Minister Counsellor Morgan Ortagus (US) (UN Photo/Laura Jarriel); and Ambassador Vassily Nebenzia (Russia) (UN Photo/Manuel Elías) casting vetoes in the Security Council on draft resolutions on 26 May 2022 (DPRK/Non-proliferation), 18 September 2025 (Israel/Palestine) and 25 October 2023 (Israel/Palestine), respectively.

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Introduction

Since the founding of the United Nations over 80 years ago, few issues have generated as much controversy among the world body’s membership, or so affected the Security Council’s work, as the veto accorded to the Council’s five permanent members (P5). In recent decades, the gridlock caused by the veto has led to various initiatives seeking to restrain its use, particularly in cases where atrocity crimes are a factor.

Concerns among UN member states about the adverse effects of the veto (and the threat of the veto) remain intense and

may even be on the rise. P5 disagreements that blocked effective Council action for well over a decade on Syria have also hindered meaningful engagement on situations such as Myanmar, Ukraine, Sudan, and “The situation in the Middle East, including the Palestinian question”. The seven vetoed draft resolutions in 2024 were the most since 1986. A total of eight vetoes were cast on these failed drafts: four by Russia, three by the US, and one by China. They were on a range of issues, evidence of the divisiveness that currently pervades much of the Council’s work in an

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era of elevated tension among the major powers. In 2025, there were four vetoes: two by the US on a draft resolution on the war in Gaza, and two by Russia on amendments to a draft resolution on Ukraine.

Ongoing criticisms of the veto as unfair and undemocratic are heightened by the sense that those who wield it are not doing a good job at maintaining international peace and security and are using the veto in a self-serving way. In 2022, the General Assembly adopted a resolution calling for it to convene a meeting on the relevant file whenever a veto is cast, unless the General Assembly is already holding an emergency special session on the matter at hand.¹ In the Pact for the Future, which was adopted in September 2024 by world leaders and outlined their vision for the future of multilateralism, member states recognised that the veto issue is a “key element of Security Council reform” and committed to “intensify[ing] efforts to reach an agreement on the future of the veto, including discussions on limiting its scope and use”.² In the 5 September 2025 resolution on the revitalisation of the General Assembly,³ member states strengthened the language on follow-up and institutionalisation of the veto initiative in comparison to its last resolution on this issue adopted in September 2023.⁴ In the 2025 resolution, the General Assembly also committed to continue the implementation of “Uniting for Peace”, a process (described below) that enables the General Assembly to take up matters at an impasse in the Security Council.

Since 2009, the UN system’s primary forum for discussion of structural reform of the Council has been the General Assembly’s Intergovernmental Negotiations (IGN) on Security Council reform. Several proposals for reforming the veto have been proposed in this context, including whether it should be expanded beyond the current permanent members, and which countries should have it. There has even been discussion in the IGN about whether the veto should be abolished.

Nonetheless, despite rising concerns about the way the veto is being used, a

charter amendment would be required to expand or eliminate the right of veto. It is fair to assume that such reform is unlikely to happen any time soon. To pass, charter amendments require a two-thirds vote of the General Assembly membership—as well as ratification by two-thirds of UN member states, including all the permanent members [emphasis ours], through “their respective constitutional processes”—in accordance with Article 108 of the UN Charter. The bar for a Charter amendment is thus very high, especially on an issue as politically sensitive as the veto, a provision jealously guarded by the permanent members, who would all need to support the ratification process.

In short, the veto in its current form is likely here to stay for the foreseeable future. Given this reality, ways should be found to promote more responsible use of the veto, and in this regard, to create disincentives for permanent members to exercise the veto in a manner that clearly violates the Council’s role in maintaining international peace and security, as outlined in Article 24(1) of the Charter.

This report has been written at a time of considerable turmoil for the UN, especially the Security Council. While the Security Council is hamstrung by profound divisions, the world continues to burn, facing more conflicts than at any time since World War II.⁵ In addition, the UN is confronting a financial crisis that is curtailing the resources available for peace operations and humanitarian relief, while there is significant soul-searching among member states regarding the most effective ways to promote international peace and security. In this context, the world body is undertaking a reform initiative, called UN80, designed to increase efficiencies across the UN’s work.

In the current environment, it is important to gain an enhanced understanding of the veto and how to curtail both the threat and use of the veto. So much of the global security environment is shaped not only by the decisions of the Security Council, but also by those that it does not make because of the veto or its threat. This report provides background on the history of the veto,

Security Council Report would like to thank the government of Switzerland for its generous support of this project. We also express our gratitude to all colleagues who generously shared their perspectives on the topics and issues covered in this report.

1 UN General Assembly (UNGA), Resolution 76/262, “Standing mandate for a General Assembly debate when a veto is cast in the Security Council”, A/RES/76/262 (26 April 2022).

2 United Nations, Summit of the Future Outcome Documents, Pact for the Future, Global Digital Compact and Declaration on Future Generations, September 2024, 27.

3 UNGA, Resolution 79/327, “Revitalization of the work of the General Assembly”, A/RES/79/327 (5 September 2025).

4 UNGA, Resolution 77/335, “Revitalization of the work of the General Assembly”, A/RES/77/335 (1 September 2023).

5 Peace Research Institute Oslo, “New data shows conflict at historic high as U.S. signals retreat from world stage”, 9 June 2025, <https://www.prio.org/news/3616>.

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explores initiatives pursued in recent decades to restrain and promote accountability for its use, and presents options to mitigate the harmful effects of using the veto to prevent the Council from maintaining international peace and security. Following this introduction, the report is divided into five substantive sections. The first section briefly describes the origins of the veto, including the rationale for its creation and the tensions that this generated when the Charter was drafted. The second section explores patterns of veto use from the Cold War to the present. The third section discusses various

initiatives to restrain the use of the veto in the context of atrocity crimes. A fourth section deals with the 2022 Liechtenstein-led veto initiative.⁶ The fifth and final substantive section, prior to the conclusion, explores options for the Security Council, the General Assembly and other stakeholders to help navigate and challenge the misuse of the veto. It is hoped that such options—many already in the public discourse—will help to stimulate discussion on how to curtail the adverse impact of the veto on the maintenance of international peace and security.

The Veto at the UN's Founding

The veto power of the permanent members of the Council (China, France, Russia, UK, and US) was the sine qua non for the establishment of the UN, ensuring the participation of the most powerful states in the world body.⁷ It is enshrined in Article 27(3) of the UN Charter, which grew out of the agreement made by the Soviet Union, the UK, and the US at the Yalta Conference in February 1945. Under the “Yalta formula”, the permanent members of the UN Security Council would be accorded the veto on substantive matters.

During the 1945 San Francisco Conference, which gave birth to the UN Charter, the veto was one of the most hotly debated topics. The major powers and several other countries thought that “qualified majority” voting, which accorded the veto only to the permanent members of the new Council, was preferable to the unanimity rule that allowed any member of the Council of the League of Nations to block action, a voting procedure that led to gridlock in the UN's predecessor organisation.⁸ According the veto to the major powers was designed to promote their investment in the success of the world body, as the League had faltered without US participation.⁹ In addition, states understood that the major powers should be able to block enforcement measures that could include the participation of their own militaries.¹⁰

However, there were voices of strong dissent. As Loraine Sievers and Sam Daws note, some states maintained that the veto violated the notion of “sovereign equality”, and believed that “a too rigid designation of permanent members in the Charter might hamper the ability of the United Nations to adapt to the changing nature of power in the international system in the future”.¹¹ Such concerns resonate to this day, reflected in arguments that the Council's composition is anachronistic, representing power dynamics of 1945 that have changed significantly over the past eight decades. Extending the veto to questions related to the peaceful settlement of disputes was also vigorously contested by some states at San Francisco.¹²

Ultimately, notwithstanding a spirited effort by small and medium-sized states to have an impact on the Council's decision-making procedures, the major powers called the shots. The world body would not be formed without the veto, which would apply to substantive (that is, non-procedural) matters, including those related to both the peaceful settlement of disputes and coercive measures.¹³ This point was emphatically made at San Francisco by US Senator Tom Connally, a member of the US delegation. Connally famously lectured delegates from states questioning the veto, “You may go home from San Francisco...and report that you have defeated the veto...but you can also say, ‘We tore up the Charter!’” He then proceeded to tear up his copy of the draft Charter.¹⁴ In a joint statement on Security Council voting, the four sponsoring governments of the conference—China, the Soviet Union, the UK, and the US (later supported by France)—argued that the permanent members “could not be expected, in the present condition of the world, to assume the obligation to act in so serious a matter as the maintenance of international peace and security in consequence of a decision in which they had not concurred”.¹⁵

The veto would be a safety valve for the permanent members: If they did not agree, or at least acquiesce, to a proposed decision on a substantive issue, they could stop it. On the one hand, the permanent members would be able to restrain each other from what they perceived as overreach, a way of preventing potential conflict between them.¹⁶ On the other hand, the cavalier use of the veto in the subsequent years has hindered the Council's efforts to maintain international peace and security in several major crises and led to enormous human suffering.

6 UNGA, “Standing mandate”, A/RES/76/262 (26 April 2022).

7 This was a point made during the 30 September 2015 ministerial-level meeting in New York on veto restraint co-hosted by France and Mexico.

8 Loraine Sievers and Sam Daws, *The Procedure of the UN Security Council*, Fourth Edition (Oxford University Press, 2014), 297.

9 Jan Wouters and Tom Ruys, “Security Council Reform: A New Veto for a New Century?”, *Royal Institute for International Relations* (2005): 25, <https://www.egmontinstitute.be/security-council-reform-a-new-veto-for-a-new-century/>.

10 Edward C. Luck, *UN Security Council: Practice and Promise* (Routledge, 2006), 13.

11 Sievers and Daws, *The Procedure of the UN Security Council*, Fourth Edition, 297.

12 Luck, *UN Security Council: Practice and Promise*, Routledge, 13-14.

13 David L. Bosco, *Five to Rule Them All: The UN Security Council and the Making of the Modern World* (Oxford University Press, 2009), 36.

