

What Could the United Nations General Assembly Do When the United Nations Security Council Is Deadlocked

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Abstract: At a time when the United Nations Security Council (UNSC) is so deadlocked that it has difficulty performing its responsibilities in international peacekeeping, conventional opinions tend to focus on reforming the UNSC to find solutions. However, when faced with these issues, the role of the United Nations General Assembly (UNGA) cannot be ignored. As the main organ of the United Nations, the UNGA has a wider representation with 193 member states compared to the 15 members of the UNSC, which means that the UNGA can reflect the different opinions and interests of different countries. In addition, the UNGA can provide the necessary funding for peacekeeping missions, ensure their effectiveness, and exert political pressure on Member States to resolve conflicts and facilitate peace negotiations through the recommendations it approved. These characteristics indicate that UNGA has the full potential and qualifications to play an active role in international peacekeeping operations. This work is dedicated to arguing that when the UNSC is unable to perform its duties, the UNGA has the legitimacy and rationality to assume the secondary role of maintaining peace through the application of the Uniting for Peace Resolution and the establishment of subsidiary bodies and making feasible recommendations based on these perspectives.

Keywords: The United Nations General Assembly (UNGA), The Uniting for Peace resolution, Subsidiary Bodies

1. Introduction

The UNSC, the only body within the United Nations that is able to take action, plays a primary role in peacekeeping. Such a setup can greatly improve the efficiency and effectiveness of dealing with international disputes, but everything has two sides. This has led to a situation in which the UNSC is unable to act and play its role in maintaining international peace when the five permanent members (P5) of the UNSC are unable to reach a consensus because of international interests. At such times, we can try to solve the problem through other angles. It is worth noting that the UNSC's responsibility is only primary. That is to say, it's not exclusive [1]. In line with the UN Charter [2], the UNGA only plays its role in peacekeeping in a subsidiary way, which is not usually non-binding, but it can still make a difference. We should expect a more representative General Assembly to find a new balance of power between the two bodies and try to perform the functions of the Security Council better from different perspectives.

The UNGA should make more active use of the advantages of adopting the Uniting for Peace Resolution and establishing the subsidiary bodies based on the UN Charter, rebalance its power and

authority on some international peacekeeping issues, take some initiative in maintaining international peace and security, and tilt it from the UNSC to the UNGA.

2. The Uniting for Peace Resolution and The Powers of Subsidiary Bodies Within the UNGA

In accordance with the UN Charter [2], the powers of the UNGA to maintain international security and peace are greatly limited. First, although the UNGA is authorized to adopt resolutions to have discussions and make recommendations on any question or matter within the range of the UN Charter or to relate to the powers and duties of anybody provided for in the UN Charter, the resolutions are non-binding. Taking action is the exclusive power of the UNSC. This means that when a threat to international security and peace occurs, only the UN Security Council has the authority to take practical action, especially force, to resolve the dispute, and any other organization or individual action is an unjustified overreach. Secondly, the UNGA's power to recommend is limited by the UNSC, which means that the UNGA cannot make any recommendations on matters that relate to international peacekeeping as long as they are agendas of the UNSC. That is to say, the UNGA should stop making recommendations on the issue when the UNSC has already taken up the matter.

Thus, based on the issue of power distribution, the UNSC is often deadlocked on peacekeeping matters, and Resolution 377 (V) [3], that is, the Uniting for Peace Resolution, came into being. The adaptation of the Resolution opens a crucial door for the UNGA to play its role in international peacekeeping. The most important part of the Resolution is section A, which states that when the UNSC is unable to properly maintain international peace, that is, to discharge its responsibilities, because of the votes of the P5, the UNGA can play its role. First, an emergency special session could be convened once the UNSC or the majority of Member States have requested if the UNGA is not in work. Second, the session is able to make any recommendations if it thinks it's essential to do so, including the use of armed force [4].

Meanwhile, as provided in Article 22 of the UN Charter [2], the UNGA is empowered to launch subsidiary bodies, and it is entirely up to the UNGA to decide whether it is worthwhile to do so, rather than being subject to the UN Security Council. Even when a matter involving the dispute is on the UNSC's agenda, the UNGA is free to decide whether to establish subsidiary bodies to maintain international peace and security. This reflects the independence of the UNGA and is conducive to tilting the power in peacekeeping more towards the UNGA. For instance, in 2016, the United Nations General Assembly acted unilaterally to establish an Impartial and Independent International Investigative Mechanism (IIIM) under Resolution A/RES/71/248 [5] to collect evidence on the situation in Syria and prepare case files for prosecution. Although IIIM is not a binding decision-making or executive body, but it has still laid the material foundation for the trial of acts that threaten peace and has played a positive role in stabilizing the international situation and public opinion.

3. Possibilities and Opportunities for the Use of the Uniting for Peace Resolution

Firstly, the application of Resolution [3] has legitimacy and does not violate Article 12 of the UN Charter. According to the provisions of the Resolution, the exercise of the veto by the P5 and the inability of the UNSC to perform its functions become indispensable prerequisites for the functioning of the Resolution [6]. That is to say, when the UNSC's discussions on an issue are deadlocked and cannot take effective actions, the UNSC is unable to perform its function of maintaining international peace and security, which creates conditions for the application of the Resolution. At this point, the application of the Resolution has legitimacy and legitimacy. That is, it just plays a subsidiary role and does not violate the primacy of the UNSC in international peacekeeping.

