



PERMANENT MISSION
OF THE PRINCIPALITY OF LIECHTENSTEIN
TO THE UNITED NATIONS
NEW YORK

**AMNESTY
INTERNATIONAL**



Implementation Workshop

Code of Conduct regarding Security Council action against genocide, crimes against humanity or war crimes, as elaborated by the ACT group

29 March 2017, UN Headquarters

Report and Action Points

(prepared by the organizers)

I. Purpose of the Meeting and Follow-up

The Workshop consisted of three informal sessions, which included a presentation of the Code of Conduct's main tenets as well as discussions aimed at developing advocacy tools and better implementation measures for the Code. The Workshop was open to all 112 State signatories of the Code of Conduct as well as select civil society representatives. Attendance was broad, and discussions were interactive and forward-looking. The Workshop successfully launched a closer and more coordinated effort between States and civil society toward better advocacy and implementation of the Code of Conduct. The Report summarizes discussions during each session of the Workshop and provides action points that can be used by States, civil society and the UN Secretariat to promote the Code of Conduct and help to ensure its implementation by the Security Council.

II. Discussions

Session 1: Main Tenets of the Code of Conduct

During the first session, panelists presented the elements of the Code of Conduct and underscored the Code's call on Security Council members to take timely and decisive action aimed at preventing or ending atrocity crimes. The panelists further recalled the commitment made by all signatories to the Code of Conduct not to vote against credible draft resolutions to the same end when they are on the Security Council. The link between the Code of Conduct and the concept of accountability for atrocity crimes was also raised: ensuring that perpetrators of atrocity crimes are held to account reduces impunity and helps prevent the reoccurrence of such crimes. And the connection between the Code of Conduct and the Secretary-General's prevention agenda was emphasized. The Secretary-General has made crisis prevention a central objective of his term. It was recalled that in the meeting between the Permanent Representatives of Costa Rica, Hungary, Liechtenstein, Switzerland and Uruguay (the five States that

comprise the ACT group task force on the Code of Conduct) with the Secretary-General in February 2017, the Secretary-General commended the success of the Code, as visible by its 112 supporters. The ACT group task force also discussed with the Secretary-General options available to raise atrocity-related issues with the Security Council when necessary. The Secretary-General agreed to appoint a focal point in his office, with whom the ACT group can communicate directly on all issues relevant to the Code of Conduct and its implementation. Finally, the panelists highlighted the success of the Code of Conduct as the first initiative in the history of the UN – supported by a large majority of States, including two permanent members of the Security Council (France and the UK) – with a clear commitment to restrain the use of the veto by permanent members of the Security Council.

Session 2: Advocacy and Outreach for the Code of Conduct

During the second session, panelists underscored the need to raise the political price for voting against credible draft resolutions aimed at preventing or ending atrocity crimes. In order to increase political pressure on Security Council members, it was recommended that States refer to the Code of Conduct more often in relevant meetings and debates as well as on their social media accounts (#ACTcodeofconduct). The session also included a discussion on specific instances where the Security Council has failed to act in the face of atrocity crimes, in particular in the case of Syria. It was recalled that Code of Conduct signatories should not only refrain from voting against credible draft resolutions, but also not abstain, as they are expected to take timely and decisive action when necessary. It was further emphasized that States should seek support from civil society to both broaden support for the Code and ensure its implementation by Security Council members. In light of this need for greater cooperation between States and civil society, a joint ACT group and civil society task force has been established, and a Code of Conduct focal point within the ACT group was named for communication and coordination with civil society: Mr. Sina Alavi, Adviser (Legal, Political) at the Permanent Mission of Liechtenstein to the UN (sa@nyc.llv.li).

Session 3: Implementation of the Code of Conduct in the UN Security Council

During the third and final session, two recent Security Council members provided insight into problems they faced when attempting to apply the Code of Conduct in the Council and suggested solutions. It was stressed that the ten elected members of the Security Council need to be more cohesive and proactive in their efforts aimed at preventing or ending mass atrocities. It was further noted that a more regular presence of the Secretary-General in the Security Council's informal consultations could help in implementing the Code of Conduct by raising a sense of urgency and awareness amongst Council members for situations falling under the Code. One panelist reminded those in attendance that the Code of Conduct is about saving lives. Experiences were also shared about failed efforts by Council members to apply the Code, for example in the case of the October 2016 ceasefire resolution in Aleppo which was vetoed by Russia and China. It was noted, however, that as a consequence of some Council members making an effort to apply the Code, it became harder for certain permanent members of the Council to use the veto again on the same issue, and thus the Security Council was able to eventually pass a more limited resolution on the situation in Aleppo. This experience also showed the potential for Code of

Conduct signatories to act as a cohesive group in the Council that can work together to end or prevent atrocity crimes.