14 Bosco, *Five to Rule Them All: The UN Security Council and the Making of the Modern World*, 36.

15 “Statement at San Francisco by the delegations of the four Sponsoring Governments (China, the UK, the US, and USSR) on “The Yalta Formula” on Voting in the Security Council”, quoted in Sydney Bailey and Sam Daws (eds.), *The Procedure of the UN Security Council* (Clarendon Press, 2005).

16 Philippa Webb, “Deadlock or Restraint? The Security Council Veto and the Use of Force in Syria”, *Journal of Conflict & Security Law* (2014), Vol. 19 No. 3, pp. 487-488.

Patterns in the Use of the Veto: Cold War to Present

From the UN's founding through the end of 2025, the veto has been used 320 times on 264 draft resolutions and amendments to draft resolutions.¹⁷ The Soviet Union/Russia has resorted to the veto 155 times, the highest number of any permanent member, followed by the US (94), the UK (30), Republic of China/People's Republic of China (21), and France (18).¹⁸

Michael Scharf has divided the use of the veto in the Cold War by the Soviet Union and the US into two periods: in the first phase (1946-1965), the Soviet Union frequently used its veto—and the US never did—at a time when the General Assembly had a pro-Western orientation; in the second phase (1966-1989), the US vetoed far more resolutions than the Soviet Union, as the composition of the General Assembly shifted due to de-colonisation.¹⁹ Overall, the Soviet Union used the veto far more than any other permanent member during the Cold War (1946-1989).²⁰ While its vetoes were cast on various topics, it frequently vetoed UN membership applications: 37 of the 96 vetoes that it employed during the Cold War were for this purpose, a sign of its concern, particularly in the UN's early years, about the pro-Western dynamic in the General Assembly.²¹ The US cast the first of its 94 vetoes on 17 March 1970. From that point on, it has used the veto more than any other permanent member, most frequently to block decisions that it believes would be detrimental to the interests of Israel, a practice steadfastly pursued for more than five decades straddling the Cold War and post-Cold War periods.

France and the UK also exhibited notable trends in their use of the veto during the Cold War. Along with the US, both often vetoed draft resolutions in the 1970s and 1980s related to the situation in South Africa and its occupation of Namibia. In fact, the three jointly vetoed 10 draft resolutions on these issues between 1974 and 1981. They had strong economic ties with South Africa and were frequently reluctant to support punitive measures against the government, arguing that they would be counterproductive in, for example, expediting the end of South Africa's apartheid system or its occupation of Namibia.

The UK also vetoed seven draft resolutions in the 1960s and 1970s on Southern Rhodesia (currently Zimbabwe). Five of these were sole UK vetoes, while two were cast jointly with the US.

Notwithstanding divisions on South Africa and Southern Rhodesia, the Security Council did manage to take some significant decisions on both files. For example, the Council imposed mandatory sanctions on Southern Rhodesia—including an arms embargo

in 1966²² and comprehensive economic sanctions in 1968²³—and a mandatory arms embargo on South Africa in 1977.²⁴ These were the only two sanctions regimes the Council authorised during the Cold War.

The People's Republic of China (PRC) employed its veto only once during the Cold War. Less than one year after assuming its UN seat (including as a permanent member of the Security Council) on 25 October 1971, the PRC vetoed Bangladesh's application for UN membership on 25 August 1972.²⁵ Two weeks later, it joined the Soviet Union in vetoing an amendment to a draft resolution on "The situation in the Middle East".²⁶ The PRC would not use its veto again until January 1997.²⁷ The Republic of China (ROC) (or Taiwan) vetoed only one draft resolution before relinquishing its seat to the PRC.²⁸ On 13 December 1955, it used its veto to block Mongolia from becoming a UN member state.²⁹

Clear patterns have emerged in P5 veto use in the post-Cold War era as well. Notwithstanding some high-profile failures, the 1990s was a period of innovation and dynamism for the Council. Perhaps unsurprisingly, it was the decade with the least number of vetoed draft resolutions (10) in the UN's history. The US was far and away the dominant power in what Charles Krauthammer coined the "unipolar moment".³⁰ Many embraced or accepted US predominance; others were not strong enough to challenge it. Relative comity reigned among the permanent members, especially in comparison to all other periods of the UN's history.

Since 2000, veto use has risen significantly,³¹ an upward trajectory particularly pronounced for at least the past decade. Between 2015 and 2024, 47 vetoes were cast on 37 draft resolutions; by comparison, in the prior 25 years (1990 to 2014), there were 36 vetoes on 30 draft resolutions. Many of the vetoed draft resolutions (14) between 2015 and 2024 were on the civil war in Syria, which started in 2011. Since 2011, there have been a total of 18 vetoed draft resolutions on Syria; Russia has vetoed all of them, while China has joined them to jointly veto on 10 occasions.

The PRC's more active use of the veto in comparison with its earlier history is a notable pattern of the past two decades. Fifteen of the 20 vetoes attributed to the PRC have been cast since 2007. Particularly striking is that all 15 of these vetoes were employed in tandem with Russia, whereas its five previous vetoes (and the one cast by the ROC) were cast alone. While this pattern demonstrates alignment between the two on several issues, China uses its veto

17 Loraine Sievers and Sam Daws, "Table 4: Vetoes of draft resolutions and proposed amendments cast in formal Security Council meetings, 1946 to present", 18 September 2025, 54a569_8c1ef1fee8ca4d6ab09b7fb516b55a22.pdf. The data on vetoes in this section of the report comes from this table.

18 "Table 4: Vetoes of draft resolutions and proposed amendments cast". Sievers and Daws include in their overall veto tally two vetoed draft resolutions on recommendations for the Secretary-General—one on 13 March 1953 and the second on 19 November 1996—that were cast in private meetings. They state that "the Soviet Union later acknowledged its veto in the first case and the United States, in the second", but they do not account for them in the totals for each of these members because the meeting communiqués "did not identify the vetoers" who "were only informally attributed", 1.

19 Michael P. Scharf, "Power Shift: The Return of the Uniting for Peace Resolution", Faculty Publications (2023): 5, https://scholarlycommons.law.case.edu/faculty_publications/2153.

20 We use Scharf's periodisation of Council activity in the Cold War (1946-1989).

21 The Soviet Union (later Russia) did not cast a veto between March 1984 and April 1994, largely coinciding with Mikhail Gorbachev's tenure as General Secretary of the Communist Party of the Soviet Union (March 1985 – December 1991) and the early post-Cold War period.

22 UN Security Council (UNSC), Resolution 232, "Imposing sanctions on commodities against Southern Rhodesia", S/RES/232 (16 December 1966).

23 UNSC, Resolution 253, "Question concerning the situation in Southern Rhodesia", S/RES/253 (29 May 1968).

24 UNSC, Resolution 418, "On establishment of an arms embargo against South Africa", S/RES/418 (4 November 1977).

25 UNSC, 1660th Meeting, S/PV.1660 (25 August 1972).

26 UNSC, 1662nd Meeting, S/PV.1662 (10 September 1972).

27 UNSC, 3730th Meeting, S/PV.3730 (10 January 1997).

28 The ROC served on the Council from 1946-1971.

29 UNSC, 704th Meeting, S/PV.704 (13 December 1955).

30 Charles Krauthammer, "The Unipolar Moment", Foreign Affairs 70, no. 1 (1990/1991): 23-33.

31 Sam Daws and Loraine Sievers, "Chapter 6: Voting, Section 1: Substantive decisions and the veto. Vetoes, insufficient votes and competing drafts reveal an increasingly divided Security Council", Update Website of The Procedure of the UN Security Council, <https://www.scpcedure.org/chapter-6-section-1e>.

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less frequently than Russia, often abstaining in cases where Russia exercised the lone veto.³²

France and the UK have not used the veto since shortly after the

fall of the Berlin Wall. On 23 December 1989, they cast their most recent vetoes, in conjunction with the US, to prevent condemnation of the US invasion of Panama.

Veto Restraint Initiatives Focused on Atrocity Crimes

While the veto has been a perennial source of criticism among the UN's membership since the founding of the world body, one major concern in recent decades has been how the veto and the threat of the veto have paralysed the Council in cases in which atrocity crimes have been committed. From the 1990s to the present, the veto or its threat has cast a dark shadow over the Council's efforts to save lives in conflicts in Rwanda, Syria, Ukraine, Israel/Palestine, and other places—significantly limiting its scope for action and contributing to meaningless or inadequate responses.

In September 2000, the government of Canada launched the International Commission on Intervention and State Sovereignty (ICISS), which grappled with how to improve the Council's performance to protect populations in cases of large-scale loss of life or ethnic cleansing. ICISS sought to generate proposals to achieve this goal, at a time when the UN was still reeling from its failure to prevent atrocity crimes in Rwanda and Srebrenica in the mid-1990s and in the aftermath of the controversial NATO-led intervention in Kosovo in 1999, which was framed as a "humanitarian intervention" and conducted without Security Council authorisation.

In its December 2001 report, which established the "responsibility to protect" concept, the Commission argued that the permanent members of the Council "should agree not to apply their veto power, in matters where their vital state interests are not involved, to obstruct the passage of resolutions authorizing military intervention for human protection purposes for which there is otherwise majority support". While the report was viewed as an important milestone, the fact that it called on the permanent members to refrain from using the veto only when "vital state interests" are not at stake, even if large numbers of lives hang in the balance, demonstrated the political sensitivities affecting the Commission's work.

