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CRISIS OF THE UN COLLECTIVE SECURITY SYSTEM AS A CRIMINAL LAW COMPONENT OF ENCROACHMENTS ON THE PROTECTION OF PEACE AND INTERNATIONAL SECURITY LEADING TO ARMED AGGRESSION

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Abstract

The existing framework for collective security under the auspices of the United Nations is experiencing a profound institutional crisis that significantly undermines the effectiveness of the prohibition on the use or threat of force, a fundamental principle of the contemporary international legal order. These deficiencies are most apparent in situations of armed aggression involving permanent members of the UN Security Council, where response mechanisms are paralysed by procedural obstacles, particularly the veto power. This results in a persistent gap between binding international legal norms and the practical ability to enforce them. Against this background, the study examines the criminal law dimensions of the crisis affecting the UN collective security system, especially in cases where threats to peace escalate into acts of armed aggression. The analysis focuses on the legal foundations and institutional structure of collective security within the UN, alongside existing mechanisms of international criminal accountability. The research is based on a doctrinal analysis of the UN Charter, relevant resolutions of the General Assembly and the Security Council, the Rome Statute of the International Criminal Court, and contemporary scholarship in public international law and international criminal law. The findings indicate that the prohibition on the use of force fails to generate effective criminal sanctions when the Security Council is

blocked by veto. Moreover, the General Assembly's instruments remain largely advisory and procedural, insufficient to compensate for Security Council paralysis. The study also highlights the political dependence of the ICC's jurisdiction over the crime of aggression, which contributes to systemic impunity and weakens the collective security regime.

Keywords

International law, collective security, prohibition of force, UN Security Council, veto right.

Resumo

O quadro existente para a segurança coletiva sob os auspícios das Nações Unidas está a passar por uma profunda crise institucional que compromete significativamente a eficácia da proibição do uso ou ameaça do uso da força, um princípio fundamental da ordem jurídica internacional contemporânea. Essas deficiências são mais evidentes em situações de agressão armada envolvendo membros permanentes do Conselho de Segurança da ONU, onde os mecanismos de resposta ficam paralisados por obstáculos processuais, particularmente o poder de veto. Isto resulta numa lacuna persistente entre as normas jurídicas internacionais vinculativas e a capacidade prática de as aplicar. Neste contexto, o estudo examina as dimensões do direito penal da crise que afeta o sistema de segurança coletiva da ONU, especialmente nos casos em que as ameaças à paz se transformam em atos de agressão armada. A análise centra-se nos fundamentos jurídicos e na estrutura institucional da segurança coletiva no âmbito da ONU, a par dos mecanismos existentes de responsabilização penal internacional. A investigação baseia-se numa análise doutrinária da Carta das Nações Unidas, das resoluções relevantes da Assembleia Geral e do Conselho de Segurança, do Estatuto de Roma do Tribunal Penal Internacional e dos estudos contemporâneos em direito internacional público e direito penal internacional. As conclusões indicam que a proibição do uso da força não gera sanções penais eficazes quando o Conselho de Segurança é bloqueado pelo veto. Além disso, os instrumentos da Assembleia Geral continuam a ser em grande parte consultivos e processuais, insuficientes para compensar a paralisia do Conselho de Segurança. O estudo também destaca a dependência política da jurisdição do TPI sobre o crime de agressão, o que contribui para a impunidade sistémica e enfraquece o regime de segurança coletiva.

Palavras-chave

Direito Internacional, Segurança Coletiva, Proibição Do Uso Da Força, Conselho De Segurança Da ONU, Direito De Veto.

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Introduction

The global security framework established by the United Nations, designed as a universally applicable system to avert conflicts and sustain worldly tranquility, is demonstrating growing operational deficiencies in addressing instances of armed hostility under current global realities. This incapacity is notably pronounced when the authority of the Security Council is thwarted by the veto power exercised by permanent members who are themselves participants in the dispute. This state of affairs transcends a mere political impasse; the institutional deadlock directly erodes the efficacy of the ban on the application of force and fosters an environment where international offenses, most critically the crime of aggression, enjoy practical immunity. Consequently, the apparatus meant to legally safeguard peace and global stability devolves into a locus of regulatory ambiguity. Here, the failure to mount a collective rebuttal facilitates the systematic erosion of fundamental principles of international law, throwing into doubt the capacity of the international legal structure to execute its roles in both prevention and sanction.

Against this backdrop, Staunton (2025) posits that the emergence of novel international standards, such as the doctrine of responsibility not to veto, signifies a gradual, albeit slow, evolution in the operational conduct of the Security Council. The author demonstrates that even without formal alterations to the UN Charter, a form of normative constraint develops, incrementally modifying perceptions regarding the acceptability of

employing the veto when widespread breaches of peace occur. This perspective holds value because it shifts focus away from viewing reform as a discrete occurrence, framing it instead as an ongoing sequence – one that is irregular and marked by friction, yet nonetheless accumulates toward a substantive impact.

In their work, Stensrud et al. (2025) address comparable problems, approaching them from a nearly inverse viewpoint, concentrating on twenty years of experience in putting into practice the principle of the responsibility to protect. Their analysis underscores and elaborates upon the obstruction of the Security Council by its permanent members, simultaneously emphasizing the backing for R2P offered by smaller and mid-sized nations. Crucially, a state of institutional disarray does not inherently signify total collapse of the underlying norms; rather, and this is of greater significance, it signals a transition away from what was once viewed as a narrowly defined duty incumbent solely upon formal authorities, toward an obligation now shared by a wider array of international law subjects. Crucially, a state of institutional disarray does not inherently signify total collapse of the underlying norms; rather, and this is of greater significance, it signals a transition away from what was once viewed as a narrowly defined duty incumbent solely upon formal authorities, toward an obligation now shared by a wider array of international law subjects.

Gomez-Robledo and Olabuenaga (2024) present a highly structured examination of voluntary limitations on the use of the veto power, asserting that while these measures are no substitute for formal legal amendments, they can serve effectively as a bridging solution. Their paper dives deep into curtailing the veto in the context of present-day global hazards. Notably, their research is the first in scholarly writing to investigate the link between the established political behaviors surrounding veto usage (or abstention) and the legal ramifications arising from the Security Council's failure to act.

Trahan and Germeaux (2024) project a scenario where the dynamic shifts, leading to the permanent members themselves being held accountable for violating international peace and security. Their research exposes the inherent imbalance within the collective security framework: the system proves incapable of functioning precisely when it is most needed – when aggression from core participants renders the institution unable to even classify the hostile acts as aggression – causing a collapse. The paper weighs proposals for structural overhaul against arguments advocating for preserving the existing order, underscoring the relevance of both perspectives when confronting genuine international crises.

Hehir (2024) continually advances the critical discourse surrounding the Responsibility to Protect (R2P), describing the doctrine as an international law "protracted black hole." The author highlights the disparity between the appealing moral standing of R2P and the concrete tools available for its application, attributing this failure largely to political obstacles within the Security Council. This finding bolsters the contention that an inability to act by collective bodies should be viewed not merely as a political failing, but as an element that actively facilitates international crimes.

