

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

We, the States Members of the United Nations listed below, who are currently serving 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,^a

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,^b

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 crimes,^c

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* to not 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 United Nations High Commissioner for Human Rights and the United Nations Office on Genocide Prevention and the Responsibility to Protect, to continue to bring to the attention of the Council situations that, in her or his assessment, involve or are likely to lead to genocide, crimes against humanity or war crimes;

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, 23 October 2015

^a General Assembly resolution 60/1, paragraphs 138 and 139, which set out the Responsibility to Protect

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

^c 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.

(Transmission letter as contained in A/70/621–S/2015/978)

Letter dated 14 December 2015 from the Permanent Representative of Liechtenstein to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of a code of conduct regarding Security Council action against genocide, crimes against humanity and war crimes (see annex I). The code of conduct was launched on 23 October 2015, on the occasion of the seventieth anniversary of the United Nations. It is the hope of the drafters that it will lead to more effective Security Council action to prevent or end genocide, crimes against humanity and war crimes.

The code of conduct was elaborated in the framework of the Accountability, Coherence and Transparency Group (ACT Group),^d in consultation with States, civil society and the Secretariat of the United Nations. At its heart, the code of conduct contains a general and positive pledge to support Security Council action against genocide, crimes against humanity and war crimes — to both prevent or put an end to those crimes. This is complemented by a more specific pledge to not vote against credible draft Security Council resolutions that are aimed at preventing or ending those crimes, which are all well defined in international law.

The application of the code of conduct would be triggered by any situation involving those crimes — in other words, when the facts on the ground lead to Security Council action, following an assessment of relevant information by a State committed 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.

As Security Council action in response to genocide, crimes against humanity and war crimes requires the support of all Council members, the code of conduct is open to receive support from all States. It is currently supported by 107 States; I attach a complete list to the present letter (see annex II). States may still, and are indeed encouraged to, support the code of conduct. I shall be supplementing the present letter periodically with updates of additional supporting States.

I request that the present letter and its annexes be circulated as a document of the General Assembly, under agenda item 122, and of the Security Council.

(Signed) Christian **Wenaweser**
Ambassador
Permanent Representative

^d The 24 members of the Accountability, Coherence and Transparency Group (ACT Group) that support the Code of Conduct are 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.