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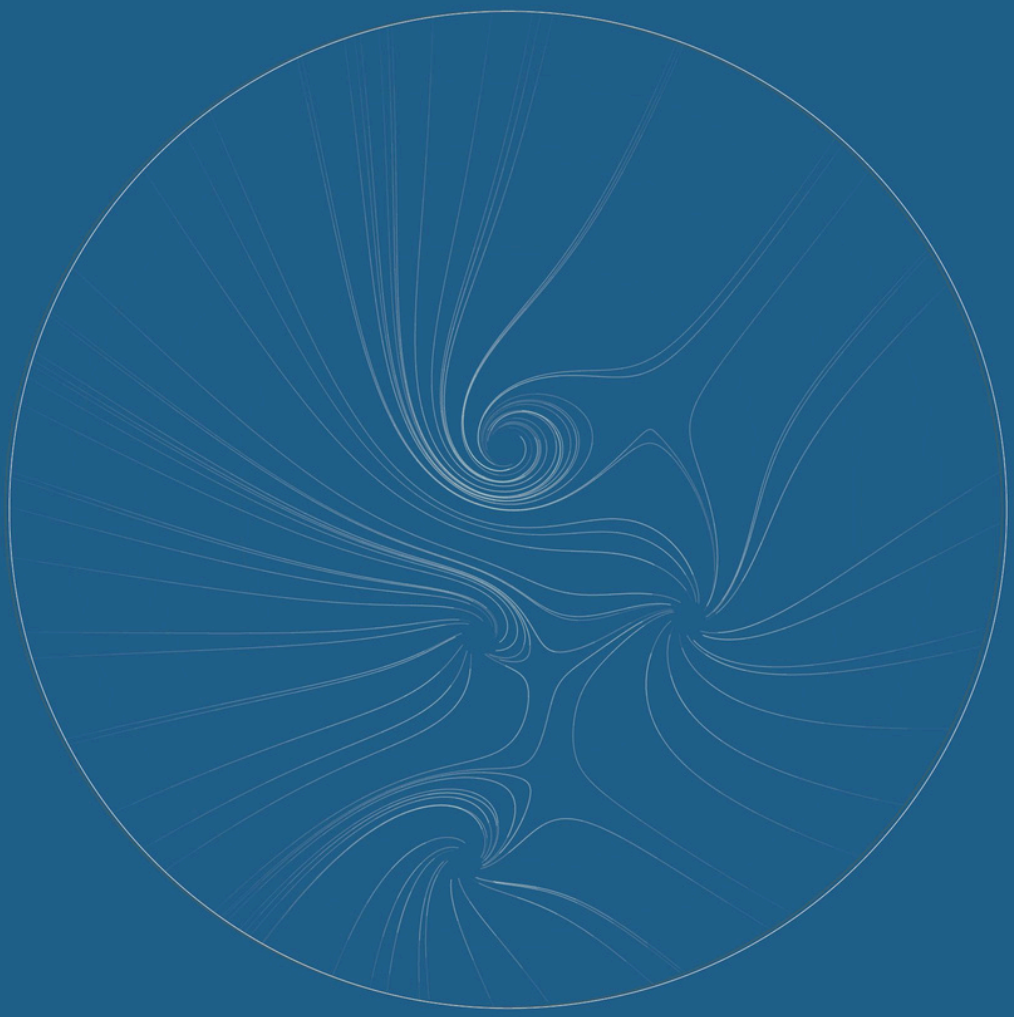