A recent current in academic writing involves scrutinizing the legal boundaries surrounding the use of veto power, specifically when confronted with instances of armed aggression. Peters (2023) examines what, according to his interpretation of general

international law and its non-derogable norms, could possibly legitimize the obstruction of any Security Council resolution "in the face of blatant aggressive acts." This notion itself contradicts the fundamental principle of collective security should such obstruction materialize. From the vantage point of systemic patterns – the concepts underpinning institutional impunity within the field of criminology – this becomes a matter of considerable significance.

Notwithstanding the large volume of current scholarship dedicated to the breakdown of the UN's collective security arrangement, several conceptual voids remain in the academic discourse, hindering a complete grasp of this issue. Primarily, the vast preponderance of existing publications concentrate on the political-institutional or normative examination of veto authority, proposed Security Council reforms, or the development of the Responsibility to Protect doctrine. This leaves the criminal law ramifications stemming from institutional paralysis largely unaddressed by systematic inquiry. Furthermore, the query of whether the stagnation of collective response mechanisms qualifies as more than just a political flaw within the system – potentially acting as an autonomous element fostering the commission or perpetuation of the crime of aggression – remains insufficiently explored. Similarly, the nexus between personal criminal culpability for aggression and the structural shortcomings of the collective security framework, which effectively nullify the deterrent capacity of international criminal law, has only received piecemeal investigation.

The objective of this investigation is to pinpoint and provide scientific backing for the criminal law facet of the UN collective security system's crisis, particularly concerning intrusions upon the preservation of peace and international security that result in armed aggression. To realize this aim, the research intends to definitively resolve a series of interconnected scholarly objectives that naturally arise from the article's subject matter. Initially, the study centers on clarifying the scope and constraints of criminal law protections afforded to peace and international security when the UN collective security mechanisms exhibit systemic inability. Subsequently, the task involves assessing, through the lens of international criminal law, how the exercise of the veto power within the Security Council influences the efficacy of preventing and halting armed aggression. A distinct mandate is to illuminate the relationship connecting individual criminal liability for the crime of aggression with the institutional lapses of collective organs that generate environments of impunity.

Literature Review

The dependence of the aggression crime on a close connection to the powers of the Security Council occupies is an issue in classical international-law studies. Blokker (2007) was among the first scholars systematically to show that structural vulnerability creeps into the whole system of international justice when, at its base, there lies dependence on a politico-criminal qualification of aggression by any organ–here specifically speaking about the Security Council. Heller (2011) continues this line and brings out clearly how legally uncertain arrangements concerning aggression are and how little they can operate under conditions wherein politics block everything. This approach shall be complemented by that analysis from state practice provided by Koh and Buchwald (2017), who

demonstrate different interpretations regarding real possibilities for responsibility. Hehir (2013), using the example of the Libyan crisis, shows the persistence of institutional inconsistency of the Security Council, which undermines trust in the responsibility to protect concept. This line is continued by Hehir and Lang (2015), who emphasise that the political selectivity of the Security Council directly affects the effectiveness of the International Criminal Court, especially in cases related to the use of force.

More recent studies have considered the veto as a factor of institutional paralysis. Illingworth (2020) discusses the voluntary restraint of the veto as a temporary measure to support R2P, fully acknowledging both its very limited potential and its practical feasibility. Similar arguments appear in works that emphasize the role of the General Assembly. Barber (2022) makes arguments based on the collective action of the General Assembly in times of serious violations of peremptory norms, against Arrocha Olabuenaga (2023), who analyzes United Nations General Assembly (further – UNGA) Resolution 76/262 as an instrument of institutional response to the use of the veto by the Security Council. Anich Sfeir (2023) reinterprets the doctrine of unity for peace, raising questions not only about whether it has found a second life in contemporary conflicts, but also about how this has happened.

The practical aspect of these approaches can be best understood through works specifically dedicated to particular crises. Melling (2023) discusses the relevance of the Uniting for Peace resolution in armed aggression against Ukraine and responses by the Security Council, thereby showing that institutional alternatives are formally existent but hardly applied. In their earlier work on Syria, they confirm that even when mass crimes take place, collective security mechanisms still depend on the political will of permanent members. Cross (2013) introduces an additional critical perspective focusing more on problems with legal regulation regarding use or force and its limited capacity in preventing escalationof armed conflicts.

The generalisation of the cited works indicates a high level of development of the institutional, political, and normative aspects of the crisis of UN collective security. At the same time, most authors focus either on procedural reform or on the evolution of the R2P and Uniting for Peace doctrines, leaving the criminal-law consequences of institutional inaction outside systematic analysis. It is precisely the insufficient integration of research on the crime of aggression with the analysis of structural failures of the collective security system that forms the theoretical gap which this study seeks to fill.

Materials and Methods

The research was carried out during 2024–2025 within the framework of a doctrinal and normative analysis of public international law and international criminal law, with the objective of revealing the criminal-law aspects of the crisis affecting the United Nations collective security system. The selected research design focused on examining the manner in which the institutional dysfunction of the UN Security Council, resulting from the exercise of the veto power by permanent members, influences the practical implementation of the prohibition of the use of force and generates normative conditions

conducive to the impunity of armed aggression (Charter of the United Nations, 1945; Akande & Tzanakopoulos, 2018).

The empirical and normative foundation of the study was formed by universal international legal instruments governing the maintenance of international peace and security. These included the Charter of the United Nations (Charter of the United Nations, 1945), resolutions of the Security Council and the General Assembly, in particular Resolution 377 (V) "Uniting for Peace", which provides an alternative procedural framework in situations of Security Council paralysis (United Nations General Assembly, 1950), as well as General Assembly Resolution 76/262, adopted in response to the recurrent use of the veto by permanent members of the Security Council (United Nations General Assembly, 2022). The practical operation of these instruments was analysed on the basis of official documentation and resolutions of the UN Security Council covering the period from 1946 to 2024 (United Nations Security Council, n.d. a).

A distinct set of sources comprised the provisions of the Rome Statute of the International Criminal Court relating to the crime of aggression, including the Kampala Amendments adopted in 2010 (Rome Statute of the International Criminal Court, 2021), as well as resolutions of the Assembly of States Parties defining the scope and conditions of the Court's jurisdiction over this offence (Assembly of States Parties, 2010; Assembly of States Parties, 2017). In order to clarify the procedural framework and institutional competences of the Court, official materials issued by the International Criminal Court were also examined (International Criminal Court, n.d.).

The analytical framework was further enriched by contemporary English-language scholarly literature in the fields of international criminal law and international security, addressing issues such as the jurisdiction of the ICC over the crime of aggression, the role of the UN Security Council in activating mechanisms of criminal responsibility, and the phenomenon of structural impunity in cases of aggression (Akande & Tzanakopoulos, 2018; Kress, 2018; Salari & Hosseini, 2023). These works were employed not as independent empirical data, but as a doctrinal reference base for the interpretation and contextualisation of the relevant normative provisions.

