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Veto Power in the UN Security Council: Implications for General Assembly Resolutions

Veto in the Security Council on December 8

The UN Security Council was in close proximity but simultaneously far-off from adopting, on December 8, 2023, to endorse a binding resolution on the demand for an *immediate humanitarian ceasefire* in the ongoing two-month war between Israel and Hamas. The U.S. vetoed the resolution with 13 nations in favor of the proposal while Britain abstained, making the vote 13-1 (Retuers, US blocks UN Security Council demand for humanitarian ceasefire in Gaza). As one of the permanent members in the Security Council, the U.S. has the authority to veto the resolution, thus preventing its implementation. The U.S. Deputy Ambassador Robert Wood declared the following statement: “Hamas has no desire to see a durable peace, to see a two-state solution,” Wood said before the vote. “For that reason, while the United States strongly supports a durable peace, in which both Israelis and Palestinians can live in peace and security, we do not support calls for an immediate cease-fire”. This has received harsh criticism from a number of countries, such as the United Arab Emirates, whose Deputy Ambassador did mention the message we are conveying to global civilian populations by allowing ongoing civilian casualties in Israel? Russia's Deputy UN Ambassador, explained how this was “one of the darkest days in the history of the Middle East” and “a death sentence to thousands, if not tens of thousands more civilians in Palestine and Israel, including women and children” (AP News, US vetoes UN resolution backed by many nations demanding immediate humanitarian cease-fire in Gaza).

Article 99 in the UN Charter

The Secretary-General of the United Nations, Antonio Guterres, did invoke Article 99 of the U.N. Charter, making the first occurrence of such an invocation since 1971. By expressing: “there is a high risk of the total collapse of the humanitarian support system in Gaza” he cautioned about a potential humanitarian crisis in the Gaza region and endeavored to unite the United Nations in advocating for a humanitarian cease-fire. Article 99 is possible for a UN chief to invoke, when he sees threats to security and international peace. The UN chief

emphasized that any and all harm Hamas inflicted upon Israel, can't justify a “collective punishment” for the Palestinian population (AP News, US vetoes UN resolution backed by many nations demanding immediate humanitarian cease-fire in Gaza).

December 12

On Tuesday, December 12, a resolution without binding force was voted on in the UN General Assembly, concerning immediate humanitarian ceasefire, immediate and unconditional release of all hostages and ensuring humanitarian access (UN News). A large majority with 153 in favour, 10 against and 23 who abstained clarified the vote on Tuesday night. A crucial aspect of this resolution emphasized the shared responsibility of all parties in safeguarding civilians and ensuring the delivery of humanitarian aid to Gaza. These words were conveyed by Tobias Billström, Sweden's Foreign Minister, who didn't want to reveal Sweden's government stance to the media before the vote. Ultimately, Sweden did vote in favour for the resolution, ending the uncertainty that had drawn criticism from the opposition within the Nordic country due to Mr. Billström's difficulties in standing for what the opposition considered self-evident. As the approved resolution was implemented in the General Assembly, it assumes the nature of an “advisory opinion” in this context, as it does not have a legally binding effect. The General Assembly vote elicited a variety of sentiments among the participants. Upon the conclusion of the vote, the Israeli UN representative, Gilad Erdan, condemned the resolution. He said that a vote for ceasefire denoted a vote for "survival of jihadist terror and the continued suffering of the people of Gaza". On the other hand, those words were contrary of what the UN Ambassador of Pakistan asserted, Munir Akram, that the war was a “one-sided slaughter” and the Egyptian Ambassador of the UN, Osama Mahmoud Abdelkhalek Mahmoud did express that “genocide will be used as a tool for war” (The Guardian, US increasingly alone in Israel support as 153 countries vote for ceasefire at UN).

Permanent members in the Security Council

After the Second World War, the need for a joint global organization was significant. The five permanent members of the Security Council were unanimous and determined that they required a veto right for it to be formed. When the global community needed to come together, the remaining members concurred to the USA, France, Great Britain, China and Russia's demand that they could submit a proposal at their discretion, which leads to the

rejection of the proposal even if 14 out of 15 countries approve a resolution and a permanent member refuses the proposal. This approach has been criticized in its various forms as, in practical terms, it only benefits the permanent members on important and self issues and its allies. For example on December 8, when the U.S. vetoed the resolution, they supported Israel's goals by allowing continued strikes on Hamas.

Final Considerations

The right of veto for various permanent states has more practical implications than one might anticipate. Since the resolution that was denied on December 8 in the Security Council but yet endorsed in the General Assembly, it becomes in real-world scenarios a public opinion instead of a legal sanction. The U.S. veto on December 8 in the Security Council was due to U.S. commitment to stand up for Israel's right to "self-defense", while also opposing a ceasefire that might enable Hamas to rebuild its weapons arsenal. A number of countries, leaders, and groups around the world oppose the extent to which "self-defense" can be invoked by the government of Israel, especially considering the significant loss of civilians, and the lives of many children in the "war against Hamas." Israel's Prime Minister, Benjamin Netanyahu, said on December 17 that "Israel 'will continue to fight until the end,'" (Al Arabiya, Israel 'will continue to fight until the end,' Netanyahu tells Cabinet). Exactly how this misery ends between Israel and Hamas remains to be seen, and the diplomatic talks which have been initiated by Qatar, may be a continued solution for a *possible* path for an end.

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