Restoring Constraint on Aggression

Mark Simonoff

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About the Author



MARK SIMONOFF

Mark Simonoff was the Legal Adviser at the US Mission to the United Nations from August of 2008 to January of 2025. He provided legal advice and guidance to Ambassador Linda Thomas-Greenfield, Ambassador Kelly Craft, Ambassador Nikki Haley, Ambassador Samantha Power and Ambassador Susan Rice. Mr. Simonoff negotiated numerous UN Security Council and General Assembly resolutions, including on Ukraine, Syria, Crimes Against Humanity, and the International Criminal Court. Mr. Simonoff also has deep expertise on Security Council and General Assembly procedural issues. Previously, Mr. Simonoff worked for ten years in the Office of the Legal Adviser at the US Department of State, handling Antarctic, Arctic, oceans, outer space and environmental issues, among others. Mr. Simonoff teaches as an Adjunct Professor at Cardozo Law School and previously taught at Vanderbilt Law School. He is a Senior Fellow at the NYU Center on International Cooperation and a Senior Fellow at the American Society of International Law. He received his law degree from Harvard Law School, and his undergraduate degree from Yale College.

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Toda Peace Institute
Samon Eleven Bldg. 5F,
3-1 Samon-cho, Shinjuku-ku
Tokyo 160-0017, Japan

Tel. +81-3-3356-5481
Fax. +81-3-3356-5482
Email: contact@toda.org

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Abstract

The prohibition of the use of force is the foundation of the modern international order. Out of the ashes of World War II, the founders of the United Nations resolved to prevent the scourge of war. Now this prohibition is under dire threat, primarily, though not only, from some of the veto-wielding Permanent Five members of the Security Council. Acts of aggression are undermining the international peace and security framework of the modern era. The international community must come together to devise concrete consequences for acts of aggression.

Specifically, the international community should establish a standing body to address aggression. This standing body would investigate crimes of aggression for future prosecution, recommend the imposition of economic sanctions and recommend the barring of aggressor States from serving in UN leadership positions. The General Assembly should establish this standing body or, failing that, a coalition of States should establish it outside the auspices of the United Nations.

Background

The prohibition of the use of force is the fundamental bedrock of the international order, but that bedrock is now at risk of crumbling.

After World War II, the Allied powers set out to prevent further aggressive wars. The founders of the United Nations codified the prohibition of the threat or use of force in Article 2, paragraph 4 of the UN Charter. One of the principal charges against Nazi and Japanese leaders at the Nuremberg and Tokyo trials was launching wars of aggression.[1] US Supreme Court Justice Robert H. Jackson, chief prosecutor for the United States at the Nuremberg Trial, emphasised the importance of prosecuting leaders, stating:

> the ultimate step in avoiding periodic wars, which are inevitable in a system of international lawlessness, is to make statesmen responsible to law… [W]hile this law is first applied against German aggressors, the law includes, and if it is to serve a useful purpose it must condemn aggression by any other nations, including those which sit here now in judgment.[2]

The United Nations General Assembly, in 1970, adopted the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,[3] declaring that “A war of aggression constitutes a crime against the peace, for which there is responsibility under international law.”[4] In 1974, the General Assembly adopted a definition of aggression,[5]

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[1] United Nations, *The Charter and Judgment of the Nürnberg Tribunal — History and Analysis: Memorandum Submitted by the Secretary-General,* UN Doc. A/CN.4/5 (1949), https://legal.un.org/ilc/documentation/english/a_cn4_5.pdf; “The Tokyo Trial,” research guide, Peace Palace Library, accessed 8 July 2026, https://peacepalacelibrary.nl/research-guide/tokyo-trial.

[2] Robert H. Jackson, opening statement for the United States, 21 November 1945, in *Trial of the Major War Criminals before the International Military Tribunal, vol. II (Nuremberg: International Military Tribunal,* 1947), Second Day.

[3] United Nations General Assembly, Resolution 2625 (XXV), Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, 24 October 1970, https://docs.un.org/en/A/RES/2625(XXV).

[4] United Nations General Assembly, Resolution 2625 (XXV).

