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Op-ed

THE VETO ISN'T GOING AWAY, BUT IT NEEDS TO BE CIVILISED

By Daryl Swanepoel

The United Nations Security Council was designed to stop the world's worst fires. Too often, it has become the arsonist's best friend. From Rwanda to Syria to Ukraine, the Council's five permanent members, China, France, Russia, the United Kingdom and the United States, have used or threatened the veto to stall action while civilians burned. Every time that happens, faith in international law and multilateralism withers a little more.

It's tempting, even cathartic, to demand abolition of the veto, but that is theatre, not policy. The UN Charter's amendment rule requires the consent of the very states that hold this privilege. Expecting any of the P5 to surrender a power they regard as existential insurance is like asking a homeowner to toss away their only set of keys during a burglary. The veto made the Council possible in 1945. It isn't disappearing in 2025.

Regulating power, not pretending it will disappear

So the honest question is not "How do we kill the veto?" but "How do we cage it?" The right answer is regulation: change how, when and with what accountability a veto can be used, without reopening the Charter. That may sound technocratic. It is not. It's the only path with any real-world traction. Call it a Veto Use Integrity Framework, a set of working practices and oversight tools that discipline the veto, raise the political price of abuse and create procedural rails for lifesaving action when the Council is deadlocked.

Start with a conflict-of-interest rule that actually means something. The Charter already says a Council member that is a party to a dispute must abstain in Chapter VI decisions. In practice, that carve-out is narrow and routinely evaded, because the worst blockages occur under Chapter VII, the "peace and security" hammer. Extend the abstention norm to all substantive votes when a member is directly implicated, that is named in the text, an occupying power, a belligerent or a material supporter of the conflict at issue. Make challenges to a member's conflict status a procedural question, decided by nine votes and not subject to a veto. That is not a legal revolution, it is an operational tweak squarely within the Council's power to codify via a presidential note. It won't stop a determined permanent member from flouting expectations, but it will clarify the rules, create a record of breaches and, crucially, allow the rest of the Council to force awkward procedural votes that shine light on who is blocking what and why.

Second, carve out two categories where the presumption must run against any veto: mass atrocities and humanitarian access. The France-Mexico declaration (https://onu.delegfrance.org/IMG/pdf/2015_08_07_veto_political_declaration_en.pdf) and the ACT Code of Conduct (<https://www.globalr2p.org/resources/code-of-conduct-regarding-security-council-action->

[against-genocide-crimes-against-humanity-or-war-crimes/](#)), already articulate the norm that no state should veto credible efforts to halt genocide, crimes against humanity or war crimes. Make those norms stick by operationalising them. If the Secretary-General, the UN human rights office or a UN investigative mechanism assesses a real risk or ongoing commission of atrocity crimes, a veto should be presumed illegitimate and require a written, evidence-based justification. The same goes for resolutions whose primary aim is to get food convoys through, deconflict hospitals or carve humanitarian exemptions in sanctions regimes. The burden of proof should rest on the vetoing state to show why blocking such measures protects peace rather than its own proxies.

A recent example illustrates the problem. In December 2023, the United States cast the lone veto on a Security Council resolution calling for an immediate humanitarian ceasefire in Gaza. Washington argued that an unconditional ceasefire would entrench Hamas, but the veto also aligned with longstanding American strategic interests, namely the shielding of a key regional ally, retaining diplomatic control over the peace track and avoiding precedents that could dilute US influence in the Middle East. It was a reminder that vetoes are often exercised not in defence of the international system, but in defence of national preferences.

Which brings us to transparency. Right now, a veto can be telegraphed in a corridor and exercised with a flick of the wrist. That is outrageous. Require permanent members to file a written justification before the vote whenever they cast, or publicly threaten, a veto. Annex that justification to the Council record and trigger an automatic, time-bound General Assembly debate.

The Assembly took a step in this direction in 2022 by mandating post-veto debates (<https://docs.un.org/en/a/RES/76/262>). Double down: put the reasons on paper, force them into the open and let states interrogate pretexts while the world is still paying attention. Then keep score. The General Assembly should maintain a public “veto integrity” scorecard tracking compliance with conflict-of-interest abstention and atrocity/humanitarian carve-outs. Soft law? Perhaps. But reputations are hard currency in diplomacy. Scorecards alter incentives, especially for governments that care about alliances, markets and the court of public opinion.

