

## United Nations Security Council Meeting on Working Methods 26 November 2012

*The meeting in the Security Council to consider of the note by the President of the Security Council (S/2010/507) and the letter dated 19 November 2012 from the Permanent Representatives of India and Portugal to the United Nations (S/2012/853).*

*The following seven governments mentioned the need for the five Permanent Members of the Security Council to refrain from the use of veto in situations of genocide, crimes against humanity and war crimes in their remarks.*

### France

**H.E. Mr. Gérard Araud, Permanent Representative**

(Translation taken from the United Nations)

(...) Fourthly, as I already pointed out in the open debate convened by Guatemala on 17 October (see S/PV.6849), France supports the permanent members of the Council voluntarily and jointly foregoing the use of the veto in situations under the Council's consideration in which mass atrocities are being committed and, more generally, which pertain to the **responsibility to protect**.

### Liechtenstein

**H.E. Mr. Christian Wenaweser, Permanent Representative**

The use of the veto is a central aspect of the way in which the Council carries out its work or, more frequently, fails to do so. The past year has given ample evidence to this effect. The veto as such is part and parcel of the Charter of the United Nations, which we all have ratified. But it is essential that it not be used contrary to the very purposes and principles of the Organization and that a minimum of accountability be provided in this respect. We believe that a code of conduct regarding the use of the veto would be useful, with a clear emphasis on its use in situations involving **genocide, crimes against humanity and war crimes**. We encourage the Council, in particular its permanent members, to commence this discussion.

### Singapore

**H.E. Mr. Albert Chua, Permanent Representative**

Draft resolution A/66/L.42/Rev.2 had asked the P-5 to consider refraining from vetoing action aimed at preventing **genocide, war**

### crimes and crimes against humanity.

That aspect was considered particularly controversial by the P-5, which were affronted by the suggestion that limits be placed on the use of their veto power. That position was shared by all the P-5, even those who fervently support the principle of **responsibility to protect**. Those permanent members that repeatedly express outrage at what is happening within the Council on issues like Syria are the same ones that blocked A/66/L.42/Rev.2. Trumpeting moral outrage over the Council's non-action is particularly hypocritical because whatever divisions there may be among the P-5, they are united in having no limits placed on their use or abuse of the veto.

### Switzerland

**H.E. Mr. Paul Seger, Permanent Representative**

Finally, the question of the veto must be addressed. Switzerland has repeatedly suggested that member States using the veto be obliged to explain their reasons for doing so and to refrain from blocking action in cases of **genocide, war crimes and crimes against humanity**. Such a practice would be perfectly in line with the spirit of the veto, which was conceived as a mechanism to protect vital national interests. We commend France for its offer to take a step in that direction and encourage other permanent members to follow that example.

### Malaysia

**H.E. Mr. Hussein Haniff, Permanent Representative**

(...) The use of the veto has led us all into a deadlock on how the international community should address the bloodshed in various regions, especially in the Middle East. (...)

Let me reiterate once again that the use of the veto should be prohibited in situations involving **genocide, war crimes and crimes against humanity**. If the reform process can start with an agreement on this issue, then the working methods of the Council will have actually improved tremendously. Until such time, the working methods of the Council are still the ones agreed in 1946. The Council today seems to operate in a time warp, refusing to acknowledge the changes that have taken place since the end of the Second World War.

#### **Slovenia**

**Mr. Matej Marn, Deputy Permanent Representative**

The Security Council should emphasize the importance of the rule of law in dealing with matters on its agenda. That includes references to upholding and promoting international law and ensuring that its own decisions are firmly rooted in that body of law, including the Charter, international human rights law, international humanitarian law and international criminal law. Special

attention should be paid to the protection of civilians and those most vulnerable. We urge the permanent members to refrain from the use of the veto in the event of **genocide, crimes against humanity and serious violations of international humanitarian law**.

#### **Spain**

**H.E. Mr. Juan Manuel González de Linares Palou, Deputy Permanent Representative**

It is a fact that there are no specific measures about the veto in note 507. Spain is in favour of including such measures in future updates of the note. We see no drawback to permanent members of the Security Council committing themselves to the implementation of such measures, especially when these are supported by the vast majority of Member States. Such measures would include explanations of the reasons for using the veto, which is equivalent to explanations of vote, or the waiver of the veto in cases of **genocide, ethnic cleansing, war crimes and crimes against humanity**.