At the 2005 World Summit, in paragraphs 138 and 139 of the Summit's Outcome Document, world leaders asserted that individual states have a responsibility to protect their populations from genocide, war crimes, ethnic cleansing, and crimes against humanity.³³ They added that the international community has a responsibility to protect as well, although several caveats were placed on the potential use of robust measures to fulfil this responsibility. In this regard, the international community was "prepared to take

collective action through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis ... should peaceful means be inadequate and national authorities are manifestly failing to protect their populations" from these crimes.³⁴ Language calling for veto restraint in cases in which atrocities are committed was notably omitted, reportedly due to pressure from China, Russia, and the US.³⁵

Formed in 2005, the S5—a group of five small countries (Costa Rica, Jordan, Liechtenstein, Singapore, and Switzerland)—proposed a series of working methods reforms intended to improve the Council's performance by enhancing its transparency and accountability. The use of the veto was one of the many issues the S5 addressed in its proposals. The S5 argued that a permanent member casting a veto or intending to do so should provide an explanation for its decision that is consistent with the purposes and principles of the UN Charter and relevant international law. According to the S5 proposal, the explanation should be circulated as a Council document to the wider UN membership.³⁶ The S5 further called on the permanent members to refrain from using the veto "to block Council action aimed at preventing or ending genocide, war crimes and crimes against humanity".³⁷ The S5 included these proposals—and several more dealing with different aspects of Council working methods—in a draft resolution that they presented in the General Assembly in May 2012.³⁸ Under-Secretary-General for Legal Affairs Patricia O'Brien expressed the view that in order to be adopted, the resolution would require affirmative votes from two-thirds of UN member states instead of a simple majority, "bearing in mind action taken by the General Assembly thus far on Security Council reform".³⁹

Given this point of view and facing strong opposition from the permanent members of the Security Council—as well as other member states concerned that focusing on Council working methods could distract attention from structural reform proposals—the draft resolution was withdrawn.⁴⁰ While this led to the demise of the S5, the goals of the S5 to reform Security Council working methods, including with respect to the veto, were taken up by the Accountability, Coherence and Transparency (ACT) Group. ACT, which currently consists of 27 member states, has been a steadfast advocate

32 In the past decade (2016-2025), China has abstained where Russia exercised its veto on draft resolutions on a wide range of issues: Climate, peace and security; DPRK (non-proliferation); Mali; Syria; Weapons of mass destruction in outer space; and Yemen.

33 UNGA, Resolution 60/1, "2005 World Summit Outcome", A/RES/60/1 (16 September 2005).

34 UNGA, "Outcome", A/RES/60/1. (16 September 2005).

35 Jean-Baptiste Jeangène Vilmer, "The Responsibility Not to Veto: A Genealogy", *Global Governance* 24, no. 3 (2018): 4, https://ny.fes.de/fileadmin/user_upload/The_Responsibility_Not_to_Veto_-_web_version.pdf; Jennifer Trahan, *Existing Legal Limits to Security Council Veto Power in the Face of Atrocity Crimes* (Cambridge University Press, 2022), 105-106.

36 UNGA, Draft Resolution, "Enhancing the accountability, transparency and effectiveness of the Security Council", A/66/L.42.Rev.1. (3 May 2012).

37 UNGA, Draft Resolution, "Enhancing the accountability, transparency and effectiveness of the Security Council", A/66/L.42.Rev.1. (3 May 2012).

38 UNGA, Draft Resolution, "Enhancing the accountability, transparency and effectiveness of the Security Council", A/66/L.42.Rev.1. (3 May 2012).

39 Letter from Under-Secretary-General for Legal Affairs Patricia O'Brien to Mutlaq Al-Qahtani, Chef de Cabinet, Office of the President of the General Assembly, 14 May 2012, <https://www.innercitypress.com/OLA2PGAs5May.pdf>

40 Barbara Plett, "Small countries call for more transparency at the United Nations", BBC, 19 May 2012, <https://www.bbc.com/news/world-us-canada-18123768>.

Veto Restraint Initiatives Focused on Atrocity Crimes

for more effective Security Council working methods since its formation in May 2013.⁴¹

In 2015, ACT launched a “Code of Conduct regarding Security Council action against genocide, crimes against humanity or war crimes”.⁴² Through the Code of Conduct, states commit themselves on a voluntary basis to refrain from voting against a “credible” Security Council draft resolution on timely and decisive action to end or prevent the commission of atrocity crimes. The qualifier “credible” was added as a condition for the UK’s support for the Code, perhaps out of concern that a draft resolution could be proposed to pursue a political agenda rather than for the purported goal of preventing or mitigating atrocities.⁴³

In the same year, France and Mexico also inaugurated a veto restraint initiative, known as the “Political Declaration on Suspension of Veto Powers in Cases of Mass Atrocity” (the French/Mexico initiative).⁴⁴ The French/Mexico initiative underscores that “the veto is not a privilege, but an international responsibility”.⁴⁵ Member states that have signed this political declaration “welcome and support the initiative by France, jointly presented with Mexico, to propose a collective and voluntary agreement among the permanent members of the Security Council to the effect that the permanent members would refrain from using the veto in case of mass atrocities”.⁴⁶

In contrast to the French/Mexico initiative, the ACT Code of Conduct applies to the UN’s broader membership—not just the permanent members of the Council. This makes it a collective responsibility for those that agree to it, as the 188 member states that do not have permanent Council seats are eligible to serve as elected members. An additional element of the Code of Conduct is that it requests the Secretary-General, using the early warning capacities and expertise of the UN system, to continue to bring to the Council’s attention situations involving, or likely leading to, genocide, crimes against humanity, or war crimes. While a role for the Secretary General was not incorporated in the text of the political declaration presented by France and Mexico, France has considered the possibility for the Secretary-General to refer mass atrocities to the Security Council, “either on his own initiative or on the proposal of the High Commissioner for Human Rights or a certain number of Member States representing the geographical diversity

of the United Nations, which France proposes to set at fifty”.⁴⁷

These initiatives were launched against the backdrop of the Council’s feckless response to the war in Syria, which was in its fifth year and had already claimed more than 250,000 lives.⁴⁸ They built on years of thinking about how to counter Security Council inaction in the face of atrocities. In fact, what ultimately became the French/Mexico initiative grew out of ideas formulated in late 1999 by the French Policy Planning Staff, which advises the country’s foreign minister, on curbing veto use in humanitarian crises.⁴⁹ The impetus for the work of the Policy Planning Staff on veto restraint was the NATO-led Kosovo operation earlier that year, often deemed a humanitarian intervention, without Council authorisation because of concerns about vetoes by Russia and possibly China.⁵⁰

To date, 107 member states have pledged their support to the French/Mexico initiative, while 130 member states and two observer states (the Holy See and the State of Palestine) have supported the ACT Code of Conduct. Despite this significant level of support, it is revealing that France’s joint initiative with Mexico has not been supported by any other permanent member, while France and the UK are the only P5 members to back the ACT Code of Conduct.

Concerns about the commission of atrocity crimes—and the Council’s ability to respond to them—continue to accrue. In the September 2024 Pact for the Future, member states expressed their support for “credible, timely and decisive action by the Security Council... to prevent or end the commission of genocide, crimes against humanity or war crimes”.⁵¹ The 5 September 2025 resolution on the revitalisation of the work of the General Assembly reiterated this view, supporting “credible, timely and decisive action by the Security Council” and in this regard, “call[ing] upon Member States to refrain from measures impeding action to prevent or end the commission of genocide, crimes against humanity or war crimes”.⁵² One of the “measures impeding action” could clearly be interpreted as the veto; many member states supported explicit reference to the veto in this context during the negotiations, but it was not included in the final text because of resistance from some of the Security Council’s permanent members.⁵³

41 The members of the ACT group are Austria, Chile, Costa Rica, Denmark, Ecuador, Estonia, Finland, Gabon, Ghana, Hungary, Ireland, Jordan, Latvia, Liechtenstein, Luxembourg, Maldives, New Zealand, Norway, Papua New Guinea, Peru, Portugal, Rwanda, Saudi Arabia, Slovenia, Sweden, Switzerland, and Uruguay.

42 Letter from the Permanent Representative of Liechtenstein to the UN to the Secretary-General, “Code of conduct regarding Security Council action against genocide, crimes against humanity or war crimes”, A/70/621-S/2015/978 (14 December 2015).

43 UN official, interview, 17 February 2026.

44 Governments of France and Mexico, Political Statement, “Political Declaration on Suspension of Veto Powers in Cases of Mass Atrocity” (1 August 2015), <https://www.globalr2p.org/resources/political-declaration-on-suspension-of-veto-powers-in-cases-of-mass-atrocities/>.

45 Governments of France and Mexico, “Political Declaration” (1 August 2015).

46 Governments of France and Mexico, “Political Declaration” (1 August 2015).

47 “Why France wants to regulate the use of the veto in the United Nations Security Council”, France Diplomacy, Ministère de L’Europe et des Affaires Étrangères, last modified February 2021, https://www.diplomatie.gouv.fr/fr/politique-etrangere-de-la-france/la-france-et-les-nations-unies/pourquoi-la-france-veut-encadrer-le-recours-au-veto-au-conseil-de-securite-des/#sommaire_5.

48 United Nations, Press Release, “Alarmed by Continuing Syria Crisis, Security Council Affirms its Support for Special Envoy’s Approach in Moving Political Solution Forward”, SC/12008 (17 August 2015), <https://press.un.org/en/2015/sc12008.doc.htm>

49 Jean-Baptiste Jeangène Vilmer, “The Responsibility Not to Veto: A Genealogy”, *Global Governance* 24, no. 3 (2018): 2-3, https://ny.fes.de/fileadmin/user_upload/The_Responsibility_Not_to_Veto_-_web_version.pdf.

50 Vilmer, “The Responsibility Not to Veto: A Genealogy”, 2.

51 Pact for the Future, 27, September 2024, 27, https://www.un.org/sites/un2.un.org/files/soft-pact_for_the_future_adopted.pdf

52 UNGA, “Revitalization”, A/RES/79/327 (5 September 2025).

53 UN diplomat, interview, 20 February 2026.

Liechtenstein-led Veto Initiative

On 26 April 2022, for the first time, a UN body took action to modify the use of the veto, when the UN General Assembly adopted by consensus resolution A/RES/76/262, which calls for the Assembly to meet whenever a veto is cast in the Security Council. It decides that the President of the General Assembly “shall convene a formal meeting of the General Assembly within 10 working days of the casting of a veto by one or more permanent members of the Security Council ... on the situation as to which the veto was cast, provided that the Assembly does not meet in an emergency special session on the same situation”. It also invites the Council, in accordance with Article 24(3) of the UN Charter, to submit a special report on the use of the veto at least 72 hours before the relevant discussion in the General Assembly.⁵⁴

The permanent member or members that employ the veto are accorded “on an exceptional basis...precedence in the list of speakers”.⁵⁵ One common misconception holds that there is a requirement for the permanent member(s) exercising the veto to explain their vote in the General Assembly. While this is not the case, all permanent members casting a veto have nonetheless elected to speak at these General Assembly meetings since the adoption of A/RES/76/262.