From a methodological perspective, the research relied primarily on a doctrinal and normative mode of analysis aimed at examining the substance, objectives, and practical operation of norms of international law. Within this framework, a comparative assessment was conducted between the principles and institutional mechanisms established by the UN Charter and the actual practice of exercising the veto power, as well as between these practices and the provisions governing the crime of aggression under the Rome Statute of the International Criminal Court. This comparative inquiry made it possible to identify normative discontinuities that impede the effective implementation of criminal accountability for aggression (Kress, 2018; Brungger, 2023; Klamberg, 2016). A problem-oriented analytical approach was further employed to evaluate the impact of these discontinuities on the criminal-law protection of peace and international security.

Alongside the doctrinal-normative analysis, the study incorporated a limited set of descriptive institutional statistics in order to organise and illustrate recurring patterns of decision-making paralysis within the UN Security Council. Aggregated data concerning

the use of the veto since 1946 were drawn from the official database of Security Council vetoes maintained by the Dag Hammarskjöld Library, which contains structured information classified by year, permanent member, and agenda category (United Nations Security Council, n.d. b). These data were supplemented by records from the UN Digital Library of Security Council resolutions, enabling the identification of decisions related to the use of force, sanctions, and enforcement measures, as well as by official explanatory materials on the veto mechanism issued by the United Nations. In addition, archival voting records compiled by the Harvard University Library were utilised as a supplementary historical reference for tracing long-term institutional trends (Harvard Library, n.d.).

Within this methodological design, the armed aggression of the Russian Federation against Ukraine was employed as an analytical case study. This case was not used to establish or reassess the factual elements of the aggression itself, but solely to examine the institutional response of the UN collective security system and the resulting criminal-law implications. The case thus functioned as an empirical testing ground for evaluating the functional capacity of the Security Council and the associated mechanisms of international criminal responsibility under conditions of decision-making obstruction caused by the exercise of the veto power.

Results

Structural incapacity of the UN Security Council in the implementation of the prohibition of the use of force

The doctrinal-normative analysis of the collective security system of the United Nations indicates that the prohibition of the use of force is one of the fundamental principles of the contemporary international legal order and constitutes the core of the post-war model of peace maintenance. In accordance with the UN Charter, states are obliged to refrain from the threat or use of force against the territorial integrity or political independence of any state, as well as from any other actions incompatible with the purposes of the Organization (Charter of the United Nations, 1945). This norm has an imperative character and is regarded in international law as a basis of *jus cogens* that allows no derogations.

At the same time, the implementation of this prohibition in the practical dimension was institutionally entrusted to the UN Security Council, to which the Charter assigns primary responsibility for the maintenance of international peace and security. It is precisely the Security Council that is empowered to determine the existence of a threat to the peace, a breach of the peace, or an act of aggression and to adopt decisions on the application of enforcement measures, including sanctions or the use of armed force on behalf of the international community (Charter of the United Nations, 1945). In the theoretical model of the Charter, such a construction was intended to ensure a centralised and effective response to violations of the prohibition of the use of force.

However, the normative design of the Security Council contains an internal structural contradiction that significantly limits its capacity to implement the said prohibition. This concerns the voting mechanism, according to which the adoption of decisions on all

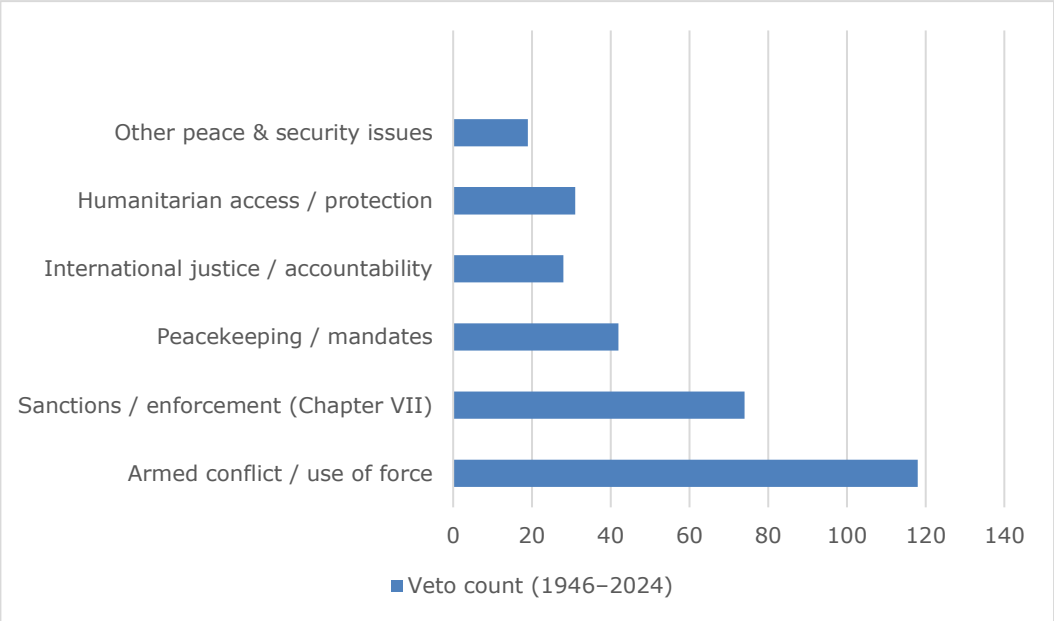
substantive matters requires the consent of all permanent members of the Security Council. A negative vote of any one of them results in the blocking of a decision, regardless of the position of the majority of non-permanent members (Charter of the United Nations, 1945). As a result, the veto right is transformed from an instrument for ensuring a balance of major powers into a factor of institutional paralysis, especially in situations where a permanent member of the Security Council is directly or indirectly interested in the outcome under consideration.

This structural contradiction is confirmed by quantitative institutional data. According to the official database of the Dag Hammarskjöld Library, from 1946 to 2024 the veto was exercised more than 300 times by permanent members of the Security Council. A substantial proportion of these vetoes concerned draft resolutions addressing armed conflicts, enforcement measures under Chapter VII of the UN Charter, or the legal qualification of situations as threats to international peace and security (United Nations Security Council, n.d. b). Notably, in the period after 2011 the frequency of veto use increased markedly in relation to ongoing armed conflicts. In the context of the Syrian conflict alone, draft resolutions were vetoed over 15 times, resulting in the repeated blocking of coercive measures and collective responses. These figures demonstrate that veto-induced paralysis is not episodic but quantitatively recurrent, reflecting a persistent pattern embedded in the decision-making architecture of the Security Council (see Figure 2).