Wrapping up the discussions, it was recalled that there is an important role that those outside of the Security Council can play, namely to generate expectation and to create political pressure on the Council to take timely and decisive action against mass atrocities. The link to the UN Secretary-General's prevention agenda and the need for the Secretary-General to bring relevant situations before the Council was stressed in that regard. States could call on the Secretary-General more regularly to take up urgent matters falling under the purview of the Code of Conduct with the Security Council. There was also a common assessment that the support base for the Code of Conduct has the potential to expand to 129 signatories (2/3 of the UN Membership) and beyond. The effort to reach out to non-signatory States should be coordinated among signatory States and civil society with a view to achieving the 2/3 mark. Finally, it was emphasized that States, civil society and the UN Secretariat all have a role in ensuring the application of the Code of Conduct in the Security Council and to develop implementation tools to that effect.

III. Action Points

On the basis of the discussions, the following actions are suggested for States, civil society and the UN Secretariat to promote the Code of Conduct and help to ensure its implementation by the Security Council.

Advocacy and Outreach

The Code of Conduct has been highly successful. Since the time of its launch on 23 October 2015, the Code has come to be supported by a large majority of UN Member States. Further advocacy and outreach is however needed to ensure that support continues to grow.

Specific suggestions for signatory States and civil society:

- Signatory States and civil society should conduct outreach aimed at broadening support for the Code of Conduct (i.e. getting more States to subscribe to the Code).
 - o Outreach efforts should be coordinated among supporters, including members of the ACT group and civil society.
 - o Potential signatories should be identified and targeted, including on the basis of regional and sub-regional breakdowns, affiliations, etc.
 - o Targeted messaging and timelines for outreach should be developed.
- Signatory States and civil society should invoke the Code of Conduct whenever possible and increase coordination and consistency when making statements and/or interventions in relevant formats.

- Signatory States and civil society should remind all Code of Conduct signatories (particularly those in the Security Council) regularly and consistently of their commitment to prevent/end atrocities.
- Signatory States and civil society should make their expectation clear that both Security Council and Human Rights Council candidates should sign and implement the Code of Conduct. That expectation could be expressed in an understanding that signatories will not vote for candidates that have not subscribed to the Code of Conduct.
- Signatory States should raise the Code of Conduct at all relevant meetings of both the General Assembly (thematic debates, committee meetings, side-events, etc.) and the Security Council (formal and informal discussions in different formats) dealing with issues pertinent to the Code.
- Signatory States and civil society should use social media to raise awareness regarding the Code of Conduct, in particular the need for the Security Council to apply the Code (this is particularly useful in the case of imminent vote on credible draft resolutions with a connection to preventing/ending atrocities).

Specific suggestions for the UN Secretariat:

- UN officials, including the Secretary-General, should mainstream Code of Conduct language into their statements at relevant UN meetings and side-events.

Implementation in the Security Council

In terms of the implementation of the Code of Conduct, three broad objectives should be pursued: (1) awareness within the Security Council about situations falling under the Code of Conduct; (2) mainstreaming the Code of Conduct and its provisions in thematic and country-specific discussions in the Council, and; (3) action by individual Council members as well as the Security Council as a whole aimed at ending or preventing genocide, crimes against humanity or war crimes.

Specific suggestions for signatory States and civil society:

- Signatory States and civil society should scan UN reporting systematically for assessments that mass atrocities are occurring or likely to occur, including Security Council briefings, reports by Department of Political Affairs, OHCHR, Special Procedures, Treaty Bodies, Commission of Inquiries, special political missions and Special Advisers (in particular the Special Adviser for the prevention of genocide). Where there are indications of mass atrocities occurring or likely to occur, signatory States and civil society should leverage action in the Council, reminding all members of the Security Council that a vast majority of Member States expect them to act to prevent or end atrocity crimes.

