

## New Development at the United Nations

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### **Abstract**

*This paper tells the story of a United Nations General Assembly resolution adopted in April 2022, which mandates the Assembly to debate any veto cast in the Security Council where the vetoer has to account for it and indicate his motive. The resolution lists its content, and the U.N. News shows how the proposers prepared it. Liechtenstein led the initiative, a small member state, in collaboration with 82 other member states, which amounts to 40 percent of the General Assembly. It touches on one of the most debated U. N. issues: the veto power of the five permanent members of the United Nations, China, France, Russia, the U.K., and the USA.*

**Keywords:** General Assembly, resolution, vetoer, veto-explanation.

### **Introduction**

The United Nations (U. N.) was established by Charter on 24 October 1945, after a thorough negotiation process, as an international organization to save succeeding generations from the scourge of war and promote peace in the world. Each year on that day in October, people around the globe celebrate the United Nations and what it stands for.

The purposes of the U. N. are fourfold: (a) to maintain international peace and security and take joint measures against breaches of international peace and threats against the peace, and by peaceful measures, first and foremost, to settle international disputes; (b) to promote friendly relationships among nations on the principle of equal rights and self-determination; (c) to encourage international cooperation in solving international economic, social, cultural, and humanitarian problems; and (d) to be a center for harmonizing the actions of nations in the attainment of these joint ends.

The Charter established six principal organs of the U. N. The two most important ones are the General Assembly and the Security Council.

The General Assembly (UNGA) is the mother organ of the U. N. All member states have one vote each in the Assembly, and all votes count the same. There are 193 member states represented. Decisions are reached by a majority or two-thirds vote, depending on the subject matter, or by consensus. UNGA may discuss any questions or matters within the Charter's scope, save what is seized by the Security Council. UNGA's decisions are unbinding recommendations that, in some cases, can be more effectual than laws.

The Security Council (S.C.) consists of 15 members: five permanent ones (P5), including China, France, Russia, the U.K., and the USA, and ten non-permanent members, each elected by UNGA for a term of 2 years. Decisions are made by affirmative votes of a two-thirds majority, including the concurring votes of the P5, and are binding for all U.N. member states, whether or not they have a seat on the Council. The SC is the U. N.'s executive branch for all matters of maintaining international peace and security. A negative vote by one or more permanent members to a decision with which they disagree serves as a veto that can be cast against any decision, save procedural matters.

On 26 April 2022, UNGA passed a resolution that mandates a standing General Assembly debate in the wake of any Security Council veto. [1]

### **What is in the resolution**

The resolution addressed four issues:

Firstly, it decided that the President of UNGA shall convene a formal meeting of UNGA within ten working days of the casting of a veto by one or more permanent members of S.C. (P5) to hold a debate in the Assembly on the situation where UNGA considers the resolution vetoed. The vetoer is to explain why it decided to wield the veto power. Any use of the veto will now trigger a General Assembly meeting, where all U.N. members can scrutinize and comment on the veto, to further the accountability, transparency, and responsibility of the permanent member of the Security Council who wields its veto power.

Secondly, it decided, on an exceptional basis, to accord precedence in the list of speakers for the debate to the permanent member of S.C., having cast a veto. Hence, the vetoer gets the chance to speak first and set the tone for the debate.

Thirdly, the resolution invited S.C. to submit a special report on the use of the veto in question to UNGA at least 72 hours before the relevant discussion in the Assembly. Hence, the secretariat of the Security Council is to give a balanced account of the veto in the Council.

Fourthly, it decided to include in the provisional agenda of the 77th session of UNGA, beginning in September 2022, an item entitled "Use of the veto," which shall remain on the agenda of the Assembly, which implies that UNGA will keep an eye on developments in the use of vetoes by the Permanent Five from now onwards.

In principle, the resolution strengthens the position of UNGA vis-à-vis the Security Council on the veto question. UNGA has become the monitoring mechanism of P5 veto use, a new perspective added to UNGA's role in the U.N.

### **Collaborative UNGA effort**

The resolution represents a new move. Only seldomly did a veto-casting permanent member of S.C. have to explain itself to the General Assembly and be faced with possible scrutiny by fellow U.N. member states, ultimately to people everywhere. Debates in the General Assembly are mainly open to both the public and the press and webcast live on the Internet via U.N. Web T.V. so that everybody can follow the veto debates and what impact vetoes may have on the people of member states. News today travels fast, and the world population may know of it, depending on what it is.

