



**PERMANENT MISSION
OF THE PRINCIPALITY OF LIECHTENSTEIN
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CHECK AGAINST DELIVERY

PRESENTATION OF THE CODE OF CONDUCT REGARDING SECURITY COUNCIL ACTION AGAINST
GENOCIDE, CRIMES AGAINST HUMANITY OR WAR CRIMES

STATEMENT BY H.E. DR. AURELIA FRICK

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Excellencies,

Ladies and Gentlemen,

I am delighted to welcome you to this presentation of the Code of Conduct regarding Security Council action against genocide, crimes against humanity or war crimes.

In a few weeks, we will celebrate the 70th anniversary of the United Nations. This is a good opportunity to consider its strengths and weaknesses. We can proudly point to the 2030 Agenda on Sustainable Development, which will hopefully surpass the MDGs in significance. We can point towards an impressive human rights architecture and to remarkable progress made in international criminal justice. We can also be proud of the UN's central role in fighting global health crises. So far, so good.

But what about the centerpiece of the United Nations and its system of collective security – the Security Council? Frankly, it has disappointed more often than it has been effective. All too often, the Council is not playing the role it was assigned. All too often, its members are unable to unite for the common purpose that should guide their action. The *use* of the veto is of course the most

extreme expression of this lack of unity, closely followed by the *threat* of the veto. No wonder then, that the world is calling ever more loudly on the permanent members of the Security Council not to use the veto in situations involving atrocity crimes – that is to say: genocide, crimes against humanity and war crimes. Such restraint would not solve all our problems. But it would help prevent inaction and failures, such as Srebrenica, Rwanda, Syria.

We were therefore glad to see France and Mexico take up the cause of veto restraint. We also wondered, however, how the 188 Member States that are not permanent Council members could contribute. The P5 certainly have a big role to play in preventing and ending atrocity crimes. But an effective Security Council response depends on the positive engagement by all its members. It is against this background that we elaborated the “Code of Conduct regarding Security Council action against genocide, crimes against humanity or war crimes”. This document is the product of several months of consultation, reflection and drafting. We started this work in the context of ACT, a group of 25 States committed to improving the working methods of the Security Council. We consulted Member States, the Secretariat, academics and civil society.

Here are its main features:

- The Code of Conduct is a **voluntary political commitment** that every State can enter into. By so doing, a State undertakes to do two things: firstly and most importantly, to **support timely and decisive Security Council action** to end or prevent genocide, crimes against humanity or war crimes. Secondly, and more specifically, **not to vote against credible draft resolutions** submitted for this purpose.
- The Code of Conduct refers to crimes that have a clear definition in international law: genocide, crimes against humanity and war crimes.
- There is **no particular trigger mechanism**. The facts on the ground trigger the application of the Code. The Secretary-General has a role in informing the Security Council of situations where crimes are occurring or are likely to occur. But no SG determination is needed for the Code to apply. **States themselves make that determination, in light of the information available to them.**

- As a voluntary national commitment, this Code of Conduct is **not proposed for adoption by any UN organ**. All States are invited to join the Code of Conduct, but it is a voluntary political commitment that does not require General Assembly approval. It also does not in any way modify the Charter provisions on the use of the veto.

We are convinced that this Code of Conduct can have a real impact on making the Security Council better able to prevent and respond to atrocity crimes. It is a concrete commitment by the subscribing States. And it also sets an expectation vis-à-vis those who have not yet subscribed: these are the standards that we expect Security Council members to live up to.

53 States have already committed themselves to the Code of Conduct – many thanks to all of you! To those who are not yet on board: **there is still time to join!** We intend to launch the Code of Conduct on 23 October, on the occasion of the UN's 70th anniversary. **I would urge all of you to commit yourselves to the Code of Conduct.** Ideally, you would do so before 23 October, while of course the Code will remain open to additional supporters thereafter. Thank you.