- Signatory States and civil society should make their expectation to the Secretary-General heard that a particular situation falling under the purview of the Code of Conduct should be brought to the attention of the Security Council on his initiative.
- Signatory States and civil society should advocate for the Code of Conduct before a vote on a particular resolution in the Security Council. Different ways of communication can be utilized, including formal communications on behalf of the ACT group and/or larger groups of States and civil society to the Council, its members and the presidency.
- Signatory States and civil society should hold States that voted against a credible draft resolution accountable for violating the Code of Conduct and engage in coordinated follow-up with those States.
- Signatory States should make use of Security Council wrap-up sessions and other available formats to express their views and ask questions to Council members regarding the application of the Code of Conduct (or lack thereof).
- Civil society should develop a 'tweetable' scorecard on how Security Council members have voted on atrocity-related resolutions, as a means to hold States accountable.

Specific suggestions for Security Council members:

- The Security Council should spend more time addressing country situations in preventive mode, in addition to debating conflict prevention at thematic level, and use all available formats to engage with the country concerned and the UN Secretariat to that end.
- The ten elected members of the Security Council should be encouraged and supported to be more proactive in proposing action aimed at preventing or ending atrocity crimes, including by engaging in drafting resolutions and conducting advocacy leading up to a vote.

Specific suggestions for the UN Secretariat:

- The Code of Conduct can be an important tool in the broader prevention agenda of the UN Secretary-General, which is premised on an exchange between the UN Secretariat and the Security Council as well as a culture of engagement as foreseen by the UN Charter. Examples of opportunities where UN officials can submit information that is relevant to the application of the Code of Conduct include:
 - o Situational awareness briefings
 - o DPA briefings to the Security Council
 - o Arria-formula meetings
 - o Informal interactive dialogues

o Informal meetings between Security Council members and the Secretary-General

- The Code of Conduct accords particular importance to the assessment of the Secretary-General and the expertise and early-warning capacities of the UN system. In that regard, the Secretary-General, with his moral authority and the responsibility conveyed to him by the relevant provisions of the UN Charter, should bring situations that involve or risk leading to genocide, war crimes or crimes against humanity to the attention of Security Council members.
- The provisions of the Code of Conduct carry significant political weight (112 State signatories) and should be used by the Secretary-General in his exchanges with the Security Council, including in any informal meetings between the Secretary-General and Security Council members.
- The Secretary-General should mainstream Code of Conduct language into his talking-points and statements on atrocity prevention.

Other suggestions:

- The General Assembly should be used as a forum to voice expectations for Security Council action, including in relevant debates, interactive discussions and other established formats.
- The General Assembly, on the basis of its universal membership and in line with its role according to the UN Charter, can address situations where the Security Council persistently fails to end atrocity crimes.
- Security Council resolutions aimed at preventing or ending genocide, crimes against humanity or war crimes that have been blocked in the Security Council could be brought to the attention of the General Assembly by Code of Conduct signatory States.

IV. Annex

- 1.) Implementation Workshop concept note/invitation
- 2.) The official text of the Code of Conduct and explanatory note
- 3.) List of Code of Conduct signatories



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INVITATION

Code of Conduct regarding Security Council action against genocide, crimes against humanity or war crimes, as elaborated by the ACT group

Implementation Workshop

Jointly organized by Liechtenstein and Amnesty International

Background and Purpose:

The UN Security Council's frequent inability to take effective action to prevent or end genocide, crimes against humanity and war crimes has been a stain on its reputation and a challenge for the whole membership of the United Nations. In order to ensure a more effective Security Council response in the future *given its primary responsibility to maintain international peace and security under the United Nations Charter*, States from all regional groups have endorsed a Code of Conduct regarding Security Council action against genocide, crimes against humanity and war crimes, as elaborated by the Accountability, Coherence, and Transparency Group (ACT). With 112 signatory States, including eight current members of the Security Council, a majority of States in the General Assembly and in the Security Council has thereby pledged to support timely and decisive action by the Security Council aimed at preventing or ending genocide, crimes against humanity and war crimes and not to vote against a credible draft resolution put forward to this end.

Format:

The workshop consists of three informal sessions aimed at discussing the Code and its elements, as well as developing advocacy tools and implementation measures. The workshop is open to all signatories of the Code of Conduct and select representatives of civil society.

