

31 August 2015

Excellency,

On behalf of the undersigned civil society organizations, we are writing to request your government's explicit support for the new "Code of Conduct regarding Security Council action against genocide, crimes against humanity, or war crimes."¹

Over the past few years, the world has witnessed an intolerable rise in the commission of atrocities against civilians. Populations from Syria to the Central African Republic to South Sudan, to name but a few, suffer daily from the very same crimes that the international community has repeatedly vowed to prevent.

At such a moment of global instability, expectations have grown for preventive, timely, and decisive action by the United Nations Security Council (UNSC), as the UN organ primarily tasked with the maintenance of international peace and security. The UNSC has indeed exerted leadership by taking recent action on a number of situations of atrocity crimes.

However, due to the veto power wielded irresponsibly by its Permanent Members, the UNSC has failed to adopt similarly strong measures in other cases where these crimes are imminent or occurring, for example in Syria, Palestine, Myanmar, and the Democratic People's Republic of Korea (DPRK). Vetoing resolutions that attempt to prevent or respond to atrocities makes it difficult for the international community to uphold its Responsibility to Protect (RtoP, R2P), a landmark norm unanimously endorsed in the 2005 World Summit Outcome Document. Under RtoP, States and the international community agreed that they had an obligation to protect populations from genocide, war crimes, crimes against humanity, and ethnic cleansing.

Indeed, the violations of international humanitarian and human rights law in Syria; the war crimes perpetrated during the recurrent conflicts in Gaza; the plight of the Rohingya; and the breadth of crimes against humanity committed in the DPRK indicate what can and does happen to populations when the veto is used or threatened. These crises, and the consequences they have had on their respective regions, demonstrate the complete inability for the UNSC to maintain international peace and security when the veto is used in a manner contrary to the purposes and principles of the UN Charter.

In this regard, the undersigned civil society organizations welcome the "Code of Conduct regarding Security Council action against genocide, crimes against humanity, or war crimes." The Code of Conduct, drafted by UN Member States belonging to the Accountability, Coherence, Transparency (ACT) group, reaffirms RtoP and acknowledges that genocide, crimes against humanity, and war crimes concern the international community as a whole and constitute threats to international peace and security. Under the Code of Conduct, *all* Member States who endorse the code—and not just the UNSC's permanent members—would be obliged to not vote against draft UNSC resolutions that aim to prevent or respond to atrocity crimes. Supporters would also invite the Secretary-General to bring situations that "in her or his assessment, involve or are likely to lead to genocide, crimes against humanity, or war crimes to the attention of the Council."

The Code of Conduct thus represents a unique chance for States to not only improve the UNSC's ability to prevent and respond to atrocities, but also an opportunity to preserve the Council's legitimacy as the primary guardian of international peace and security. **The undersigned thus strongly urge all states to endorse the Code of Conduct to reaffirm their commitment to prevent and respond to the world's most heinous crimes.** By doing so, states can help ensure that politics will no longer trump the protection of populations within the UN Security Council.

¹ Often referred to collectively as "atrocity crimes."

Sincerely,

1. Action pour le Développement et la Paix Endogènes (Democratic Republic of Congo)
2. Alternative ASEAN Network on Burma (Thailand)
3. Budapest Centre for the International Prevention of Genocide and Mass Atrocities (Hungary)
4. Burma Partnership
5. Centre for Citizens' Participation on the African Union (Kenya, Ethiopia, South Africa)
6. Child Soldiers International (United Kingdom)
7. Droits Humains Sans Frontières (Democratic Republic of the Congo)
8. Fast Rural Development Program (Pakistan)
9. Genocide Alert (Germany)
10. Genocide Watch (USA)
11. Global Action for the Prevention of Armed Conflict—Southeast Asia
12. Global Centre for the Responsibility to Protect (USA)
13. Global Justice Center (USA)
14. Human Rights Watch
15. Initiatives for International Dialogue (Philippines)
16. International Coalition for the Responsibility to Protect
17. INSEC (Nepal)
18. Inspirator Muda Nusantara (Indonesia)
19. International Refugee Rights Initiative (Uganda)
20. Jananeethi (India)
21. Montreal Institute for Genocide and Human Rights Studies (Canada)
22. Pan-African Lawyers' Union (Ethiopia)
23. PAX (Netherlands)
24. Shabolombi (Bangladesh)
25. Stanley Foundation (USA)
26. Syrian Network for Human Rights (Syria)
27. United Nations Association-Sweden
28. United Nations Association-United Kingdom
29. Vision-Gram International (Canada and Democratic Republic of Congo)
30. World Federalist Movement-Canada
31. World Federalist Movement-Institute for Global Policy (Netherlands, USA)
32. World Federation of United Nations Associations
33. Zarga Organization for International Development (Sudan)