Liechtenstein proposed the resolution on behalf of 83 supporting member states, adopted by consensus. It came in the wake of Russia's use of the veto on 25 February 2022 of a resolution, demanding that it arrests the invasion of Ukraine the day after it occurred and calling for unconditional withdrawal from the country. That led UNGA to take action. It passed a Uniting for Peace resolution once the veto stopped action by the Security Council, which reiterated wording from the vetoed resolution. [2]

The permanent representative of Liechtenstein reportedly argued, when he proposed the resolution for adoption by UNGA, that the initiative "resulted from a growing concern that "the Security Council had found it increasingly difficult to carry out its work under its mandate under the UN Charter. The increase in the use of the veto is but the most obvious expression." [3] He referred to article 10 of the UN Charter, which, read with article 12, authorizes the Assembly to deal with maintaining international peace and security when the Security Council is not doing it [4]. In other words, UNGA can activate its secondary responsibility for these matters when the Security Council cannot exercise its primary responsibility. He further noted that all member states had conferred the primary responsibility for maintaining international peace and security to the Security Council and agreed that it acts on their behalf (cf. article 24.1 by ratifying the Charter). He also underscored that the veto power comes with the responsibility to achieve "the purposes and principles of the UN Charter at all times." [5] To act on behalf of somebody, however, requires a certain measure of identical views in a relationship of two equal partners comparing notes.

The resolution accords on an exceptional basis priority to the veto-casting states in the speaker's list of the subsequent UNGA debate, inviting them to account for the circumstances behind the use of the veto. The preparation of the resolution was a collaborative effort that took two years to complete, during which Liechtenstein solicited support among U.N. member states and invited supporters to provide input and contribute to the actual wording. About 40 percent of the member states in UNGA responded to Liechtenstein's call for support. Hence, the resolution was the result of assiduous, persistent work.

From the inception of the U. N. in 1945 to mid-October 2022, the P5, in total, cast 265 vetoes, preventing the adoption of 216 proposed Security Council resolutions, according to Security Council records. [6] In this context, it is noteworthy, however, that the U.N. without a veto right to the P5 is not realistic as matters stand. As mentioned, the permanent members can veto any decision presented to the Council except for procedural matters, including decisions to abandon the veto right or to an amendment of the Charter. The veto clause was a sine qua non when the United Nations came into being. During the negotiation process, Marshal Joseph Stalin, the Soviet leader at the time, reportedly insisted on it. Subsequently, it was agreed upon by Franklin Delaware Roosevelt, President of the USA, and Prime Minister of Great Britain, Winston Churchill, prior to the Yalta Conference in February 1945 when the three finally decided to establish the United Nations. Roosevelt reportedly authored the provision, which relates to the stipulation of the voting procedures of the Permanent Five under Article 27.3 of the Charter to accommodate the insistence of Stalin on a provision that gave permanent members of the Security Council the right to veto decisions with which they disagreed. [7] At the latest General Assembly debate on reform plans of the Council, there was substantial support for upholding the veto right but also a call for removing it - and for constraints in the use of the veto, precluding it from situations of mass atrocity. [8]

Nonetheless, there is a need to make room for at least one voice that clearly says no to the deterioration of international peace and security or to worsen the human condition and who sees the path to follow for the betterment of humanity - when others do not. The trick is to ensure a constructive impact from wielding the veto power on the people of the United Nations and the planet, our shared home.

## **Endnotes**

- [1] A/RES/76/262 of 28 April 2022
- [2] General Assembly Uniting for Peace resolution A/RES/ES-11/1 of 18 March 2022.
- [3] See "U.N. General Assembly mandates meeting in the wake of any Security Council veto," in U.N. News, 26 April 2022
- [4] See the Charter of the United Nations retrievable at: <https://www.un.org/en/charter-united-nations>.
- [5] Ibid.
- [6] See "Security Council – Veto List" retrievable at:  
[https://www.un.org/depts/dhl/resguide/scact\\_veto\\_table\\_en.htm](https://www.un.org/depts/dhl/resguide/scact_veto_table_en.htm).
- [7] See Winston S. Churchill, *The Second World War, Vol. VI, Triumph and Tragedy*, London, The Folio Society 2000, pp. 165-169 and 274-288.
- [8] See U. N. document GA/12091 of 12 November 2018.