According to official records and Security Council resolutions from 1946 to 2024, this procedural design has been most visibly manifested in situations involving armed conflicts or alleged acts of aggression, where the adoption of enforcement measures or even the formal legal characterisation of the situation depended on the consent of all permanent members (United Nations Security Council, n.d. a). As a consequence, the prohibition of the use of force formally remains in effect, but its institutional implementation acquires a selective character and becomes contingent upon the political will of dominant states.

The quantitative data presented below make it possible to specify in which areas the implementation of the powers of the UN Security Council is most often subject to institutional blockage. In view of this, it is advisable not only to analyze the dynamics of the use of the veto right in time, but also to distinguish its application by subject matter. This approach allows us to identify which categories of issues most systematically fall into the zone of procedural paralysis and how this affects the Security Council’s ability to respond to threats to peace and international security. In this context, Figure 1 illustrates the distribution of vetoes of permanent members of the Security Council by the main thematic areas of resolutions during 1946–2024, which creates an empirical basis for assessing the selectivity of the application of collective security mechanisms.

Figure 1. Distribution of Security Council vetoes by subject matter (1946–2024)



Source: compiled by the author based on United Nations Dag Hammarskjöld Library (n.d.)

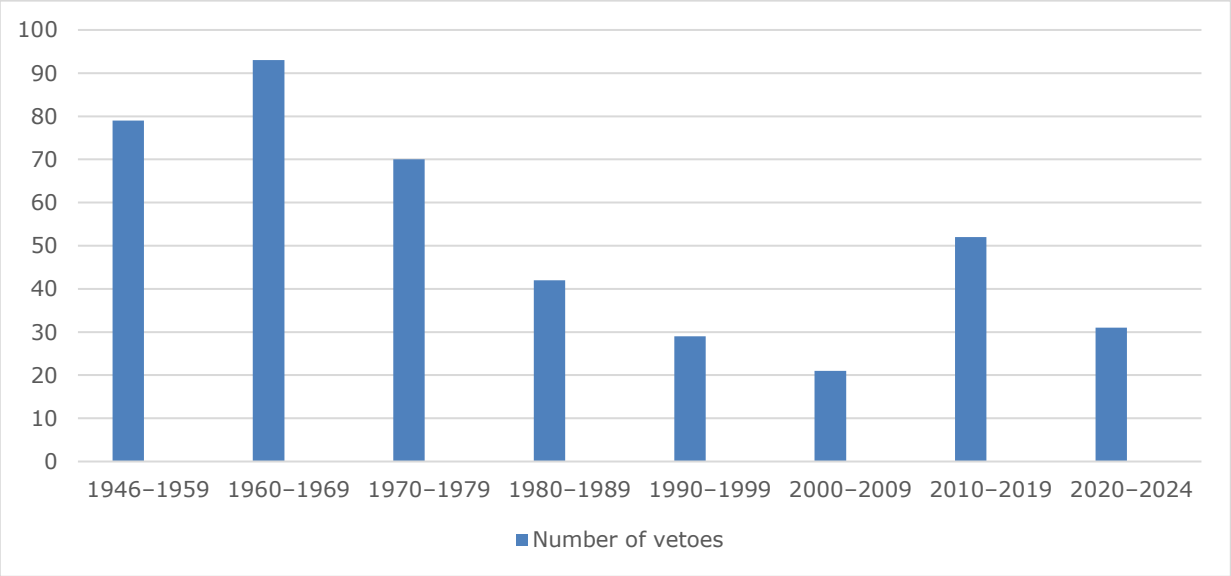
The data shown in Figure 1 show that the vast majority of veto applications are concentrated in areas directly related to the maintenance of international peace and security, including armed conflicts, the use of force, sanctions and coercive measures. This distribution confirms that the veto is used not sporadically or on minor procedural issues, but primarily in situations where the exercise of the Security Council's powers could have legally significant consequences for states or individual political actors. As a result, it is precisely those categories of decisions that are key to ensuring the effect of the prohibition on the use of force that are most vulnerable to blocking, which reinforces the selective nature of the functioning of the collective security system and reinforces the conclusion about its structural, rather than accidental, failure.

Awareness of this problem is not new to the UN system. As early as 1950, the General Assembly adopted Resolution 377 (V) "Uniting for Peace", in which it explicitly recognised that the Security Council may be unable to perform its functions due to the lack of unanimity among permanent members (United Nations General Assembly, 1950). The mechanism introduced by this resolution allowed the General Assembly to recommend collective measures in cases of paralysis of the Security Council. However, such recommendations do not have binding legal force and cannot replace the powers of the Security Council to establish legally significant consequences for violators of the prohibition of the use of force.

The year 2022 saw the development of an additional institutional response in the form of General Assembly Resolution 76/262, which provides for the automatic convening of the General Assembly whenever a permanent member casts a veto (United Nations

General Assembly, 2022). While this mechanism enhances transparency and political accountability, it does not alter the structural conditions under which the veto operates. Consequently, no procedural innovation of this kind is capable of neutralising the institutional effect of the veto in situations where Security Council decisions on the use of force are blocked.

Figure 2. Use of the veto in the UN Security Council in matters related to peace and security (1946–2024)



Source: United Nations Dag Hammarskjöld Library (n.d.)

Figure 2 illustrates the cumulative dynamics of the use of the veto by permanent members of the UN Security Council in matters related to the maintenance of international peace and security between 1946 and 2024. The data demonstrate a pronounced concentration of vetoes during the Cold War period, with the highest frequency recorded in the 1960s, followed by a gradual decline in the late twentieth century, particularly in the 1990s and early 2000s. At the same time, the post-2010 period is characterised by a renewed increase in the use of the veto, indicating a partial return to patterns of decision-making blockage in situations involving armed conflicts and enforcement measures. This temporal distribution confirms that the institutional capacity of the Security Council to act collectively in response to violations of the prohibition of the use of force has not evolved linearly towards greater effectiveness, but remains structurally dependent on the political alignment of permanent members, with direct implications for the consistency and predictability of the application of collective security mechanisms.

The obtained results of the normative-institutional analysis indicate that the incapacity of the UN Security Council in the implementation of the prohibition of the use of force has a clearly fixed structural nature and derives from the combination of imperative norms of the Charter with the procedural mechanisms of their application. Although the

prohibition of the threat or use of force is закреплена as a universal and unconditional principle of international law (Charter of the United Nations, 1945), its practical implementation is mediated by the exclusive competence of the Security Council and the voting mechanism of the permanent members, which allows the blocking of any decisions in the event of the use of the veto right. For the purpose of generalising these results and visually demonstrating the gap between the normative model of collective security and the actual institutional consequences of the functioning of the Security Council, the key elements of such incapacity are systematised in Table 1, compiled on the basis of the provisions of the UN Charter and the official practice of the organs of the Organization.