When the Council fails: Strengthening ‘Uniting for Peace’

Still, even with restraint norms and transparency, there will be moments when the Council freezes and people die. The system needs a pressure valve. It already exists: the General Assembly’s “Uniting for Peace” mechanism. Today, those resolutions are only recommendations. That limits their bite. We should therefore support a targeted Charter amendment that gives Uniting for Peace teeth, but only when there is at least partial great-power buy-in. The rule of thumb: if a Uniting for Peace resolution is endorsed by a majority of the P5, it becomes binding on all UN members, with abstentions counted as non-opposition unless a permanent member explicitly votes no. That formula respects the 1945 bargain, no binding use of force without meaningful great-power concurrence, while ensuring a single veto can’t hold the entire system hostage.

Critics will say even a selective amendment is fantasy. Perhaps. But the politics here are subtler than they look. A regulation-first package splits the difference between maximalist abolition (which is dead on arrival) and cynical resignation (which is morally indefensible). Extending conflict-of-interest abstention and codifying atrocity/humanitarian carve-outs can be done tomorrow through Council working methods. Written justifications and automatic Assembly debates are already partly in place; formalising them is low-hanging fruit. The scorecard costs little and reveals much. Together, those measures make the veto something to be explained and defended, not lobbed like a grenade and forgotten.

Would this framework have mattered in the past? In Syria, Russia and China vetoed an ICC referral in 2014 and earlier texts condemning grave abuses. A presumption against vetoing atrocity-accountability measures would not have guaranteed passage, but it would have required real-time, public explanations and placed their actions under the Assembly's microscope. That changes the bargaining baseline and strengthens the hand of states pushing for humanitarian carve-outs and cross-border access. In Rwanda, where paralysis and denial proved fatal, independent briefings anchored in an atrocity carve-out and an automatic Assembly pathway could have forced the world to confront the truth earlier. In Ukraine, a belligerent's conflict-of-interest abstention would be obvious. Again, we should not romanticise the effect. The point is not to pretend rules disarm raw power. It is to make power justify itself.

Another objection is that "soft law is no law" and bad actors will shrug off the scolding. That is a useful warning, not a veto on action. International politics is not a courtroom, it's a scoreboard. Norms only matter when they alter the calculus of loss and gain. But they can, especially when aligned with domestic politics in key capitals and the self-image of governments that claim to lead responsibly. Put bluntly, it's one thing to veto in the dark, it's another to veto atrocity-prevention while your written rationale is being filleted in the General Assembly and your diplomats are fielding calls from allies and investors.

A disciplined veto to save the council

There is also a small-c conservative case for veto regulation. It may be the only way to save the Council from itself. The more the veto is used to shield clients and stymie humanitarian relief, the more states will turn to ad hoc coalitions, regional arrangements and unilateral workarounds. That corrodes the very forum the P5 say they want to protect. A disciplined veto, bounded by conflicts-of-interest rules, atrocity and humanitarian carve-outs, transparency and Assembly oversight, preserves the centrality of the Council while restoring a measure of legitimacy. It keeps great powers inside the tent, but insists they stop smoking near the oxygen tank.

None of this requires the world to agree on everything. It asks the P5 to agree on something far more modest, that a tool designed to prevent war should not be used to thwart aid trucks, bury evidence or white-wash invasions; that when a permanent member is a party to a dispute, it should sit out the vote; and that if you are going to block the international community, you must say why, in public, in writing and in time for the Assembly to respond. That is baseline responsibility, not radicalism.

The choice, then, is not between utopia and surrender. It is between performative abolitionism that changes nothing and practical regulation that can change enough. Every day we pretend the former is coming, we deny the victims of today's wars the protections that the system could deliver tomorrow. The veto will remain a fact of life at the UN. Fine. Let's make it a disciplined fact, one that carries duties as well as rights, explanations as well as power and consequences as well as convenience. That is how to put the Security Council back to work for people, process.

Daryl Swanepoel is the Chief Executive Officer of the Inclusive Society Institute. This article draws on the content of an occasional paper published by the Institute under the title 'Regulating the Veto, A pragmatic path to United Nations Security Council reform'.