[5] United Nations General Assembly, Resolution 3314 (XXIX), Definition of Aggression, 14 December 1974, https://docs.un.org/en/A/RES/3314(XXIX).

stating that “Aggression is the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations, as set out in this Definition.”[6]

In 1998, the Rome Statute establishing the International Criminal Court (ICC) included definitions and jurisdictional provisions regarding three core crimes: war crimes, crimes against humanity, and genocide. However, the States at the Rome Conference deferred the adoption of a definition and jurisdictional provisions on the crime of aggression. In 2010, the parties to the Rome Statute, at a Review Conference in Kampala, Uganda, adopted amendments adding a definition of the crime of aggression and provisions on the ICC’s jurisdiction to prosecute this crime.[7] The amendments excluded States not party to the Statute from the Court’s jurisdiction over aggression under State referrals and prosecutor-initiated investigations, while retaining the Security Council referral route.

In 2025, at a Special Session, some ICC States Parties tried to amend the Rome Statute to expand the scope of jurisdiction over aggression and to put aggression on an equal footing with the other core crimes.[8] No jurisdictional amendment was adopted, demonstrating the limits of relying exclusively on amendment of the Rome Statute and reinforcing the need for a complementary mechanism capable of operating even where ICC jurisdiction over the crime of aggression is unavailable.

The UN Charter granted a veto to the five Permanent Members of the Security Council, the P5: the United States, the United Kingdom, the Soviet Union (now the Russian Federation), France and China. All substantive decisions of the Security Council require nine affirmative votes as well as no negative votes from any of the Permanent Five members. The Charter would not have been possible without this grand bargain. The flip side of the bargain was that the P5 were expected to act responsibly to safeguard international peace and security.

In 1950, in response to Soviet vetoes in the Security Council during the Korean War, the General Assembly established the “Uniting for Peace” mechanism through resolution 377A(V).[9] This mechanism created a process through which the General Assembly could meet in emergency special sessions to step in when a P5 member had blocked collective action through use of the veto. While the General Assembly could not go beyond its recommendatory authority, it could use its authority under Uniting for Peace to take measures where the Security Council was unable to do so. Since its adoption, the General Assembly has convened eleven emergency special sessions. The Assembly could use its recommendatory authority with regard to international peace and security, whether through the Uniting for Peace mechanism or otherwise. (See the paper by Eugene Chen in this collection.)

In 1990, Iraq engaged in a flagrant breach of the prohibition of the use of force by invading Kuwait. The Security Council responded robustly. Among other things, it condemned Iraq’s breach of international peace and security, imposed economic sanctions on Iraq and authorised the use of force against Iraq.[10]

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[6] United Nations General Assembly, Resolution 3314 (XXIX).

[7] Rome Statute of the International Criminal Court, 17 July 1998 (as amended 2010), arts. 8 bis, 15 bis and 15 ter, https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf.

[8] Assembly of States Parties to the Rome Statute, Resolution ICC-ASP/S-1/Res.1, adopted at the Special Session on the review of the amendments on the crime of aggression, July 2025, https://asp.icc-cpi.int/sites/default/files/asp_docs/ICC-ASP-S-1-Res1-ENG.pdf; documentation of the session at https://asp.icc-cpi.int/sessions/documentation/special-session-2025.

[9] United Nations General Assembly, Resolution 377 (V), Uniting for Peace, 3 November 1950, https://docs.un.org/en/A/RES/377(V); see also United Nations Audiovisual Library of International Law, https://legal.un.org/avl/ha/ufp/ufp.html.

[10] United Nations Security Council, Resolution 660 (1990), 2 August 1990, https://docs.un.org/en/S/RES/660(1990); Resolution 678 (1990), 29 November 1990, https://docs.un.org/en/S/RES/678(1990).