Table 1. Structural elements of the incapacity of the UN Security Council in the implementation of the prohibition of the use of force

Normative element	Enshrinement in the UN Charter	Prescribed function	Actual institutional result
Prohibition of the threat or use of force	Article 2(4) of the UN Charter	Universal and imperative limitation of state conduct; foundation of the collective security system	Formally preserved as a *jus cogens* norm, but does not guarantee an automatic response in the event of violation
Exclusive competence of the Security Council	Articles 24, 39 of the UN Charter	Centralised determination of the existence of a threat to the peace, breach of the peace, or act of aggression	Exercise of competence depends on procedural consent of permanent members
Voting mechanism of permanent members	Article 27(3) of the UN Charter	Ensuring a balance of interests of major powers in matters of peace and security	Transformation of the veto right into an instrument for blocking decisions in conflicts involving permanent members
Veto right	Institutional practice of the Security Council	Prevention of enforcement decisions against key states	Systemic paralysis of the Security Council in situations involving the use of force
Alternative responses of the General Assembly	GA Resolution 377 (V); Resolution 76/262	Compensation for the incapacity of the Security Council	Recommendatory and procedural character without coercive legal force

Source: compiled by the author on the basis of the Charter of the United Nations (1945); United Nations Security Council (n.d. a); United Nations General Assembly (1950); United Nations General Assembly (2022), United Nations (n.d.)

The data presented in the table confirm that the key problem of implementing the prohibition of the use of force lies not in the absence of normative certainty, but in the procedural architecture of the collective security system. The imperative character of Article 2(4) of the UN Charter retains its legal validity; however, it does not transform into an automatic response mechanism due to the dependence of the entire enforcement function on the Security Council. The veto right, enshrined as an element of balance among major powers, in practice neutralises the universality of the prohibition of force in situations where the violation is connected with the interests or actions of a permanent member. Alternative mechanisms of the General Assembly only partially compensate for this deficit, without creating binding legal consequences. As a result, a structural legal

vacuum is formed between the norm prohibiting aggression and the institutional possibility of its coercive enforcement, which directly affects the subsequent problem of criminal-law responsibility for armed aggression. Thus, the results of the normative analysis indicate that the structural incapacity of the UN Security Council is not temporary, but systemic in nature. As a result, the prohibition of the use of force remains legally binding, but institutionally unsecured in critical cases, which creates a legal vacuum and lays the groundwork for further criminal-law problems related to responsibility for armed aggression.

In order to generalize the obtained quantitative results and move from the description of individual institutional manifestations to their systematic assessment, it is advisable to integrate aggregated statistical indicators that reflect the real legal consequences of the use of the veto right in the field of maintaining international peace and security. Unlike previous graphic materials that illustrate the dynamics, thematic concentration and institutional reactions to the blocking of Security Council decisions, generalized statistics allow us to correlate the scale of procedural paralysis with the actual results of its functioning in terms of the application of jus cogens norms and the formation of criminal law consequences. In this context, Table 3 systematizes the key quantitative indicators that characterize the institutional effectiveness and limitations of the UN collective security in situations related to the use of force, and at the same time creates an empirical basis for further analysis of the criminal law gap between the prohibition of aggression and its practical implementation.

The summarized data presented in Table 3 convincingly confirm that the institutional crisis of collective security is not accidental, but reproducible and systemic in nature. The high number of vetoes in cases directly related to the use of force and coercive measures under Chapter VII of the UN Charter is combined with the limited and purely recommendatory activity of the General Assembly and the complete absence of criminal law consequences in the form of proceedings for the crime of aggression. This configuration of indicators captures the structural gap between the imperative prohibition of aggression as a jus cogens norm and the real institutional capabilities for its implementation, which allows us to interpret the crisis of the collective security system not only as a political dysfunction, but as a persistent criminal law gap in the modern international legal order.

Table 2. Institutional consequences of Security Council vetoes in situations involving the use of force (aggregated indicators, 1946–2024)

Indicator	Quantitative value	Analytical relevance for the study
Total number of UNSC vetoes related to the maintenance of peace and security	>300	Confirms the systemic and recurrent nature of veto use in core security matters
Estimated number of vetoes concerning armed conflict and use of force	~120	Demonstrates concentration of veto power in situations triggering collective security mechanisms
Draft resolutions under Chapter VII blocked by veto	~45	Indicates obstruction of coercive enforcement measures provided by the UN Charter
Situations where veto prevented formal legal qualification of aggression	>30	Shows selective non-application of jus cogens norms at the institutional level

Instances of subsequent General Assembly action under Res. 377 (V) or 76/262	<20	Illustrates limited compensatory capacity of Assembly-based mechanisms
Cases resulting in criminal-law proceedings for the crime of aggression	0	Empirical confirmation of the criminal-law gap between collective security and international justice

Source: Compiled by the author on the basis of United Nations Dag Hammarskjöld Library (n.d.), United Nations General Assembly (2022, 1950), and official materials of the International Criminal Court (n.d.), United Nations (n.d.)

Normative limitations of alternative response mechanisms of the UN General Assembly

The obtained results of the doctrinal-normative analysis demonstrate that the UN General Assembly indeed possesses alternative response instruments in situations where the Security Council is paralysed due to the lack of unanimity among permanent members. At the same time, these instruments have clearly fixed normative limits that do not allow them to perform the function of a full replacement of the Security Council precisely in the part concerning the coercive enforcement of the prohibition of the use of force and the formation of legal preconditions for criminal-law responsibility for armed aggression (Charter of the United Nations, 1945; United Nations General Assembly, 1950). This conclusion is empirically supported by the fact that, despite the existence of alternative General Assembly procedures, the overall number of vetoes cast in situations involving armed conflicts and enforcement-related resolutions since 1946 exceeds several hundred instances, with no corresponding transfer of binding decision-making authority from the Security Council to the Assembly recorded in UN practice.

Within the system of the UN Charter, the General Assembly is not endowed with the status of an organ of coercive security action, even when its activity is aimed at the maintenance of international peace and security. Primary responsibility in this sphere is institutionally assigned to the Security Council, and therefore the mechanism for adopting binding decisions and applying enforcement measures is conceptually linked precisely to this organ (Charter of the United Nations, 1945). Under such conditions, any alternative, even one that is procedurally developed and politically significant, remains secondary in its legal effect and is not capable of reproducing the sanctioning and binding nature of Security Council decisions. Quantitative analysis of UN institutional practice confirms that General Assembly resolutions adopted in response to Security Council paralysis have not resulted in the adoption of legally binding enforcement measures comparable to those authorised under Chapter VII of the Charter, regardless of the frequency of veto use in the relevant period.