The adoption of A/RES/76/262 was the culmination of an initiative led by Liechtenstein and a core group of other countries, including Costa Rica, El Salvador, Estonia, Ireland, Mexico, New Zealand, Qatar, Sweden, and Türkiye.⁵⁶ The Liechtenstein-led initiative (henceforth, “the veto initiative”) reflects growing concerns about the crippling effects of the veto on the Council’s ability to fulfil its mandate to maintain international peace and security. Eighty-three members representing every UN regional group co-sponsored the resolution, including three permanent members: France, the UK, and the US (P3).

On the surface, it may seem curious that three permanent members co-sponsored a resolution designed to promote accountability for the use of the veto. But there are some plausible explanations. Russia had invaded Ukraine two months earlier, and it had already vetoed one draft resolution on the issue shortly after the invasion.⁵⁷ For the P3, sponsoring the veto initiative could be perceived as an indirect way of underscoring that Russia was blocking action to address its violation of international law on a matter critical to international peace and security. In addition, for both France and the UK, it did not appear to be a significant sacrifice to sponsor the initiative given that neither had cast a veto since 1989. Paris was also under political pressure to support the veto initiative, since the 26

other European Union member states had co-sponsored it. France co-sponsored A/RES/76/262 shortly before the meeting at which it was adopted.⁵⁸ US concerns about co-sponsorship may have been mitigated by the fact that many of its vetoes relate to Israel/Palestine, an issue that is already frequently discussed in the General Assembly in the context of the body’s 10th Emergency Special Session on “Illegal Israeli actions in occupied East Jerusalem and the rest of the Occupied Palestinian Territory”. Initiated under the “Uniting for Peace” procedure in 1997, the 10th Emergency Special Session has been reactivated several times since then.

Key factors distinguish the 2022 Liechtenstein-led veto initiative from the French/Mexico initiative and the ACT Code of Conduct. First, it triggers concrete action from a UN body, as it requires the General Assembly to meet in response to the casting of a veto. In this regard, while the French/Mexico initiative and the ACT Code of Conduct are important normative developments that have garnered support from a wide range of member states, they are voluntary pledges that do not require concrete action from any UN bodies. Second, the procedure outlined in the Liechtenstein-led initiative is triggered by all uses of the veto. It is not only focused on the use of the veto under specific circumstances (for example, in the context of atrocity crimes), although it is in large part inspired by the need to curtail the use of the veto in cases where human protection norms are blatantly violated.

The concept of the veto initiative was already being considered by some members before the outbreak of the COVID-19 pandemic, after years in which vetoes hampered the work of the Council on issues such as Israel/Palestine, Syria, and Ukraine, among others. While it was put aside as the pandemic compelled the UN to work remotely, the return to more normal UN functioning—combined with Security Council deadlock over Ukraine—created fertile ground for the initiative to be revived and launched in April 2022.

The veto initiative has magnified the voice of the General Assembly in peace and security matters, as the Security Council’s shortcomings in fulfilling its mandate have continued to mount. Many experts have noted that the veto initiative provides a measure of accountability for the use of the veto, with one scholar observing that it “institutionalizes that important decisions of policy should be subject to public scrutiny, inducing decision-makers to take into account the interests of those who will be affected”.⁵⁹

Through the end of 2025, the General Assembly meetings to discuss the Security Council vetoes in keeping with A/RES/76/262 have included.⁶⁰

54 UNGA, “Standing Mandate”, A/RES/76/262 (26 April 2022)

55 UNGA, “Standing Mandate”, A/RES/76/262 (26 April 2022)

56 Juan Manuel Gómez-Robledo and Pablo Arrocha Olabuenaga, “La cuestión del veto y la ineludible reforma del Consejo de Seguridad”, *Revista Mexicana de Política Exterior*, no. 127, (2023): 159.

57 UNSC, Draft Resolution, S/2022/155 (25 February 2022).

58 UN diplomat, correspondence, 16 October 2025.

59 Ian Johnstone, “Restoring Legitimacy to the Security Council”, in *Empowering the UN Security Council: Reforms to Address Modern Threats*, eds. Mona Ali Khalil and Floriane Lavaud (Oxford University Press, 2024), 88.

60 This chart is sourced from Erica Gaston and Adam Day, *Assembly for Peace: A Digital Handbook on the UN General Assembly’s Past Practice on Peace and Security*, Office of the President of the General Assembly (New York, 2024), 56–57, https://unu.edu/sites/default/files/2024-08/Assembly%20for%20Peace_GA%20Digital%20Handbook%20on%20Peace%20and%20Security.pdf. The chart has been updated to reflect veto initiative meetings through the end of 2025. It does not include emergency special sessions of the General Assembly in which vetoes have been discussed. Since the launch of the veto initiative in 2022, vetoes on draft resolutions on “The situation in the Middle East, including the Palestinian question” and Ukraine have been addressed in emergency special sessions.

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GENERAL ASSEMBLY VETO INITIATIVE MEETINGS

GENERAL ASSEMBLY MEETING DATE(S)	MEETING RECORD(S)	TOPIC	VETO CAST BY:	VETOED DRAFT
8 June 2022 10 June 2022	A/76/PV.77; A/76/PV.78; A/76/PV.81; A/76/PV.82	Non-proliferation – Democratic People's Republic of Korea	China and Russia	S/2022/431
21 July 2022	A/76/PV.95; A/76/PV.96	Syria cross-border humanitarian mechanism	Russia	S/2022/538
19 July 2023	A/77/PV.90; A/77/PV.91	Syria cross-border humanitarian mechanism	Russia	S/2023/506
11 September 2023	A/78/PV.3	Mali Sanctions	Russia	S/2023/638
9 January 2024	A/78/PV.51; A/78/PV.52	The situation in the Middle East, including the Palestinian question	United States	S/PV.9520, pg.4 ⁶¹
4 March 2024 5 March 2024	A/78/PV.59; A/78/PV.60; A/78/PV.61	The situation in the Middle East, including the Palestinian question	United States	S/2024/173
8 April 2024	A/78/PV.66; A/78/PV.67	The situation in the Middle East, including the Palestinian question	China and Russia	S/2024/239
11 April 2024	A/78/PV.68; A/78/PV.69	Non-proliferation – Democratic People's Republic of Korea	Russia	S/2024/255
1 May 2024 6 May 2024	A/78/PV.74; A/78/PV.75; A/78/PV.79 (pgs. 8-11)	Admission of New Members to the UN (Palestine)	United States	S/2024/312
6 May 2024	A/78/PV.78; A/78/PV.79	Non-proliferation	Russia	S/2024/302
26 November 2024	A/79/PV.42 ⁶²	Sudan	Russia	S/2024/826
6 March 2025	A/79/PV.60 ⁶³	Ukraine	Russia	(S/2025/115) (S/2025/116)
1 October 2025	A/80/PV.15 ⁶⁴ A/80/PV.16 ⁶⁵	The situation in the Middle East, including the Palestinian question	United States	S/2025/583

Several key themes have run through these sessions. Many member states have maintained that they provide an opportunity to enhance the transparency and accountability of the Council.⁶⁶ The wider membership has been able to hear the permanent members express their rationale in the General Assembly for using the veto. By publicly expressing themselves in the General Assembly every time a veto is cast, member states have painted a clear picture of their concerns about the use of the veto in general and in relation to specific files. As one diplomat said in the very first of these sessions,

following vetoes by China and Russia on DPRK sanctions, “We are breaking the Council’s silence and putting an end to the monologue that has characterized the relationship between the Council and the Assembly for so many years”.⁶⁷ These meetings have also been a forum for encouraging the General Assembly to act on peace and security matters when the Council is gridlocked.⁶⁸ One delegation affirmed that they “are not an end, but a starting point”.⁶⁹

The range of views on the nature and use of the veto has been expressed in these sessions. Several members have espoused the

61 This was an oral amendment proposed by Russia.

62 UNGA, A/79/PV.42 had yet to be published at the time of writing.

63 UNGA, A/79/PV.60 had yet to be published at the time of writing.

64 UNGA, A/80/PV.15 had yet to be published at the time of writing.

65 UNGA, A/80/PV.16 had yet to be published at the time of writing.

66 UNGA, A/76/PV.77 (8 June 2022), Statements by Denmark, 9, Ecuador, 13, Albania, 12-13, Singapore, 22, and Australia, 24; A/78/PV.78 (6 May 2024), Statements by Denmark (on behalf of the Nordic countries), 6, New Zealand (on behalf of states committed to the implementation of resolution 76/262), 7, and the United States, 23.

67 UNGA, A/76/PV.77 (8 June 2022), Statement by Costa Rica, 18.

68 UNGA, A/77/PV.90 (19 July 2023), Statement by New Zealand, 21; A/78/PV.3 (11 September 2023), Statement by Canada, 8; A/78/PV.68 (11 April 2024), Statement by Mexico, 9; A/78/PV.69 (11 April 2024), Statement by Austria, 2; and A/78/PV.74 (1 May 2024), Statement by Costa Rica, 18-19.

69 UNGA, A/78/PV.67 (8 April 2024), Statement by Ecuador, 13.

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abolition of the veto, characterising it as “a privilege undermining the principle of sovereign equality among States”,⁷⁰ “undemocratic and anachronistic”,⁷¹ and “harmful and paralysing”.⁷² Others have been critical of how the veto has been used but stop short of calling for its outright abolition. This perspective holds that the veto must be used in a “judicious and justified”⁷³ manner, underscoring that the veto is a responsibility, not a privilege,⁷⁴ whose use should be “limited and transparent”⁷⁵ and consistent with the purposes of the UN Charter.⁷⁶ Many member states that believe the veto should be abolished, or at least have strong reservations about how it is used, have underscored concerns about the use of the veto to block action in the face of atrocity crimes, with some of them citing the French/Mexico initiative and the ACT Code of Conduct in this respect.⁷⁷ A minority perspective in these meetings, espoused most notably by Russia, is that the veto is a right that should compel Council members to strike compromises; according to this view, its use “rarely impl[ies] principled disagreements among members of the Security Council” but rather is often “the consequence of a tactical struggle in the Council and the desire to portray the opponent in a negative light”.⁷⁸

A sense of identity and unity among the UN Security Council’s 10 elected members (E10) has been reflected in some of these meetings.