Recent events

Recently, two P5 members—the Russian Federation and the United States (or their allies)—have engaged in illegal use of force without the Security Council being able to take effective action, either because Security Council resolutions have been vetoed or because of a threat of a veto. For example, the Russian Federation vetoed resolutions responding to Russia's illegal full-scale invasion of Ukraine in 2022 and its illegal purported annexation of Crimea in 2014.[11] The United States launched a war against Iran with Israel and attacked Venezuela and arrested its President, in violation of Article 2, paragraph 4 of the UN Charter.[12]

Some P5 members have also threatened the use of force. For example, China has repeatedly threatened an invasion of Taiwan and has ramped up military pressure in the air and seas near Taiwan.[13] It has also pursued illegal maritime claims in the South China Sea including the continued illegal construction of artificial islands and the installation of military facilities on them, potentially leading to problematic use of force there.[14] In addition, the United States repeatedly has threatened to use force to seize Greenland.[15]

Other States also warrant scrutiny. Rwanda has deployed forces in the Democratic Republic of the Congo. UN experts have found allegations of arms transfers from the United Arab Emirates to the Rapid Support Forces in Sudan credible; the UAE denies them. Whether such support constitutes participation in aggression requires a further legal and factual assessment.[16]

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[11] United Nations Security Council, 8979th meeting, UN Doc. S/PV.8979, 25 February 2022, https://docs.un.org/en/S/PV.8979; draft resolution, UN Doc. S/2022/155, 25 February 2022, https://docs.un.org/en/S/2022/155.

[12] Congressional Research Service, *U.S. Capture of Venezuela's Nicolás Maduro: Considerations for Congress*, CRS Insight IN12618 (Washington, DC: Congressional Research Service, 2026), https://www.congress.gov/crs-product/IN12618; on the United States–Iran conflict, see Brian Finucane, "On the State Department Memorandum 'Operation Epic Fury and International Law'," *Just Security,* 24 April 2026, https://www.justsecurity.org/137097/state-department-epic-fury-international-law/; on Venezuela, see Michael Schmitt, Ryan Goodman and Tess Bridgeman, "International Law and the U.S. Military and Law Enforcement Operations in Venezuela," *Just Security*, 5 January 2026, https://www.justsecurity.org/127981/international-law-venezuela-maduro/.

[13] The People's Republic of China claims Taiwan as part of its territory under its 'one China principle' and regards reunification as an internal matter. Taiwan is self-governing, and other states' 'one China policies' vary in their treatment of Beijing's sovereignty claim. Some states recognise the Republic of China (Taiwan) rather than the People's Republic of China. These differing positions complicate the legal characterisation of any use of force against Taiwan; they do not, in themselves, determine its lawfulness or whether it would constitute aggression.

[14] Julian McBride, "A Calm Before the Storm: South China Sea Powder Keg," *SAIS Review of International Affairs*, 13 February 2026, https://saisreview.sais.jhu.edu/a-calm-before-the-storm-south-china-sea-powder-keg/. See also South China Sea Arbitration (Philippines v. China), Award, PCA Case No. 2013-19, 12 July 2016, https://docs.pca-cpa.org/2016/07/PH-CN-20160712-Award.pdf.

[15] "Trump Won't Rule Out Military Force to Take Greenland," *NPR*, 30 March 2025, https://www.npr.org/2025/03/30/nx-s1-5344942/trump-military-force-not-off-the-table-for-greenland.

[16] On Rwanda: United Nations Security Council, Resolution 2773 (2025), 21 February 2025, https://docs.un.org/en/S/RES/2773(2025), calling on the Rwanda Defence Force to cease support to M23 and withdraw from the territory of the Democratic Republic of the Congo without preconditions; see also the final report of the Group of Experts on the Democratic Republic of the Congo, S/2024/969, 27 December 2024, https://docs.un.org/en/S/2024/969. On the United Arab Emirates: the Panel of Experts on the Sudan described allegations of arms transfers to the Rapid Support Forces as credible in its final report, S/2024/65, January 2024, https://docs.un.org/en/S/2024/65; the United Arab Emirates denies them, and the International Court of Justice removed Sudan's case against the United Arab Emirates from its list on 5 May 2025 for manifest lack of jurisdiction (Sudan v. United Arab Emirates, Order of 5 May 2025). Characterising support to an armed group as participation in aggression requires examination of the elements in Article 3(g) of resolution 3314 (XXIX); evidence of arms transfers alone does not establish those elements.