- The **first session (10:00 a.m. – 10:45 a.m.)** will present the main tenets of the Code of Conduct and explain its preventive dimension. The panelists for the first session are: **Christian Wenaweser, Permanent Representative of Liechtenstein** and **Juan Carlos Mendoza García, Permanent Representative of Costa Rica**, and the discussion will be moderated by **Sherine Tadros, Amnesty International**.
- The **second session (10:45 a.m. – 11:30 a.m.)** will focus on how States and Civil Society can work together to further enhance and broaden political support for the Code of Conduct. The panelists for the second session are: **Zoltan Varga, Deputy Permanent Representative of Hungary**, **Olivier Zehnder, Deputy Permanent Representative of Switzerland** and **Louis Charbonneau, Human Rights Watch**, and the discussion will be moderated by **Renzo Pomi, Amnesty International**.

15 minute Coffee Break 11:30 a.m. – 11:45 a.m.

- The **third session (11:45 a.m. – 1:00 p.m.)** will feature a discussion on how to best implement the provisions of the Code of Conduct in the Security Council. The panelists for the third session are: **Román Oyarzun Marchesi, Permanent Representative of Spain**, **Gerard van Bohemen, Permanent Representative of New Zealand** and **Simon Adams, Global Centre for the Responsibility to Protect**, and the discussion will be moderated by **Christian Wenaweser, Permanent Representative of Liechtenstein**.

Date and time: Wednesday, 29 March 2017, 10:00 a.m. to 1:00 p.m.

Location: United Nations Headquarters, Conference Room 12

To RSVP and for further information please contact:

Mr. Sina Alavi, Adviser (legal, political), Permanent Mission of Liechtenstein to the UN

Tel: 212 599 0220 ext. 230 | Email: sa@nyc.llv.li

Explanatory Note
on a Code of Conduct regarding Security Council action against
genocide, crimes against humanity or war crimes

UN Member States are increasingly expressing support for the idea that permanent members of the Security Council should voluntarily agree to refrain from using their veto in situations involving mass atrocity crimes. This initiative is actively being pursued by France, which is seeking the support of other permanent members.

Members of the ACT (Accountability, Coherence, Transparency) Group have consistently advocated for such a Code of Conduct to be concluded. With a view to supporting this effort, and bearing in mind that the **70th anniversary of the United Nations would provide an ideal platform** for the launch of such a Code of Conduct, the ACT Group herewith submits the final text of the Code of Conduct, as set out in the annex. The Code of Conduct has been elaborated informally by the ACT subgroup on the veto and has been further adjusted following extensive informal consultations with Member States and other interested stakeholders. It is currently supported by 24 Members of ACT (Austria, Chile, Costa Rica, Denmark, Estonia, Finland, Gabon, Ghana, Hungary, Ireland, Jordan, Liechtenstein, Luxembourg, Maldives, New Zealand, Norway, Papua New Guinea, Peru, Portugal, Saudi Arabia, Slovenia, Sweden, Switzerland and Uruguay) as well as Belize, the Netherlands, Spain and Ukraine. **Member States are herewith invited to formally support it, i.e. to agree to be included in the list of States that expressed their commitment to the Code of Conduct.**

The main features of the draft Code of Conduct are the following:

- The crimes in question are referred to as **genocide, crimes against humanity and war crimes** – all well defined in international law.
- The Code is **not only for permanent members** of the Security Council, but for any member of the Council, as well as for any other State that may, at some point, become a member of the Council. Security Council action in response to these crimes requires the support of all Council members, not just permanent members. This Code of Conduct is thus not just about the veto, but represents a broader pledge to support timely and decisive Security Council action in such situations.
- The Code contains a general and **positive pledge to support Security Council action** against certain crimes (OP1) – both to prevent or end these crimes.
- The general pledge in OP1 is complemented by a more specific **pledge not to vote against** credible draft SC resolutions that are aimed at preventing or ending genocide, crimes against humanity and war crimes (OP2) – no distinction is made here between permanent and non-permanent members.
- There is **no procedural trigger for the code to apply**. Instead, the Code would be triggered by any situation involving these crimes – in other words, the **facts on the ground would be the trigger** and lead to Security Council action.
- The application of the Code of Conduct is subject to the assessment of a particular situation by a State that has expressed its commitment to the Code of Conduct. However, the **Secretary-General** would serve as an important authority to bring such situations to the attention of the Council, and her or his assessment of the situation would carry great weight.