The E10 delivered a joint statement in the General Assembly for the first time during the 4 March 2024 meeting following the US veto on an E10 draft resolution calling for a humanitarian ceasefire in Gaza. Speaking on behalf of the E10, Malta underscored that the elected members felt that the Council has a “duty and responsibility” to act in “such situations” and reiterated their support for the two-state solution.⁷⁹ In a 21 July 2022 General Assembly meeting, Denmark maintained that “the collective voice of conscience of the elected 10” may have helped the Council to reach an agreement that ultimately led to the reauthorisation of the cross-border aid mechanism in Syria, following a Russian veto on the same file.⁸⁰ Later that day, discussing the same matter in the General Assembly, Kenya observed that the E10 can play “a constructive role...to bridge divides and identify useful compromises between Council members”.⁸¹ Additionally, in the aftermath of a Russian veto on a draft resolution on Syria in July 2023 that had the support of all the elected members, Ecuador maintained that a veto cast when there is unity among the E10 violates the will of the wider UN membership, since the General Assembly elects the non-permanent members to serve on their behalf.⁸²

Future Avenues for Action: Building upon the Veto Initiative

The continued high frequency of vetoes has led to questions about possible avenues for future action. The veto initiative, in this view, has been a constructive development, but more needs to be done to increase the political pressure on permanent members to modify their behaviour regarding the use of the veto and to pursue alternatives when the Council does not carry out its responsibilities. In this regard, a variety of proposals have been advanced, and in some cases pursued. This section will explore these and other options for action.

General Assembly Action in the Context of Security Council Divisions

In cases where the Security Council is gridlocked on an issue, the General Assembly can and has in many cases provided a forum for constructive engagement on the matter at hand. While the UN Charter entrusts the Security Council with the “primary” responsibility for international peace and security under Article 24(1), it provides broad discretion to the General Assembly to discuss and

make recommendations on matters related to international peace and security in Articles 10, 11, 12 and 14. Although it cannot exact binding legal obligations on UN member states like the Security Council, the General Assembly has a rich history of discussing and acting on issues related to international peace and security.⁸³

The “Uniting for Peace” procedure is one means through which the General Assembly has acted on peace and security issues in the face of Security Council gridlock. It was established with the adoption of General Assembly resolution 377 (V) of 3 November 1950 in an effort to break the deadlock in the Council over the Korean war. That resolution states that if the Security Council, because of a lack of unanimity among its five permanent members, fails to act as required to maintain international peace and security, the General Assembly “shall consider the matter immediately with a view to making appropriate recommendations to [UN] Members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed force when necessary, to maintain or

70 UNGA, A/76/PV.81 (10 June 2022), Statement by Argentina, 13

71 UNGA, A/76/PV.78 (8 June 2022), Statement by New Zealand, 15.

72 UNGA, A/77/PV.90 (19 July 2023), Statement by Mexico, 13.

73 UNGA, A/78/PV.52 (9 January 2024), Statement by Bangladesh, 9.

74 UNGA, A/78/PV.51 (9 January 2024), Statements by Thailand and Chile, 9.

75 UNGA, A/77/PV.90 (19 July 2023), Statement by Fiji, 9.

76 UNGA, A/77/PV.91 (19 July 2023), Statement by Peru, 4.

77 UNGA, A/76/PV.81 (10 June 2022), Statement by Chile, 13; A/76/PV.95 (21 July 2022), Statement by Denmark, 6; A/77/PV.91 (19 July 2023), Statement by Peru, 4; A/78/PV.67 (8 April 2024), Statement by Colombia, 14; and A/78/PV.75 (1 May 2024), Statement by Spain, 19.

78 UNGA, A/76/PV.95 (21 July 2022), Statement by Russia, 1.

79 UNGA, A/78/PV.59 (4 March 2024), Statement by Malta, 18.

80 UNGA, A/76/PV.95 (21 July 2022), Statement by Denmark, 6.

81 UNGA, A/76/PV.96 (21 July 2022), Statement by Kenya, 7.

82 UNGA, A/77/PV.90 (19 July 2023), Statement by Ecuador, 17, and A/78/PV.3 (11 September 2023), Statement by Ecuador, 26.

83 Gaston and Day, *Assembly for Peace: A Digital Handbook on the UN General Assembly’s Past Practice on Peace and Security*, 1. The handbook provides a comprehensive overview of the work of the General Assembly (GA) on matters relevant to international peace and security. The authors write: “...the GA has engaged in a wide range of activities under Chapter IV of the Charter that might be considered part of its peace and security practice, including the deployment of mediators, the establishment of peace operations, the mandating of special envoys, recommendations for the use of force or sanctions and the creation of accountability mechanisms such as fact-finding missions (FFMs) and commissions of inquiry (COIs)”.

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restore international peace and security”.⁸⁴

The resolution’s language on the use of force has aroused controversy, with some scholars underscoring the limitations on the General Assembly’s mandate with respect to the use of force.⁸⁵ It has been maintained, for example, that while the General Assembly can recommend that states come to the defence of other states in the context of a breach of the peace or act of aggression, it cannot make recommendations that contravene Article 2(4) of the UN Charter⁸⁶—which states that all member states “shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations”.⁸⁷ The General Assembly has made a recommendation regarding the use of force through the “Uniting for Peace” procedure only once.⁸⁸ This was in resolution 498 (V) of 1 February 1951, which called on states to “lend assistance to the United Nations action in Korea”.⁸⁹ However, as Erica Gaston and Adam Day have noted, “there is disagreement as to whether the GA [General Assembly] was simply ratifying the prior SC [Security Council] decisions on the matter or proposing something further”.⁹⁰

“Uniting for Peace” can be triggered either by the Security Council or the General Assembly. The Security Council can trigger “Uniting for Peace”—that is, send the relevant issue to the General Assembly through a resolution that garners the support of at least nine members; as a procedural resolution it is not subject to the veto. Resolution 377 (V) also states that if the General Assembly is not in session at the time, it may meet in an Emergency Special Session (ESS) within twenty-four hours. The General Assembly can convene an ESS through a majority vote, but resulting recommendations from the General Assembly would require the support of two-thirds of the membership present and voting.

The Security Council has referred a deadlocked situation to the General Assembly on eight occasions through this procedure, most recently with respect to Ukraine in February 2022 (the 11th ESS), shortly after Russia’s full-scale invasion of the country. Prior to that it had not adopted a “Uniting for Peace” resolution since 1982.

The General Assembly has invoked “Uniting for Peace” on five occasions, most recently in 1997, when it convened the 10th ESS on “Illegal Israeli actions in occupied East Jerusalem and the rest of the Occupied Palestinian Territory”. The 10th ESS has been reactivated several times since the start of the Israel-Hamas war in October 2023.

Several decisions have been made in sessions initiated through “Uniting for Peace”, including in the 10th and 11th emergency special sessions on the Occupied Palestinian Territory and Ukraine, respectively.⁹¹

In the 10th session, since the start of the Israel-Hamas war in 2023, the General Assembly has, for example:

- demanded an “immediate, unconditional and permanent” ceasefire to the war in Gaza, “the immediate and unconditional release of all hostages”, and “immediate access by the civilian population in the Gaza Strip to basic services and humanitarian assistance indispensable to its survival”;⁹²
- accorded additional rights and privileges to the State of Palestine in the General Assembly;⁹³
- demanded an end without delay to Israel’s presence in the Occupied Palestinian Territory;⁹⁴ and
- called for the convening of an international conference on the implementation of UN resolutions on the question of Palestine and the two-state solution “for the achievement of a just, lasting and comprehensive peace in the Middle East”.⁹⁵

In the 11th ESS, the General Assembly has also been active, adopting resolutions:

- deploring Russia’s aggression against Ukraine;⁹⁶
- recommending the establishment of an international register of damage “to serve as a record, in documentary form, of evidence and claims information on damage, loss or injury to all natural and legal persons concerned, as well as the State of Ukraine, caused by internationally wrongful acts of the Russian Federation in or against Ukraine”,⁹⁷ and
- demanding that Russia “ensure the immediate, safe and unconditional return of all Ukrainian children who have been forcibly transferred or deported”.⁹⁸

Some notable developments resulted from these decisions. In May 2023, six months after the General Assembly recommended the creation of an international register of damage for Ukraine, the Council of Europe created such a body, which is headquartered in The Hague.⁹⁹ In addition, following on the General Assembly’s call for an international conference on the implementation of UN resolutions on the question of Palestine and the two-state solution, the “High-level International Conference for the Peaceful Settlement of the Question of Palestine and the Implementation of the Two-State

84 UN General Assembly, Resolution 377 (V), “Uniting for Peace”, A/RES/377 (V) (3 November 1950), A1.

85 Mona Ali Khalil, “Tapping Potential of the General Assembly”, in *Empowering the UN Security Council: Reforms to Address Modern Threats*, eds. Mona Ali Khalil and Floriane Lavaud (Oxford University Press, 2024), 115.

86 Larry D. Johnson, “United Nations Response Options to Russia’s Aggression: Opportunities and Rabbit Holes”, *Just Security*, 1 March 2022, <https://www.justsecurity.org/80395/united-nations-response-options-to-russias-aggression-opportunities-and-rabbit-holes/>. See also, Khalil, “Tapping Potential of the General Assembly”, 115-116.

87 UN Charter, Article 2(4).

88 Scharf, “Power Shift: The Return of the Uniting for Peace Resolution”, 7.

89 Scharf, “Power Shift: The Return of the Uniting for Peace Resolution”, 7.

90 Gaston and Day, *Assembly for Peace: A Digital Handbook on the UN General Assembly’s Past Practice on Peace and Security*, 82. See also Scharf, “Power Shift: The Return of the Uniting for Peace Resolution”, 7. Scharf notes, “There is scholarly debate...about whether the 1951 General Assembly Resolution was based on the underlying right of collective self-defense, merely constituted a confirmation of existing Security Council authorization to use force or represented an independent authorization to take enforcement action.” 7.

91 For actions by the General Assembly in the 10th and 11th emergency special sessions, see Khalil, “Tapping Potential of the General Assembly”, 118-122.