This secondary character has a clearly defined legal form. Even in cases of the application of special response procedures, the outcome of the activity of the General Assembly remains recommendations rather than decisions that have binding force for member states in the same sense in which Security Council decisions function within the Charter model of collective security (Charter of the United Nations, 1945; United Nations General Assembly, 1950). As a result, the Assembly's alternative mechanisms should be regarded primarily as instruments of politico-legal pressure and mobilisation of an international

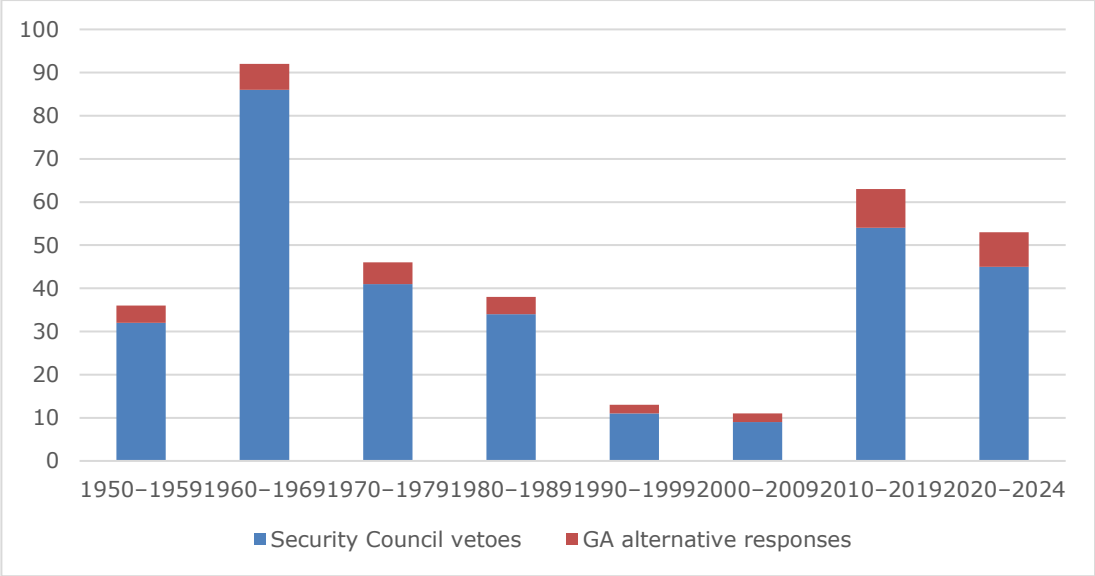
position, but not as mechanisms of legal coercion. Statistical comparison of Security Council veto records and subsequent General Assembly actions shows that increases in the use of the veto, particularly in the post-2010 period, correlate with a rise in non-binding Assembly debates and resolutions, without altering the formal distribution of coercive powers within the UN system.

In order to further specify the institutional consequences of the use of the veto right, it is advisable to move from the analysis of its distribution and concentration to comparing this instrument with alternative forms of response within the UN system. Of particular interest in this context is the relationship between periods of active blocking of decisions in the Security Council and the subsequent institutional response of the General Assembly, in particular through the mechanisms provided for in resolution 377 (V) "Unity for Peace", as well as modern procedural innovations. It is this comparative approach, reflected in Figure 3, that allows us to clearly assess whether the increase in the number of vetoes is accompanied by an increase in alternative institutional responses, or whether the activity of the General Assembly performs a predominantly compensatory and declarative function without changing the balance of powers in the collective security system.

The data presented in Figure 3 demonstrate that the increase in the number of veto applications in the UN Security Council is systematically accompanied by the activation of alternative procedures of the General Assembly, but this reaction is predominantly non-coercive in nature. A chronological comparison shows that peaks in blocking Security Council decisions, in particular during periods of exacerbation of armed conflicts, correlate with an increase in the number of debates, special sessions and General Assembly resolutions adopted within the framework of the "Unity for Peace" mechanism and related procedures. At the same time, the absence of further legally binding consequences indicates that such institutional activity does not transform into a replacement of the coercive powers of the Security Council, but rather performs the function of political legitimization and articulation of a collective position, without eliminating the structural limitations of the collective security system.

Of particular importance in this context is General Assembly Resolution 377 (V) of 1950. The normative analysis of its construction indicates that the paralysis of the Security Council due to the position of a permanent member was institutionally recognised at an early stage of the development of the UN system as a recurring risk rather than as an exceptional malfunction (United Nations General Assembly, 1950). This aspect is significant not as a historical reference, but as a normative marker that the problem of the veto has a structural character and, accordingly, that the crisis of collective security manifests itself not only in the political, but also in the legal and institutional dimension. The continued reliance on this resolution over several decades, despite fluctuating but recurrent levels of veto usage documented in official UN datasets from 1946 to 2024, underscores the absence of any quantitative reduction in institutional paralysis attributable to Assembly-based alternatives.

Figure 3. Security Council vetoes and General Assembly alternative responses (1950–2024)



Source: Compiled by the author on the basis of United Nations Security Council (n.d.a) and United Nations General Assembly (1950, 2022), using data from United Nations Dag Hammarskjöld Library (n.d.), United Nations (n.d.)

Normative analysis of Resolution 377 (V) makes it possible to clarify the limits of its functional effectiveness. Under conditions of paralysis of the Security Council, the General Assembly is indeed authorised to consider the relevant situation promptly and to issue recommendations regarding collective measures, which in the political dimension may be perceived as an active reaction of the international community (United Nations General Assembly, 1950). At the same time, the legal form of such measures remains recommendatory, which does not generate an automatic international legal obligation to implement them and, accordingly, does not ensure a guaranteed coercive effect. Empirical evidence from voting records and resolution databases confirms that, notwithstanding repeated activation of Assembly procedures in veto-related contexts, no statistically observable shift toward binding enforcement outcomes has occurred.

Of principled importance for the criminal-law dimension is the fact that Resolution 377 (V) does not transform the competence of the General Assembly into a jurisdictional one and does not create a procedural link between the political response of the UN and the mechanism of international criminal responsibility for the crime of aggression. Even full-scale application of the *Uniting for Peace* procedures does not remove the institutional dependence of the activation of certain aspects of criminal prosecution on the functioning of the Security Council (Akande & Tzanakopoulos, 2018; Kress, 2018). This conclusion is supported by institutional statistics showing that, despite repeated invocations of Assembly-based procedures in veto-related situations since 1950, the number of Security Council vetoes in matters linked to armed conflicts and enforcement measures has continued to grow in subsequent decades, without any recorded instance of jurisdictional substitution in favour of the General Assembly.

Similar limitations are inherent in the more recent Resolution 76/262 (2022), which introduces mandatory public discussion in the General Assembly in the event of the use of the veto. Its normative significance lies in increasing transparency and political accountability of the permanent members of the Security Council; however, this mechanism has a purely procedural character and does not change the distribution of powers enshrined in the UN Charter (Charter of the United Nations, 1945; United Nations General Assembly, 2022). As a result, even modernised response instruments of the Assembly remain means of articulation of positions rather than of legal coercion. Empirical data from 2022–2024 indicate that, notwithstanding the automatic convening of General Assembly debates following vetoes, the overall frequency of veto use has not decreased, and no binding enforcement measures have followed these debates.