Secondly, actions, including the use of force, taken by States Members of the United Nations pursuant to resolutions adopted by the UNGA do not violate the restrictive provisions of the UN Charter.

On the one hand, in line with Article 2(4) of the UN Charter [2], Member States are forbidden to use force if unauthorized, as taking action is the only power authorized by the UNSC. However, the inhibition on the use of force is only binding on Member States and not on the United Nations Organization [6]. In other words, the UN Charter prohibits unauthorized actions by Member States but not by other bodies of the United Nations. When a State Member acts based on the recommendation of the UNGA, the act is considered to be an act of the UNGA as an organization and not an independent act of the individual Member States, and in such cases, the action taken by a Member State of the United Nations without the authorization of the Security Council in order to impose international peace and security should not be prohibited. Article 2(4), therefore, would not be binding on it.

On the other hand, when a Member State acts on the basis of a resolution of the UNGA, it would not conflict with Article 11 (2) of the Charter [2], since taking practical action is totally not the same thing as making recommendations [6], and the kind of action provided in Article 11(2) is coercive [1]. However, a recommendation issued by the UNGA calling for action by the Member States of the United Nations is only a recommendation. It is up to Member States to decide whether to actually take action, and it is not mandatory. Thus, a recommendation of the UNGA, which is not binding, should not be considered as 'action' [6] and would not conflict with the provisions of Article 11 (2).

4. Ease of the Application of the Uniting for Peace Resolution

It seems very difficult to change the UN Charter, so trying to reform the UNSC by amending the Charter of the United Nations, so trying to reform the UNSC by amending the UN Charter and thus resolving the deadlock in the UNSC seems an impossible way to achieve. The Uniting for Peace Resolution's strengths lie in the fact that it would improve the operation of the United Nations without the need for amending the UN Charter because it emphasized the existing powers of the UNGA, not the granting of new powers [7]. The only job is to tap into and give full play to the often overlooked secondary role of the UNGA in maintaining international peace and security. These secondary functions already exist under the existing framework of international law, so there is no need to think much about how to reform the UNSC itself.

What's more, procedural issues are a stumbling block in the search for a solution to the deadlock in the UNSC, but they can easily be avoided by applying the Resolution. This is because when the UNSC decides whether to call an emergency special session, the unanimous consent of the P5 is not required, and the vote of any seven members can request the convening of the session. . This will avoid the situation where, under the principle of unanimity among major powers, a veto by any of the permanent members may lead to the process being unable to proceed, and each member will have equal voting rights, which will greatly improve the efficiency of dealing with issues threatening international peace.

5. Conclusion

With the growing complexity of the international political and economic situation, the shortcomings of the UNSC's role in maintaining international peace have become increasingly apparent. It is foreseeable that if the issue of the UNSC is not effectively improved, the prestige of the UNSC in the international community will be affected, and it will not be conducive to maintaining world peace in an increasingly complex international community, and it will be more difficult to effectively protect the national security order. For example, the Russian-Ukrainian conflict and the Palestinian-Israeli

conflict are long overdue, and the UNSC is deadlocked and unable to play its proper role. At this point, while respecting the principal responsibility of the UNSC for the maintenance of international peace and security and insisting that the UNGA does not exceed its authority, it is increasingly necessary to realize that the role of the UNGA could and should be fully utilized.

Firstly, according to the Resolution, the UNGA may, through its emergency special sessions, adopt resolutions condemning acts that threaten international peace and give appropriate recommendations. As a huge organization with 193 member states, the resolutions adopted by the UNGA, although not mandatory and binding, will have a significant impact on the international political and economic situation. This will prompt some countries to adjust their international diplomatic relations and some countries to impose economic sanctions, which would exert considerable international political and public pressure on the states concerned and provide the possibility of taking further effective measures.

Secondly, based on the Resolution, the UNGA may recommend to the Member States of the United Nations to take actions, including the use of force, and the Member States of the United Nations may act in accordance with the resolution of the UNGA to restore international peace. The legitimacy of the actions will be further enhanced, especially when they are based on humanitarian intervention [8].

Thirdly, the UNGA could consider the feasibility of peacekeeping missions under the Uniting for Peace Mechanism [9], and it would play a positive and impartial role in monitoring a ceasefire or peace process.

Finally, under the power granted by the UN Charter, the UNGA can establish subsidiary bodies, such as a commission of inquiry, to gather evidence of war crimes and other atrocities during the war. The role of these subsidiary bodies cannot be ignored. The evidence collected by the subsidiary bodies facilitates the subsequent investigation of disputes and may even play a crucial role in proving when crimes are prosecuted. And it does not, of course, include a prosecutorial function so as not to exceed the powers of the UNGA.

In conclusion, the UNGA is vital in maintaining international peace and security. By adopting resolutions, recommending actions, and establishing subsidiary bodies, the UNGA can effectively address global challenges and promote cooperation among nations. The UNGA needs to continue to adapt and improve its mechanisms to meet the evolving needs of our interconnected world.

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