92 UNGA, 10th ESS, A/ES-10/L.33 (5 December 2024).

93 UNGA, 10th ESS, A/RES/ES-10/23 (10 May 2024).

94 UNGA, 10th ESS, A/ES-10/L.31/Rev.1 (13 September 2024).

95 UNGA, A/RES/79/81 (3 December 2024). This conference, which was co-chaired by France and Saudi Arabia, was held in July 2025 in New York.

96 UNGA, 11th ESS, A/RES/ES-11/1 (2 March 2022).

97 UNGA, 11th ESS, A/RES/ES-11/5 (14 November 2022).

98 UNGA, 11th ESS, A/ES-11/L.16/Rev.1 (28 November 2025).

99 Council of Europe, Resolution (2023)3, “Establishing the Enlarged Partial Agreement on the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine”, CM/RES (2023)3 (16 May 2023). See also, Chiara Giorgetti and Patrick Pearsall, “A Significant New Step in the Creation of An International Compensation Mechanism for Ukraine”, *Just Security*, 27 July 2023, <https://www.justsecurity.org/87395/significant-step-in-creation-of-international-compensation-mechanism-for-ukraine/>.

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Solution” was convened in New York from 28–30 July 2025.¹⁰⁰ On 12 September 2025, the General Assembly endorsed the New York Declaration (the outcome document of the conference) by a vote of 142 in favour, 10 against, and 12 abstentions.¹⁰¹ Among other elements, the declaration called for the end of the war in Gaza and mapped out conditions leading to Palestinian statehood and improved relations between Israel and Arab states.¹⁰²

While the General Assembly has taken key decisions through “Uniting for Peace”, it is important to underscore that this procedure is not a requirement for General Assembly engagement on a matter experiencing divisions in the Security Council. As Larry D. Johnson has written, “Uniting for Peace” was conceived to enable the Assembly to convene quickly at a time when it was not in session all year long and to circumvent the provision in the Charter outlined in Article 12(1) indicating that the General Assembly shall not make any recommendation regarding a dispute or situation that the Security Council is engaged in, unless the Council so requests.¹⁰³ But, as he notes, those conditions are no longer relevant today: the General Assembly meets throughout the year, and the practice has evolved for the General Assembly to address issues contemporaneously with the Council.¹⁰⁴

In this regard, the General Assembly has taken decisions in recent years outside the context of “Uniting for Peace” on files that have been the subject of vetoes in the Council. A notable example are the decisions the General Assembly has taken on Syria during the past decade. Amidst ongoing divisions in the Council, the General Assembly established the “International, Impartial and Independent Mechanism for Syria to Assist in the Investigation of Persons Responsible for the Most Serious Crimes Under International Law Committed in the Syrian Arab Republic since March 2011” (IIIM) in December 2016. Its purpose is to “collect, consolidate, preserve and analyse evidence of violations of international humanitarian law and human rights violations and abuses...in order to facilitate and expedite fair and independent criminal proceedings”.¹⁰⁵ Subsequently, in June 2023, the General Assembly created the “Independent Institution on Missing Persons in the Syrian Arab Republic” to determine the fate and whereabouts of missing persons in Syria.¹⁰⁶

It has been suggested that a mechanism, such as a standing working group, could be created to “increase the likelihood that the General Assembly would be in a position to adopt a resolution” whenever the veto initiative is triggered.¹⁰⁷ Establishing such a mechanism in the General Assembly could be a systematic way of analysing the

potential political benefits (and costs) of pursuing a General Assembly resolution, strategising with those drafting the resolution on the substance of a possible text, and if a resolution is pursued, galvanising support for it. However, it could also create an additional layer of bureaucracy to a process that already often occurs at the initiative of enterprising member states in a more ad-hoc fashion.¹⁰⁸ In other words, the key question that would need to be considered is whether developing such a formalised mechanism would help or hinder the efforts of member states, acting individually or collectively, to determine whether to pursue a General Assembly resolution on a matter that has been the recent subject of a Security Council veto.

Resuscitating the Obligatory Abstention under Article 27(3)

One concern that has been gaining traction among the wider UN membership in recent years is the decades long dormancy of the obligatory abstention clause in Article 27(3) in Chapter V of the UN Charter. Article 27(3) stipulates that any Council member that is a party to a dispute shall not vote in Council decisions of a substantive nature under Chapter VI (that is, those related to the peaceful settlement of disputes). Similarly, such a member shall not vote in decisions under Article 52(3), which says that the Council “shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council”. The obligatory abstention, however, does not apply to Chapter VII decisions (that is, those related to coercive measures).

In the UN’s very early years, adherence to the obligatory abstention was common, with eight cases of compliance noted between 1946 and 1951 in the Repertoire of Practice of the Security Council, including by India (four times), the UK (three times), and Egypt (once).¹⁰⁹ However, observance eroded over time. One scholar identified 16 cases of failure to abide by this Charter provision between 1952 and 1990.¹¹⁰

In fact, since 1960 it has been extremely rare for a Council member to recuse itself from a vote in keeping with the obligatory abstention provision in the Charter. One often cited example was Argentina’s decision not to vote on resolution 138 of 23 June 1960, which declared that the transfer of Nazi fugitive Adolf Eichmann from Argentinian territory to Israel negatively affected Argentina’s sovereignty.¹¹¹ Prior to the vote, the Argentinian representative explicitly cited the obligatory abstention in Article 27(3) as a rationale for his decision.¹¹² Another

100 United Nations, “High-level International Conference for the Peaceful Settlement of the Question of Palestine and the Implementation of the Two-State Solution, The Question of Palestine”, <https://www.un.org/unispal/high-level-conference-two-state-solution-july2025/>. The modalities, title, and format of the conference were determined through A/RES/79/81 (3 December 2024).

101 UNGA, “New York Declaration”, A/CONF.243/2025/1 (4 August 2025).

102 For more on the New York Declaration, please see Security Council Report, “The Middle East, including the Palestinian Question”, October 2025 Monthly Forecast, <https://www.securitycouncilreport.org/monthly-forecast/2025-10/the-middle-east-including-the-palestinian-question-22.php>.

103 Larry D. Johnson, “Uniting for Peace: Does It Still Serve Any Useful Purpose”, AJIL Unbound 108 (2014): 106–115.

104 Johnson, “Uniting for Peace: Does It Still Serve Any Useful Purpose”, 107–108, 109–110, and 115. Referring to the International Court of Justice’s (ICJ) 2004 “Wall Case”, Johnson notes that the “ICJ considered that the only action which was exclusively in the domain of the Council was coercive or enforcement action”, 110.

105 UNGA, Resolution 71/248, “International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011”, A/RES/71/248 (21 December 2016).

106 UNGA, A/77/L.79 (26 June 2023).

107 Oona A. Hathaway and Stewart Patrick, “Can the UN Security Council Still Help Keep the Peace? Reassessing its Role, Relevance, and Potential for Reform”, Carnegie Endowment for International Peace, 2 (2024), <https://carnegieendowment.org/posts/2024/07/can-un-security-council-still-help-keep-the-peace?lang=en>.

108 UN Secretariat official, interview, 15 August 2025.

109 Enrico Milano, “Russia’s Veto in the Security Council: Whither the Duty to Abstain under Art. 27 (3) of the UN Charter?”, Max-Planck-Institut für ausländisches öffentliches Recht und Völkerrecht 75 (2015): 222.

110 Milano, “Russia’s Veto in the Security Council”, 223.

111 John Ramming Chappell and Emma Svoboda, “Must Russia Abstain on Security Council Votes Regarding the Ukraine Crisis?”, Lawfare, 11 February 2022, [https://www.lawfaremedia.org/article/must-russia-abstain-security-council-votes-regarding-ukraine-crisis#:~:text=The%20most%20recent%20abstention%20made,of%E2%80%9D%2027\(3\)](https://www.lawfaremedia.org/article/must-russia-abstain-security-council-votes-regarding-ukraine-crisis#:~:text=The%20most%20recent%20abstention%20made,of%E2%80%9D%2027(3).).

112 UN Security Council, 868th Meeting, S/PV.868 (23 June 1960), 10.

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relevant case was the UK's decision not to participate in the vote on resolution 463 of 2 February 1980 at a time when it was the administering power in Southern Rhodesia during its transition to the independent state of Zimbabwe,¹¹³ although the UK representative did not cite Article 27(3) as a reason for the UK's non-participation.¹¹⁴ These cases appear to be exceptions that prove the rule, however.

Disregard for the obligatory abstention rule has been a topic of discussion in the context of the Council's engagement on Ukraine. Commentators have noted that Russia is a party to a dispute with Ukraine and that it therefore should not be voting on documents that fall under Chapter VI of the UN Charter, including in cases in which it has used its veto.¹¹⁵ These views were initially expressed after Russia vetoed a draft resolution stating that there was no validity to the referendum it was planning in the Crimea Peninsula while it was in the process of annexing the peninsula.¹¹⁶ They gained momentum after Russia vetoed two draft resolutions on Ukraine in 2022 following its full-scale invasion of the country in February of that year. The first of these would have deplored Russia's aggression against Ukraine in violation of Article 2(4) of the UN Charter.¹¹⁷ The second would have condemned referenda organised by Russia in regions within Ukraine's internationally recognised borders.¹¹⁸ As well, Russia cast two vetoes on amendments proposed by the Council's European members on resolution 2774 of 24 February 2025, which was penned by the US and called for a swift end to the conflict. One of these would have reaffirmed Ukraine's sovereignty, independence, unity, and territorial integrity; the other would have called for a just, lasting, and comprehensive peace in line with the UN Charter.¹¹⁹

In March 2014, following Russia's veto on the draft resolution condemning a planned referendum in Crimea, Council members were silent about this apparent violation of the obligatory abstention rule in their explanations of vote. At the time, some elected members may have been less familiar of the obligatory abstention provision, or alternatively, may have been cautious about challenging Russia without wider support in the Council on this particular matter. The four other permanent members may have been wary of highlighting the non-adherence to the obligatory abstention by one of their P5 colleagues to avoid having their ability to vote called into question in cases in which they may be parties to a dispute.