Some of these actors have advanced unpersuasive legal justifications for their use of force. For example, Russia made implausible arguments that its 2022 invasion of Ukraine was in self-defence.[17] And the United States also made implausible self-defence arguments when it initiated its war of choice against Iran.[18]

The permanent members have different records, but all should be judged against the same legal standards. Their particular responsibility for international peace and security should strengthen, rather than diminish, their accountability.

The General Assembly responded decisively to Russia's invasion of Ukraine. Among other things, the General Assembly convened an emergency special session to condemn Russia's illegal invasion, explicitly characterising it as "aggression", suspended Russia from the Human Rights Council and recommended the establishment of a register of damage within an international reparations mechanism. The Register of Damage was subsequently established within the Council of Europe framework, and a convention establishing a Claims Commission and an agreement establishing a special tribunal for the crime of aggression have since been concluded.[19] In addition, many States have individually imposed sanctions on Russia.

[17] Michael N. Schmitt, "Russia's 'Special Military Operation' and the (Claimed) Right of Self-Defense," *Articles of War* (Lieber Institute, West Point), 28 February 2022, https://lieber.westpoint.edu/russia-special-military-operation-claimed-right-self-defense/; Finucane, "On the State Department Memorandum 'Operation Epic Fury and International Law'".

[18] Finucane, "On the State Department Memorandum 'Operation Epic Fury and International Law'."

[19] Council of Europe, Register of Damage Caused by the Aggression of the Russian Federation against Ukraine, accessed 8 July 2026, https://rd4u.coe.int/en/; Council of Europe, Special Tribunal for the Crime of Aggression against Ukraine, accessed 8 July 2026, https://www.coe.int/en/web/special-tribunal-ukraine/home; on the Claims Commission, European Union External Action Service, "EU signs the Council of Europe Convention establishing an International Claims Commission for Ukraine," 18 December 2025, https://www.eeas.europa.eu/delegations/council-europe/eu-signs-council-europe-convention-establishing-international-claims-commission-ukraine_en, recording the signature of the convention by the European Union and 34 States at The Hague on 16 December 2025.

Recommendations for action

The international community must adopt and implement a systemic response to the increase in aggression by P5 members, their allies and others.

Aggression is not confined to permanent members of the Security Council. A credible response must apply the same legal standards to every State. The particular institutional problem arises when a permanent member uses or threatens the veto to shield itself or another State from Council action. The proposed standing body would address that gap through a mandate applicable to all States.

This proposal is best understood not as a replacement for the existing collective security system, but as an effort to make fuller use of the General Assembly's established authority. It complements the broader reforms proposed in the accompanying papers by strengthening the capacity of the wider membership to defend Charter principles when the Council cannot act.

1. ESTABLISH A UN STANDING BODY ON AGGRESSION (UN GENERAL ASSEMBLY)

The UN General Assembly should establish a standing body on aggression.

The UN Charter grants the UN General Assembly broad authority to take action on matters related to international peace and security. While the General Assembly cannot impose binding enforcement measures on States, over the decades the General Assembly has exercised its authority to take concrete action on international peace and security.[20]

This standing body on aggression would have the following powers:

- **Investigate and prepare criminal case files on crimes of aggression, for use by prosecuting authorities that have jurisdiction.** The standing body would have a staff of seasoned investigators and prosecutors, with experience in international criminal law and in domestic investigation and prosecution. The staff would be expanded as needed depending on the volume of situations referred to it.