Code of Conduct regarding Security Council action against genocide, crimes against humanity or war crimes

We, the Member States of the United Nations listed below, who are or who may in the future serve as members of the Security Council,

Recalling that the members of the United Nations have conferred on the Security Council primary responsibility for the maintenance of international peace and security,

Determined to uphold the purposes and principles of the Charter of the United Nations,

Reaffirming the commitment by the Heads of State and Government of the Members of the United Nations contained in paragraphs 138 and 139 of the World Summit Outcome Document,¹

Acknowledging that genocide, crimes against humanity and war crimes constitute crimes of concern to the international community as a whole, are prohibited under customary international law and can constitute a threat to international peace and security,

Welcoming the Human Rights Up Front Action Plan and the Framework of Analysis for Atrocity Crimes developed by the Office on Genocide Prevention and the Responsibility to Protect,²

Convinced that, in particular where national or regional mechanisms fail, timely and decisive Security Council action may be necessary to prevent or end the commission of genocide, crimes against humanity and war crimes³,

1. *Pledge* to support timely and decisive action by the Security Council aimed at preventing or ending the commission of genocide, crimes against humanity or war crimes;
2. *Pledge in particular* not to vote against a credible draft resolution before the Security Council on timely and decisive action to end the commission of genocide, crimes against humanity or war crimes, or to prevent such crimes;
3. *Invite* the Secretary-General, making full use of the expertise and early-warning capacities of the United Nations System, in particular the Office of the High Commissioner for Human Rights and the Office on Genocide Prevention and the Responsibility to Protect, to continue 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;
4. *Pledge* to fully and promptly take into account such an assessment by the Secretary-General;
5. *Also invite* all other Member States of the United Nations to express their commitment to this Code of Conduct.

New York, [24 October 2015]

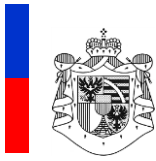
[List of States supporting the Code of Conduct as at [24 October 2015]]

[List of States supporting the Code of Conduct after 24 October 2015, to be updated periodically]

¹ General Assembly Resolution 60/1, paragraphs 138 and 139, which set out the Responsibility to Protect.

² See www.un.org/sg/rightsupfront/ and www.un.org/en/preventgenocide/adviser/documents.

³ The term “war crimes” refers in particular to war crimes committed as part of a plan or policy or as part of a large-scale commission of such crimes.



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List of Supporters of the Code of Conduct regarding Security Council action against genocide, crimes against humanity or war crimes, as elaborated by ACT

up-to-date as of 15 May 2017

112 Supporters

Albania	Honduras	Qatar
Andorra	Hungary	Republic of Korea
Argentina	Iceland	Republic of Moldova
Australia	Indonesia	Romania
Austria	Iraq	Samoa
Bahrain	Ireland	Saint Kitts and Nevis
Belgium	Italy**	San Marino
Belize	Jamaica	Saudi Arabia
Benin	Japan**	Seychelles
Bhutan	Jordan	Singapore
Botswana	Kazakhstan**	Slovakia
Bulgaria	Kuwait	Slovenia
Cabo Verde	Latvia	Somalia
Canada	Lebanon	Spain
Central African Republic	Lesotho	State of Palestine *
Chad	Libya	Sweden**
Chile	Liechtenstein	Switzerland
Colombia	Lithuania	Thailand
Costa Rica	Luxembourg	The former Yugoslav Republic of Macedonia
Côte d'Ivoire	Madagascar	Timor-Leste
Croatia	Malaysia	Togo
Cyprus	Maldives	Trinidad and Tobago
Czech Republic	Malta	Tunisia
Democratic Republic of the Congo	Mexico	Turkey
Denmark	Monaco	Tuvalu
El Salvador	Mongolia	Ukraine**
Estonia	Montenegro	United Arab Emirates
Finland	Morocco	United Kingdom**
France**	Netherlands	Uruguay**
Gabon	New Zealand	Vanuatu
Georgia	Niger	Yemen
Germany	Norway	
Ghana	Oman	
Greece	Palau	
Grenada	Panama	
Guatemala	Papua New Guinea	
Guinea	Paraguay	
Guinea-Bissau	Peru	
Haiti	Philippines	
Holy See*	Poland	
	Portugal	

* in its capacity as non-member
observer State in the UN
** permanent or current elected
member of the UN Security Council