This procedural nature is insufficient precisely in the criminal-law context, since the implementation of responsibility for the crime of aggression requires a clear normative linkage to the jurisdictional conditions of the International Criminal Court. Resolution 76/262 does not create new legal grounds for overcoming the limitations arising from the construction of the crime of aggression in the Rome Statute and the Kampala compromises (Rome Statute of the International Criminal Court, 2021; Assembly of States Parties, 2010; Assembly of States Parties, 2017). Statistical comparison between periods before and after the adoption of Resolution 76/262 confirms the absence of any measurable institutional shift that would facilitate the activation of criminal-law mechanisms in response to veto-induced paralysis.

The comparison of alternative mechanisms of the General Assembly with the body of Security Council practice for the period 1946–2024 confirms the systemic character of the problem. The veto right functions as a recurrent procedural barrier in matters relating to the core security interests of permanent members, and the activation of Assembly instruments does not eliminate the legal finality of such blocking (United Nations Security Council, n.d.a). As a result, the Assembly's alternatives perform a compensatory legitimising function, but do not remove the normative gap that acquires decisive significance for the criminal-law prosecution of aggression (United Nations General Assembly, 1950; United Nations General Assembly, 2022). Longitudinal data on veto usage demonstrate that peaks in veto activity are consistently followed by increased Assembly engagement, yet without any corresponding reduction in decision-making blockage at the level of the Security Council.

The central result for understanding the relationship between the UN collective security system and international criminal law is the finding that alternative mechanisms of the General Assembly do not directly affect the jurisdictional architecture of the crime of aggression within the system of the International Criminal Court. The jurisdictional conditions and limits laid down in the Rome Statute and clarified by the Kampala Amendments function as a normatively autonomous regime, independent of the resolution activity of the political organs of the UN (Rome Statute of the International Criminal Court, 2021; Assembly of States Parties, 2010). Accordingly, even an intensive political context of condemnation of aggression formed by the General Assembly does not, in itself, remove the legal constraints that determine the possibility of exercising the Court's jurisdiction. This institutional autonomy is indirectly confirmed by the absence of

any statistical linkage between the frequency of General Assembly condemnatory resolutions and the initiation of proceedings related to the crime of aggression before the ICC.

Doctrinal analysis confirms that the crime of aggression has a special institutional nature that distinguishes it from other international crimes. Its criminal-law implementation is built on a compromise model within which the role of UN organs, and above all the Security Council, retains significance as a factor capable both of triggering and of blocking the relevant procedures (Akande & Tzanakopoulos, 2018; Kress, 2018). The alternatives of the General Assembly do not shift the centre of legally binding decision-making and, accordingly, do not alter this institutional dependence. Quantitative evidence on veto practice reinforces this conclusion by demonstrating the persistence of procedural blockage irrespective of the expansion of Assembly-based political mechanisms.

An additional factor is constituted by the temporal and subject-matter limits of the Court's jurisdiction. The commentary to Article 11 of the Rome Statute emphasises that the jurisdiction of the ICC has clearly defined temporal frameworks and conditions of applicability that cannot be altered by resolution-based responses of the political organs of the UN (Klamberg, 2016). Even the activation of the mechanisms of the General Assembly does not transform the basic parameters of the Court's jurisdiction.

Official materials of the International Criminal Court confirm this logic: the Court operates exclusively within the limits of the statutory jurisdiction and procedures conferred upon it and does not function as a universal instrument of political reaction to aggression (International Criminal Court, n.d.). Accordingly, alternative mechanisms of the General Assembly cannot be converted into a criminal-law result in the absence of an appropriate jurisdictional basis within the statutory regime of the ICC itself (Rome Statute of the International Criminal Court, 2021). The generalisation of the presented results makes it possible to present the alternative response mechanisms of the UN General Assembly in the form of a systematised analytical matrix reflecting their normative purpose, legal form, and structural limitations in the sphere of the prohibition of the use of force and the formation of criminal-law consequences (see Table 2).

Table 3. Alternative mechanisms of the UN General Assembly and their normative limits (in the plane of the prohibition of force and criminal-law consequences)

Assembly mechanism	**Normative purpose**	**Legal form of the result**	**Key limitation for the subject of the study**
Resolution 377 (V) "Uniting for Peace" (1950)	Compensation for Security Council paralysis due to lack of unanimity	Recommendations on collective measures	Absence of coercive force; impossibility of replacing binding Security Council decisions; absence of direct criminal-jurisdictional effect (United Nations General Assembly, 1950; Charter of the United Nations, 1945)
Resolution 76/262 (2022)	Transparency and political accountability for the veto	Automatic debates in the General Assembly	Procedural character without jurisdictional effect; does not remove legal barriers to responsibility for aggression (United Nations General Assembly, 2022; Rome Statute of the International Criminal Court, 2021)

Source: compiled by the author on the basis of Charter of the United Nations (1945), United Nations General Assembly (1950, 2022), Rome Statute of the International Criminal Court (2021), United Nations (n.d.)

As a consequence, within the logic of the study a clear normative line is fixed: the institutional paralysis of the Security Council through the veto is not compensated by Assembly alternatives to the extent required for the formation of an effective criminal-law mechanism of responsibility for armed aggression, and therefore the crisis of collective security manifests itself not only as a political dysfunction, but as a reproducible legal gap.

The criminal-law gap between the UN collective security system and the jurisdiction of the International Criminal Court

The results of the doctrinal-normative analysis attest to the existence of a persistent criminal-law gap between the collective security system of the United Nations and the mechanism for the implementation of international criminal responsibility for the crime of aggression. This gap has a normatively entrenched character and derives from the asymmetry between the imperative prohibition of the use of force enshrined in the UN Charter and the conditional-jurisdictional model of the criminalisation of aggression within the framework of the Rome Statute of the International Criminal Court (Charter of the United Nations, 1945; Rome Statute of the International Criminal Court, 2021).

The UN Charter formulates the prohibition of the threat or use of force as a universal rule of the international legal order that allows no derogations and constitutes the foundation of the entire architecture of collective security. At the same time, the implementation of this prohibition in the form of criminal-law responsibility is not provided for by the Charter itself and is delegated to other institutional mechanisms, primarily the International Criminal Court. However, the normative link between these two systems is fragmentary and does not ensure an automatic transition from the establishment of a violation of the prohibition of force to the criminal prosecution of responsible persons.

A specific feature of the crime of aggression, in contrast to other international crimes, is its institutional dependence on the UN Security Council. The Kampala Amendments to the Rome Statute, on the one hand, enshrined the substantive legal definition of aggression, and on the other hand preserved the decisive role of the Security Council in establishing the fact of an act of aggression or created conditions under which its inaction effectively blocks the Court's jurisdiction (Assembly of States Parties, 2010; Kress, 2018). As a result, the criminalisation of aggression is not accompanied by full jurisdictional autonomy of the ICC.