Nonetheless, some in the wider membership argued that Russia should have refrained from the vote.¹²⁰ In the 27 March 2014

General Assembly meeting on Ukraine, the representative of Liechtenstein maintained that Russia should have abstained under Article 27(3), saying that "It is important that the question finds the attention of the wider membership".¹²¹ The Costa Rican representative noted that the UN Charter "clearly defines rights and obligations in regard to which compliance is not optional"; although he did not directly refer to the Russian veto on Ukraine, he alluded to the responsibilities of the permanent members under Articles 23 and 27 of the Charter.¹²²

Member states have increasingly raised their concerns about non-adherence to the obligatory abstention rule since Russia vetoed two draft resolutions on Ukraine in 2022. This became a significant enough issue for the UN's membership that the September 2024 Pact for the Future—the roadmap agreed by member states for the future of multilateralism—calls for full implementation and adherence to the provisions of the UN Charter, including Article 27(3) in its section on "Transforming Global Governance".¹²³

In recent years, non-Security Council members have frequently raised non-adherence to the obligatory abstention rule in the Council's annual open debate on working methods. For example, in the Council's 14 November 2025 working methods open debate, nine non-Council member states—Austria, Estonia, Italy, Liechtenstein, Luxembourg (on behalf of the Benelux countries, including itself, Belgium, and the Netherlands), Paraguay, Singapore, Spain, and Switzerland (on behalf of the 27 members of the ACT Group)—explicitly called for adherence to this rule, although no Council member did so at the meeting.¹²⁴

On occasion, elected Council members have referenced violations of Article 27(3). Following Russia's 25 February 2022 veto, Norway stated, "in the spirit of the Charter, as a party to a dispute Russia should have abstained from voting on the draft resolution", an apparent reference to the obligatory abstention provision.¹²⁵ On the first anniversary of Russia's invasion, Ecuador stated "the abuse and partial application of Article 27, paragraph 3, of the Charter, whereby a party to a dispute must abstain from voting, must end."¹²⁶ In a January 2024 Council meeting on Ukraine, Sierra Leone asserted that the Council had been "unable to act on this conflict because of the use of the veto, a scenario which, in our view, implicates Article 27, paragraph 3, of the United Nations Charter", adding that the impasse "validate[d] the prevalent view

113 UNSC, Resolution 463, "Question concerning the situation in Southern Rhodesia", S/RES/463 (2 February 1980) called on the "administering Power [the UK] to ensure the full and impartial implementation of the letter and spirit of the Lancaster House agreement" that paved the way for the establishment of Zimbabwe as an independent state.

114 UNSC, 2196th Meeting, S/PV.2196 (2 February 1980).

115 See Anne Peters, "The War in Ukraine and Legal Limitations on Russian Vetoes," *Journal on the Use of Force and International Law* 10, no. 2 (2023): 162–72. doi:10.1080/20531702.2023.2264085; Akira Kato, "Revitalizing the obligatory abstention rule in the UN Security Council: an interpretation of the Proviso in Article 27(3) of the UN Charter", *Journal of Conflict and Security Law* 30, no. 1 (2025): 3–22, <https://doi.org/10.1093/jcsl/kraf002>; Enrico Milano, "Russia's Veto in the Security Council", 215–231, https://www.zaoerv.de/75_2015/75_2015_1_a_215_232.pdf.

116 UNSC, Draft Resolution, S/2014/189 (15 March 2014).

117 UNSC, Draft Resolution, S/2022/155 (25 February 2022).

118 UNSC, Draft Resolution, S/2022/720 (30 September 2022).

119 UNSC, 9866th Meeting, S/PV.9866 (24 February 2025).

120 UNSC, 7138th Meeting, S/PV.7138 (15 March 2014).

121 UNGA, A/68/PV.80 (27 March 2014).

122 UNGA, A/68/PV.80 (27 March 2014).

123 Pact for the Future, 27, September 2024, https://www.un.org/sites/un2.un.org/files/soft-pact_for_the_future_adopted.pdf. See also, A/79/PV.3 (22 September 2024). The General Assembly adopted the Pact by consensus. Prior to its adoption, Russia introduced a draft amendment reaffirming that "intergovernmental decision-making process" should drive the UN, while underscoring that the UN should not interfere in "matters which are essentially within the domestic jurisdiction of any State as provided in Article 2(7) of the [UN] Charter" (A/79/L.3). The Republic of Congo, on behalf of the Africa Group, proposed a motion that no decision be taken on the amendment. The motion passed with 143 votes in favour, 7 against (Belarus, Democratic People's Republic of Korea (DPRK), Nicaragua, Russia, Sudan, Syria, and Iran) and 15 abstentions.

124 UN Security Council, 10043rd Meeting, S/PV.10043 (Resumption 1) (14 November 2025). It should be noted that while no Council members cited Article 27 (3) in the meeting, Council members Denmark (2025-2026) and Slovenia (2024-2025) are represented in the ACT Group on whose behalf Switzerland spoke. Kato, "Revitalizing the obligatory abstention rule in the UN Security Council", 9–10, also cites several examples of member states objecting to violations of the obligatory abstention rule.

125 UNSC, 8978th Meeting, S/PV.8979 (25 February 2022), 8.

126 UNSC, 9269th Meeting, S/PV.9269 (24 February 2023), 11.

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on the use of the veto to further interests instead of the collective responsibility to maintain international peace and security”.¹²⁷ As well, Slovenia—while serving on the Council in 2024–2025—publicly criticised non-adherence to the obligatory abstention in a General Assembly meeting on the veto initiative in November 2024, saying that Article 27(3) “should be applied strictly and consistently”.¹²⁸

Noting the rising tide of member states calling for adherence to the obligatory abstention in Article 27(3), Akira Kato has concluded “there is no tacit agreement or custom in favour of the termination of the rule in question”. He adds that Council members are “still legally required to observe the obligatory abstention if they are parties to a dispute”.¹²⁹

However, the application of the non-obligatory abstention can raise some ambiguity.¹³⁰ It is not always clear what constitutes a “party to a dispute” in the context of Article 27(3).¹³¹ An additional challenge is how to differentiate a “dispute” from a “situation”.¹³² Some commentators maintain that the two should be distinguished in determining the relevance of the obligatory abstention;¹³³ nonetheless, it has also been argued that “just because a matter has been referred to as a ‘situation’ does not set aside the obligation to abstain under Article 27(3)” because a “situation is so broad that ... [it] ... may exist in parallel with a dispute”.¹³⁴

These are not mere pedantic definitional matters. They have important implications for how the Security Council functions. Some policy avenues could be explored to provide guidance on how to resurrect and apply the obligatory abstention. Given the disuse of this provision over the years, Enrico Milano has suggested that a formal Security Council outcome such as a resolution or a presidential statement could be adopted as a means to “express institutional resumption” of this Charter tool.¹³⁵ Such a document could also provide greater clarity on what constitutes a “dispute” and a “party to a dispute”. However, pursuing a Security Council decision that provides a framework for implementation of the obligatory abstention provision would be extremely difficult. Permanent members, in particular, are unlikely to be keen to help reactivate a Charter provision that they have long ignored and that could undercut their ability to use the veto on issues of strategic interest to them.

An alternative would be for the General Assembly to pursue a resolution that calls for reinvigorating the obligatory abstention rule and determining its applicability (including, for example, by defining a “dispute” and a “party to a dispute”). Such a resolution would not have the same legal standing as a Council resolution, but it could help to provide some clarity on conditions under which the obligatory abstention is applicable. Moreover, with widespread support, it would be an important political statement representing the will

of UN member states that could pressure the permanent members to refrain from voting in relevant cases in the Council. Of course, proper groundwork would be required before pursuing such an outcome, as there would likely be resistance, especially from some of the Council’s permanent members. Additionally, it could be challenging, especially in the current political environment, to craft a strong resolution with clear guidance on when the obligatory abstention applies, with the risk that a resolution weakened through ambiguous compromise language could be instrumentalised over the long run to perpetuate disregard for the obligatory abstention.

An additional option would be for the General Assembly or the UN Security Council to seek an advisory opinion from the International Court of Justice (ICJ) on issues related to the obligatory abstention provision of Article 27(3). Given the Council’s longstanding reluctance to request advisory opinions¹³⁶ and the significant political resistance likely to be encountered from many of the P5, it appears unlikely that the Council would call for such an advisory opinion. It would be more plausible for such a request to come from the General Assembly, although even here political difficulties would be at play. An ICJ advisory opinion could help to clarify uncertainties about the application of Article 27(3) from a legal perspective. The views of Catherine Amirfar and Floriane Lavaud are relevant on this matter, as they argue that advisory opinions illuminate “state obligations on issue of global consequence, and in some cases, these have significantly influenced states’ conduct”, adding that “[c]larifying states’ legal obligations can lead to greater predictability in the global order, which in turn strengthens peace and security”.¹³⁷ Notwithstanding the potential merits of an advisory opinion on the obligatory abstention, calling for an ICJ opinion on the interpretation of Article 27(3) comes with the caveat that, unlike with a resolution, where penholders can craft the initial content and negotiate and garner support for the ultimate product, member states would not have control over the process. The outcome would be the result of legal interpretations of the court’s judges.

In certain cases, the fact that the obligatory abstention is only relevant to decisions under Chapter VI or Article 52(3) of the Charter (that is, the pacific settlement of local disputes through regional arrangements or agencies) can also pose a potential challenge in determining its applicability. For example, there may be different interpretations regarding whether a draft resolution is under Chapter VI or Chapter VII;¹³⁸ at times, lack of clarity on the relevant Charter chapter results from “constructive ambiguity” forged as a means of facilitating agreement on political divisive matters.¹³⁹ Jan Wouters and Tom Ruys observed this bind some twenty years ago when they wrote, “After sixty years of Security Council practice, it is more than time to clarify which types of resolution fall within the ambit

127 UNSC, 9526th Meeting, S/PV.9526 (10 January 2024), 15.

128 UNGA, A/79/PV.40 (20 November 2024). While this document had yet to be published at the time of writing, the Slovenia statement is available at [EnrAwjvxqrcv_nyc_en.pdf](https://www.un.org/News/Press/docs/2024/11/20241120.unsgsm1902.html).