There are precedents for the General Assembly exercising its authority to establish such an investigative mechanism. In 2016, the General Assembly established the International, Impartial and Independent Mechanism to assist in the investigation and prosecution of persons responsible for the most serious crimes under International Law committed in the Syrian Arab Republic since March 2011 (IIIM).[21] The IIIM investigates and prepares trial-ready case files for use by domestic prosecutors. Several prosecutions have been successfully pursued by national prosecuting authorities. Similarly, in 2018, the Human Rights Council established the Independent Investigative Mechanism for Myanmar (IIMM) with similar authorities.[22]

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[20] Erica Gaston and Adam Day, *Assembly for Peace: A Digital Handbook on the UN General Assembly's Past Practice on Peace and Security* (New York: United Nations University Centre for Policy Research, 2024), https://unu.edu/cpr/report/assembly-peace-digital-handbook-un-general-assemblys-past-practice-peace-and-security.

[21] United Nations General Assembly, Resolution 71/248, International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, 21 December 2016, https://docs.un.org/en/A/RES/71/248; see also the IIIM website, accessed 8 July 2026, https://iiim.un.org/.

[22] United Nations Human Rights Council, Resolution 39/2, Situation of Human Rights of Rohingya Muslims and Other Minorities in Myanmar, 27 September 2018, https://docs.un.org/en/A/HRC/RES/39/2; see also the IIMM website, accessed 8 July 2026, https://iimm.un.org/.

The proposed standing body would not duplicate the jurisdiction of the International Criminal Court, existing situation-specific tribunals, or national courts. Its principal function would be to preserve evidence, prepare case files, and make institutional recommendations in situations where no competent prosecutorial mechanism is able or willing to act. Where an existing court or investigative mechanism has jurisdiction, the standing body would cooperate with it and avoid parallel proceedings. Its comparative advantage would lie in its permanent mandate, its capacity to address future acts of aggression consistently, and its ability to connect criminal accountability with broader institutional and economic consequences.

The mandate of the investigative arm of the standing body should distinguish between the responsibility of a State for an act of aggression and the potential criminal responsibility of individual leaders for the crime of aggression. A finding concerning the conduct of a State would not by itself establish individual guilt. Any criminal case file would need separately to address jurisdiction, the leadership requirement, intent, and the other elements of individual responsibility.

There are questions as to whether head of state immunity would prevent criminal accountability for the highest leaders in a country, such as the head of state or head of government. But even if this barrier could not be overcome, the looming threat of criminal accountability for those who do not enjoy such immunity should serve as a powerful disincentive to participating in acts of aggression. Such officials could include high-level presidential advisers, cabinet ministers (other than foreign ministers) and deputy ministers of foreign affairs and of defence, although immunity for official acts may present a separate obstacle in foreign national courts.

- **Make recommendations for the imposition of economic sanctions in response to acts of aggression.** These recommended sanctions would include asset freezes, travel bans, and other economic measures targeting individual perpetrators of acts of aggression. Recommended sanctions would also include measures targeting the aggressor state itself, such as freezes of assets of the State, trade measures against that State or other financial measures targeting the State. The goal would be to impose costs on both the individuals and the States perpetrating aggression.

The General Assembly recently adopted a resolution calling for the imposition of a wide range of sanctions and other measures against Israel in response to Israel's unlawful presence in the Occupied Palestinian Territory and settler violence.[23] It is well within its authority to recommend the imposition of sanctions in response to acts of aggression. The body's recommendations would be directed to States, regional organisations, and relevant United Nations organs, which would be invited to adopt coordinated financial, diplomatic, and institutional measures in accordance with their respective legal authorities. Civil society could use the body's recommendations as a spur to organise boycotts and divestments independent of any action by States.

[23] United Nations General Assembly, Resolution ES-10/24, Advisory opinion of the International Court of Justice on the legal consequences arising from Israel's policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and from the illegality of Israel's continued presence in the Occupied Palestinian Territory, 18 September 2024, paras. 5(b) and 5(c), https://docs.un.org/en/A/RES/ES-10/24.