This structural dependence is reflected in empirical institutional data. According to the official records of the Dag Hammarskjöld Library, from 1946 to 2024 the right of veto was exercised more than 300 times, with a substantial proportion of vetoes relating to situations involving armed conflicts, the use of force, or enforcement measures under Chapter VII of the UN Charter (United Nations Security Council, n.d. b). At the same time, since the activation of the International Criminal Court's jurisdiction over the crime of aggression in 2017, no indictments or convictions for this crime have been issued by the Court. The juxtaposition of these datasets demonstrates a persistent quantitative asymmetry between repeated instances of institutional blockage at the level of collective security and the absence of criminal-law outcomes at the level of international justice.

After the formal activation of the Court's jurisdiction in 2017, this problem was not eliminated. On the contrary, analysis of the resolutions of the Assembly of States Parties confirms that a number of exceptions and limitations have been preserved that do not allow the Court to act independently of the political will of states, in particular permanent members of the Security Council (Assembly of States Parties, 2017; Akande & Tzanakopoulos, 2018). This means that even in the presence of an obvious violation of the prohibition of the use of force, international criminal responsibility may not arise for reasons that are not legal in nature, but exclusively institutional-political.

Another example relates to the gap of criminal law regarding the Security Council's power to postpone or effectively block the activities of the Court. A doctrinal analysis of Article 16 of the Rome Statute demonstrates that binding resolutions of the Security Council may still influence criminal proceedings even in circumstances where a substantive decision has not been adopted due to the use of the veto (Brungger, 2023). Thus, the empirical absence of prosecutions for aggression cannot be explained by the lack of normative criminalisation, but rather by the cumulative effect of institutional filters embedded in the collective security architecture.

The obtained results confirm that this gap is not unique to a particular conflict, but has a systemic character. Comparative analysis of previous cases of international crises and mass violations of international law shows that institutional incapacity or political paralysis of international organs leads to the formation of a model of "responsibility by default", in which the absence of a decision effectively replaces legal assessment (Sørbø & Ahmed, 2013). In quantitative terms, the repeated recurrence of veto-induced paralysis contrasts sharply with the complete absence of criminal-law enforcement outcomes for aggression, reinforcing the structural nature of this gap.

In sum, the results of the study allow it to be stated that the UN collective security system and the mechanism of international criminal justice function in different normative planes. The prohibition of the use of force remains declaratively strong but criminal-law weak, since its implementation is mediated by institutional barriers that are not removed either by the development of doctrine or by partial procedural reforms. It is precisely this criminal-law gap that constitutes one of the key structural reasons for the impunity of the crime of aggression in the contemporary international legal order.

Discussion

The obtained results allow the crisis of the UN collective security system to be interpreted not as a set of isolated political failures, but as a structurally entrenched normative-institutional problem that directly affects the implementation of the prohibition of the use of force and the criminal-law protection of peace. As the doctrinal-normative analysis has shown, the imperative nature of the prohibition of force enshrined in Article 2(4) of the UN Charter does not automatically transform into an effective response mechanism in cases where a permanent member of the Security Council is a party to the conflict or is directly interested in blocking decisions.

Similar limitations are also observed in the "Uniting for Peace" mechanism. As Melling and Dennett (2018) show on the example of the Syrian conflict, the activation of the

General Assembly is capable of partially compensating for the political paralysis of the Security Council, but only at the level of recommendations and coordination. The analysis conducted within this study confirms this conclusion and at the same time refines it: even under conditions of maximum mobilisation of the General Assembly, such mechanisms do not generate any criminal-jurisdictional consequences for persons responsible for armed aggression. It is precisely here, as has been revealed, that the key gap arises.

The doctrinal concept of responsibility not to veto also requires critical rethinking in light of the obtained results. Reinold (2014) substantiates it as a secondary rule aimed at strengthening the rule of law in the activities of the Security Council. At the same time, the results of this study demonstrate that such a norm functions predominantly in the plane of political ethics rather than positive law. It does not create a legal obligation and is not accompanied by a sanctioning mechanism, which, in essence, reduces its effectiveness to voluntary self-restraint of permanent members.

The criminal-law dimension of this problem is particularly clearly manifested in comparison with the works of Ruys (2017, 2018), who considers the International Criminal Court as a potential centre of a future regime of responsibility for aggression. The obtained results confirm this thesis only partially. Although the ICC indeed plays a symbolically important role in the criminalisation of aggression, its jurisdiction remains procedurally vulnerable and indirectly dependent on political dynamics within the Security Council. As a consequence, even obvious violations of the prohibition of the use of force may remain outside judicial consideration.

Finally, the assessment by Serdiuk (2024), who considers Resolution 76/262 as an instrument for strengthening the collective response to abuses of the veto right, is generally confirmed by the obtained results, but with an important caveat. Procedural expansion of debates does not transform into jurisdictional strengthening of responsibility. In other words, an increase in institutional "visibility" does not mean the emergence of legal consequences in the criminal-law sphere.

In sum, the comparison of the study's own results with contemporary doctrine demonstrates broad scholarly agreement regarding the limited effectiveness of both political and quasi-legal mechanisms of veto restraint. At the same time, this study refines the discussion by showing that the key problem lies not only in a deficit of political will or reforms, but in a systemic criminal-law gap between the mechanisms of UN collective security and the jurisdiction of the International Criminal Court. It is precisely this gap that determines the deep nature of the crisis under consideration.

Conclusions

The obtained results made it possible to achieve the stated objective and to confirm the initial assumption that the crisis of the UN collective security system has, first of all, a normative-institutional rather than a situational-political character. In the course of the study, it was established that the imperative prohibition of the use of force coexists with a procedural decision-making model that structurally allows for its neutralisation, which creates a persistent legal vacuum in the sphere of the protection of peace. This conclusion is reinforced by quantitative institutional data demonstrating the recurrent and non-

episodic nature of veto-induced decision-making paralysis within the Security Council. Contrary to the expected compensatory effect of the alternative mechanisms of the General Assembly, the results demonstrated their limited capacity to influence the criminal-law consequences of aggression.

The scientific novelty of the study lies in the systematic combination of the analysis of the prohibition of force with the jurisdictional limits of the International Criminal Court, which made it possible to identify a deep criminal-law gap between two key elements of the post-war legal order. The incorporation of long-term statistical patterns of veto use further substantiates the structural character of this gap, showing that institutional incapacity persists across different historical periods and conflict contexts. The practical significance of the results consists in the possibility of using the formulated conclusions to assess the realism of institutional reforms of the UN and to develop alternative models of responsibility for armed aggression.

At the same time, the study is limited by its normative-doctrinal focus and does not fully cover an empirical analysis of all conflicts in which the veto right was applied. The statistical data employed serve an illustrative and contextual function and do not aim at establishing causal correlations. Further research should be directed towards the search for extra-institutional or hybrid mechanisms of accountability for aggression, as well as towards a rethinking of the role of universal jurisdiction in the context of the protection of peace and international security.

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