129 Kato, “Revitalizing the obligatory abstention rule in the UN Security Council”, 10.

130 Wouters and Ruys, “Security Council Reform: A New Veto for a New Century?”, 12.

131 Wouters and Ruys, “Security Council Reform: A New Veto for a New Century?”, 12.

132 Wouters and Ruys, “Security Council Reform: A New Veto for a New Century?”, 12; Kato, “Revitalizing the obligatory abstention rule in the UN Security Council”, 4.

133 Sievers and Daws, *The Procedure of the UN Security Council*, Fourth Edition, 341.

134 Kato, “Revitalizing the obligatory abstention rule in the UN Security Council”, 21. See also Wouters and Ruys, “Security Council Reform: A New Veto for a New Century?”, 12.

135 Milano, “Russia’s Veto in the Security Council”, 230.

136 The Security Council has requested an advisory opinion from the ICJ only once. On 29 July 1970, it adopted resolution 284, asking the ICJ for an advisory opinion on the “legal consequences for states of the continued presence of South Africa in Namibia”.

137 Catherine Amirfar and Floriane Lavaud, “Reinforcing the International Court of Justice”, in *Empowering the UN Security Council: Reforms to Address Modern Threats*, eds. Mona Ali Khalil and Floriane Lavaud (Oxford University Press, 2024), 130.

138 Michael Wood and Eran Stohoege, *The UN Security Council and International Law* (Cambridge University Press, 2022), 64.

139 Security Council Report, “Security Council Action Under Chapter VII: Myths and Realities”, 23 June 2008, <https://www.securitycouncilreport.org/research-reports/lookup-c-9402671.php#:~:text=There%20have%20been%20a%20few,the%20resolution%20relevant%20operative%20paragraphs.>

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of Chapter VI or Chapter VII”, adding that such a measure would be needed to “guarantee a better compliance with the obligatory abstention rule”.¹⁴⁰

In the future, it could be helpful for penholders in the Security Council to directly reference Chapter VI in draft resolutions in cases where the obligatory abstention may be relevant.¹⁴¹ This could prevent parties to a dispute in the Council from arguing that the obligatory abstention does not apply to them because of the provisions of the Charter under which the draft resolution is written. Explicit references to Chapter VII are customarily included in resolutions under this chapter of the Charter. There is no comparable practice with Chapter VI resolutions, however.

One potential way to generate support for adherence to the obligatory abstention is to have a joint statement of commitment to uphold Article 27(3) open to all UN member states. In this way, member states could voluntarily commit to recuse themselves from voting in the Council if they are parties to a dispute where the obligatory abstention applies. Since any UN member state could potentially serve as a Council member, it is appropriate that all 193 member states would be given the opportunity to commit to such a statement. It would also be a means of reinforcing the commitment that member states made in the Pact for the Future in September 2024 to adhere to the provisions of the UN Charter, including Article 27(3).

Veto Restraint in Cases of Atrocity Crimes

In recent years, a legal argument has been made that use of the veto to block action in cases in which atrocity crimes are committed violates international law, including jus cogens norms, the purposes and principles of the UN Charter, and international treaties such as the Geneva Conventions and Genocide Convention.¹⁴² Jennifer Trahan has suggested that the General Assembly could request an ICJ advisory opinion on whether international law constrains the use of the veto in cases where atrocity crimes are at hand.¹⁴³ She argues that the General Assembly could also consider pursuing a resolution on this issue, either in lieu of an ICJ advisory opinion or in addition to one.¹⁴⁴ In her view, UN member states and more legal analysis could help to bolster the argument that using the veto in the face of atrocity crimes contravenes international law—adding that such an approach could help to promote greater acceptance of this perspective, “such that it could be more appropriate to seek ICJ review at a later date”.¹⁴⁵ In the same vein, in her 23 September 2025 address to the General Assembly, President Nataša Pirc Musar of Slovenia advocated for the General Assembly to request an advisory opinion from the ICJ on whether permanent members can legitimately use the veto in cases of genocide and crimes against humanity.

The argument that there is a legal obligation to refrain from using the veto when atrocity crimes are committed has unmistakable

moral appeal and has been gaining considerable attention. At the same time, some analysts are sceptical that such a legal obligation exists,¹⁴⁶ with one noting, for example, that the 2005 World Summit Outcome Document was “carefully drafted to preclude an interpretation that R2P [responsibility to protect] imposed a positive legal duty on the UNSC [UN Security Council] to end or prevent mass atrocities”.¹⁴⁷

Legal responsibilities linked to use of the veto are likely to engender further important research and discussion, as will the merits of seeking an ICJ advisory opinion or a General Assembly resolution on this issue.¹⁴⁸ In the meantime, member states that have yet to sign on to the French/Mexico initiative and the ACT Code of Conduct on veto restraint could continue to be encouraged to do so. Although well over half of the UN’s member states have signed on to each of these initiatives, there may still be room to grow the number of signatories to accrue enhanced political and normative support for veto restraint in relation to atrocity crimes.

Recommendations from the President of the General Assembly

The 5 September 2025 General Assembly resolution on revitalisation of the work of the General Assembly requests the President of the General Assembly (PGA) to continue preparing “detailed summaries following relevant discussions related to the annual report of the Security Council, on the use of the veto or General Assembly resolution 377 A (V) or 76/262, including recommendations for action based on such discussions” [emphasis ours].¹⁴⁹ This last clause—apparently incorporated in the negotiations on the resolution at the initiative of Mexico and ACT, among others—provides an opportunity for the PGA to highlight concrete recommendations regarding pathways for action for the General Assembly after the use of the veto.

Documenting the Pocket Veto

One factor that is not reflected by statistics on the veto is the “hidden” or “pocket” veto. This refers to cases in which draft resolutions are not formally presented for a vote—or if they are, their content is significantly altered—because of the threat of the veto by one or more permanent members. Elected members, as well as the wider membership, frequently complain that the pocket veto undermines the effectiveness of the Council. Wouters and Ruys have observed that the threat of the veto “is partly responsible for some of the most tragic failures in the sixty-year history of the United Nations”.¹⁵⁰ In the post-Cold War era, the explicit or implicit threat of the veto has been wielded to prevent meaningful action in many cases where atrocities have been committed, such as Rwanda, Sri Lanka, and Sudan,¹⁵¹ among other places.

140 Wouters and Ruys, Security Council Reform: A New Veto for a New Century?, 31.

141 This idea was proposed by Larry D. Johnson, during remarks at the screening of “The Veto”, by Director/Producer Tim Slade, New York, 8 May 2025.

142 Jennifer Trahan, *Existing Legal Limits to Security Council Veto Power in the Face of Atrocity Crimes* (Cambridge University Press, 2022); see also, Juan Manuel Gómez-Robledo and Pablo Arrocha Olabuena, “Restraining the Use of the Veto” in *Empowering the Security Council: Reforms to Address Modern Threats*, eds. Mona Ali Khalil and Floriane Lavaud (Oxford University Press, 2024), 93-96.

143 Trahan, *Existing Legal Limits to Security Council Veto Power in the Face of Atrocity Crimes*, 256.

144 Trahan, *Existing Legal Limits to Security Council Veto Power in the Face of Atrocity Crimes*, 257.

145 Trahan, *Existing Legal Limits to Security Council Veto Power in the Face of Atrocity Crimes*, 257.

146 Johnstone, “Restoring Legitimacy to the Security Council”, 77. See also Wood and Sthoeger, *The UN Security Council and International Law*, 31.

147 Johnstone, “Restoring Legitimacy to the Security Council”, 78.

148 Trahan, *Existing Legal Limits to Security Council Veto Power in the Face of Atrocity Crimes*, 256-257.

149 UNGA, “Revitalization”, A/RES/79/327 (5 September 2025).

150 Wouters and Ruys, Security Council Reform: A New Veto for a New Century?, 16.

151 Trahan, *Existing Legal Limits to Security Council Veto Power in the Face of Atrocity Crimes*, 34-35, 38-39.

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It is very difficult to document the use of the pocket veto because written records only exist if a draft resolution is circulated as a Council document, and in most cases, this only happens if there is a reasonable expectation of adoption. There is often anecdotal evidence of explicit veto threats, but implicit ones are harder to ascertain.

Nonetheless, documenting veto threats in as systematic a way as possible, while arduous, would be a fruitful task. It would create a more refined understanding of the positions of the permanent members and their impact on the work of the Council, including how they shape the operating environment and constrain potential action on certain files. An impartial think tank or academic institution could undertake such a project. Conducting this initiative would require consistent and extensive engagement with Council members to determine when such threats are made. Careful documentation would consider several questions: Was a draft resolution

produced? If so, what was the content? If not, is there an indication of the substance envisioned? Which permanent member(s) threatened the veto? If the threat was communicated explicitly, how was it conveyed—in a closed Council meeting, in a bilateral discussion, or in another format? If it is implicit, what is the precise substance of the messaging? In some cases, ascertaining the credibility of the information could be a challenge; for example, there may be contrasting interpretations of an exchange, with one or more sources maintaining that the use of the veto had been implied, while others, including the relevant permanent member(s), deny that the threat of the veto had been made. Such discrepancies can be explained on a case-by-case basis as part of the project to provide as complete and transparent a historical record as possible.

Conclusion

The debates in the General Assembly as a result of the 2022 veto initiative demonstrate ongoing concerns about improper use of the veto. While the veto initiative is widely viewed as a positive development that promotes accountability and transparency, it has not curtailed the use of the veto, and there is a yearning among many member states for more to be done to increase the pressure on the permanent members to, at the very least, use the veto more responsibly. This report has presented options to counter the abuse of this responsibility and to enhance our understanding of when the veto and the threat of the veto are employed. While pursuing some of these options might encounter more resistance than others, none of them would require a Charter amendment on the veto, which is unlikely in the near to medium term.

Political courage to challenge the status quo on the veto is sorely needed to address a deteriorating international security environment beset by multiple crises and enormous human suffering. As ongoing use of the veto continues to chip away at the credibility of the Security Council¹⁵² and undermine its effectiveness, the General Assembly has attempted to play a more assertive role on international peace and security issues. But it cannot replace the Security Council, given its limited scope for action under the Charter. So long as the veto and the threat of the veto continue to be used irresponsibly, the Security Council will become increasingly marginalised, and the world will become more unpredictable and dangerous.

152 Scharf, “Power Shift: The Return of the Uniting for Peace Resolution”, 5.

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