- **Recommend that aggressor States be barred from serving in any UN leadership positions, such as the Chair of Main Committees, membership of limited-membership bodies such as the Economic and Social Council (ECOSOC) or the Human Rights Council, and other leadership positions.**

The standing body would serve as a naming and shaming mechanism. After Russia's 2022 full-scale invasion of Ukraine, North Macedonia challenged Russia for a seat on ECOSOC, and Russia failed to secure re-election in that ballot.[24] While the General Assembly does not have the authority to deny rights and privileges of Membership of the UN without a Security Council recommendation, it does have the power to bar aggressor States from bodies through election processes, and to recommend that they not be permitted to serve in leadership positions. The available measures would vary according to the body concerned. In some cases, States could oppose the aggressor State's election and support a rival candidate; in others, they could withhold support for bureau or committee leadership positions; and where the Charter or the constitutive instrument permits, they could pursue suspension through the applicable procedure.

Member States would need to resolve several issues as they develop a mandate for this standing body.

Trigger mechanism. There needs to be a trigger for particular situations to be taken up by the standing body. There could be concerns that accusations of aggression could be abused as a political tool by adversaries of a State. A standing body would need to develop sufficient safeguards against such abuse, such as a neutral decision-maker as to whether the standing body would be triggered. The credibility of the mechanism would depend on universal and consistent application. It should apply the same published legal criteria to all States, provide reasons for its determinations, and consider materially comparable situations without regard to political alignment.

The Secretary-General could determine whether aggression had occurred and refer the situation to the standing body. However, dependence on the P5 and other powerful Member States, including for reappointment, would expose the Secretary-General to enormous pressure not to trigger the body's jurisdiction.

Alternatively, a General Assembly supermajority could refer situations to the standing body. An overwhelming majority could confer legitimacy, but the vote would remain vulnerable to politicisation.

A more feasible option would be the establishment of a neutral cross-regional standing committee of experts, appointed by the General Assembly. That committee of experts should be housed within the standing body itself, and would serve as a gatekeeper to determine whether the other subsidiary bodies may take action. This expert body would take the initial determination out of the hands of governments and weigh objectively whether the legal criteria had been met. It would thus afford legitimacy and credibility to a finding of aggression. The expert committee should consist of a small number of independent jurists appointed for fixed, non-renewable terms, with equitable regional representation and strict rules on conflicts of interest. It should be authorised to consider referrals from States, the Secretary-General, or designated United Nations bodies, and should activate the standing mechanism only upon finding that the available information provides a reasonable basis to conclude that a manifest violation of the Charter constituting aggression may have occurred. Its decisions and reasons should be published. The same expert committee should make subsequent, reasoned findings of State aggression following fuller examination of the evidence and an opportunity for the State concerned to respond. Its mandate should specify the evidentiary standard, distinct from the preliminary activation threshold. These findings would inform recommendations, without constituting binding judicial determinations or establishing individual criminal responsibility.

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[24] The election was held on 10 June 2022. Russia received 118 votes in the first round, ten short of the two-thirds majority required, and neither Russia nor North Macedonia reached the threshold in the further rounds, so the seat remained unfilled. See "17 states elected into UN Economic and Social Council for three-year term," *Xinhua*, 11 June 2022, https://english.news.cn/20220611/9c76767359d244d788d870cd6240ebde/c.html.

It should be acknowledged that a standing committee of experts would face the risk of itself either coming under political pressure, or of having its findings ignored by Member States. It would be important for other Member States to protect the committee of experts, to push back against political pressure and to promote and support the findings of the committee.

The standing body should address aggression itself, rather than threats of force. While unlawful threats of force also violate the UN Charter, they unfortunately happen with such frequency that their inclusion would dilute the function of the body and tax its resources. Although threats of force would not independently trigger the standing body, they could be documented as relevant contextual and early-warning evidence, particularly where they form part of a pattern culminating in an act of aggression.

Structure. Structurally, there should be a clear separation between the evidence-gathering and case preparation function on the one hand, and the political function of recommending sanctions and shaming consequences on the other. There is a need to develop credible, usable case files for future prosecution, and a line between this function and the others would be appropriate.

Accordingly, the standing body should establish separate subsidiary bodies with distinct functions—an expert committee responsible for activation and subsequent findings of State aggression, an investigative body to develop criminal files, a sanctions body, and an oversight body, which would follow up on all of the standing body's investigations and recommendations and track whether they have been implemented. The standing body as a whole would regularly report to the General Assembly on its work.

A UN standing body on aggression would face several political challenges. The General Assembly would approve the body's budget following consideration by its Fifth Committee, where the P5 could engage in obstruction and arm-twisting. (See the paper by Frederik Matthys and Peter Linnér in this collection.) Further, a standing body housed within the United Nations could face administrative obstruction or political pressure exerted through Member States. In addition, any triggering within the UN could also be subject to undue influence and meddling by powerful States seeking to undermine its mandate. Still, the UN should be able to withstand such pressure. The IIIM on Syria was able to withstand Russian pressure despite Russia's sustained efforts to attack that institution on behalf of its ally, Syria. With determination, supporters of a standing body should be able to push back on efforts to undermine its effectiveness.

Some might question whether a proposal flowing from the General Assembly, which cannot impose binding enforcement measures on States, can effectively deter aggression. The IIIM contributed to actual criminal prosecutions. North Macedonia's challenge to Russia led to Russia's loss of ECOSOC membership (and other challenges in other bodies left Russia out of those bodies as well, notably the defeat of Russia's incumbent judge in the 2023 election to the International Court of Justice).[25] The prospect of national sanctions with teeth can deter unlawful actions. No single mechanism can guarantee deterrence. Its more immediate contribution would be to raise the expected political, legal, and economic costs of aggression, preserve evidence for future proceedings, constrain the international standing of responsible States and officials, and reduce the expectation that powerful actors can act with complete impunity.

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[25] International Court of Justice, "United Nations General Assembly and Security Council elect five Members of the Court," press release, 10 November 2023, https://www.icj-cij.org/node/203244. The incumbent Russian judge, Kirill Gevorgian, was not among those elected.

2. CREATE A STANDING BODY ON AGGRESSION THROUGH A COALITION OF STATES (COALITION OF STATES)

As an alternative to the establishment of a UN body, a coalition of States could create a standing body on aggression.

The coalition's standing body would have many of the same authorities that the body established by the General Assembly would have.

The Ukraine-related bodies, as noted above, were established outside the auspices of the United Nations, in part to avoid Russian meddling within the UN system. Ideally, if the General Assembly were not to create a standing body, a broad cross-regional group would establish a standing body on aggression. As the body should have purview over any acts of aggression anywhere in the world, ideally it would not be established through an existing regional organisation, but through a separate new global institution. Supporters should proceed in sequence: form a cross-regional core group, review legal and budgetary options, table a General Assembly resolution, and move to an external coalition mechanism only if the United Nations route proves politically impossible.

A non-UN body would need dedicated funding and could be costly and difficult to establish. It could also be perceived as abandoning the United Nations as an institution for responding to breaches of international peace and security.

Conclusion

Many of the above ideas are likely to be met with a strong negative response by most of the P5 and some others. Opponents will argue that the General Assembly lacks the authority to establish such a mechanism, that its work would inevitably be politicised, and that it would duplicate existing institutions. None of these objections is decisive. The Assembly has repeatedly created investigative and accountability mechanisms within its Charter competence; transparent legal criteria and an independent, cross-regional expert body can reduce the risk of selective application; and a carefully defined mandate can ensure complementarity rather than duplication. Whatever the risks of institutional innovation, the greater danger is allowing repeated acts of aggression to pass without credible consequences. It is not too late to restore and preserve the prohibition of the threat or use of force codified in Article 2 of the UN Charter.

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CONTACT US

Toda Peace Institute
Samon Eleven Bldg. 5th Floor
3-1 Samon-cho, Shinjuku-ku, Tokyo 160-0017, Japan

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contact@toda.org

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