NEW YORK, 21 NOVEMBER 2014

GENERAL ASSEMBLY

REPORT OF THE SECURITY COUNCIL

STATEMENT BY MR. STEFAN BARRIGA
MINISTER, DEPUTY PERMANENT REPRESENTATIVE

Mr. President,

The report of the Security Council\(^1\) raises many important questions, which deserve to be addressed separately from the question of its enlargement. We are therefore grateful to you for holding this debate today. Liechtenstein is a member of ACT and aligns itself with the statement delivered on behalf of the group by Costa Rica. Allow me to add a few thoughts on the use of the veto and on-going efforts to regulate it.

As the report notes in its paragraph 259 of its introduction, two vetoes prevented the Council from referring the situation in Syria to the International Criminal Court. No reasonable person can deny that atrocity crimes have been committed in Syria, given the documentation provided by the Commission of Inquiry as well as many other credible sources. This use of the veto means that for the victims of these crimes, justice will be delayed, if not denied. This was the fourth draft resolution regarding Syria blocked by a veto since this tragic conflict began.

\(^1\) A/69/2.
Mr. President,

The veto forms a part of the Charter that all of our countries ratified, and while some may call for its abolition, nobody denies the existence of this privilege of the permanent members. It is important to note, however, that the Charter also obliges the Council to act in accordance with its purposes and principles.² This obligation rests on the Council as a whole and especially on its permanent members, whose privileged position comes with a special responsibility to uphold the purposes and principles of the Charter. It is for this reason that Liechtenstein and others have for some time now advocated for rules on the use of the veto. Accordingly, permanent members of the Security Council would commit to voluntarily refraining from using the veto to block Council action aimed at preventing or ending atrocity crimes; other Council members would similarly pledge not to vote against such action.

We have worked with our partners in ACT, as well as with France, to advance the discussion towards a code of conduct. In March 2014, Liechtenstein and France co-hosted a workshop at the International Peace Institute to discuss this issue with a wider circle of interested States and experts. We commend the workshop summary to all those interested in this topic.³ We will continue to work within ACT to make proposals to ensure the timely adoption of a meaningful code of conduct.

What would make such a code of conduct meaningful? It should contain a clear and unambiguous commitment not to vote against resolutions aimed at preventing or ending genocide, crimes against humanity and war crimes. Given the irreversible consequences of the crimes involved, it is crucial that prevention be included. The code should refer to an authoritative entity which can bring ongoing or imminent instances of such crimes to the attention of the Council. The Secretary-General is of course ideally suited to play this role, given his competence under Article 99 of the United Nations Charter, and given his access to the early-warning capabilities of the UN system.

² Article 24(2).
³ Available at www.newyork.liechtenstein.li.
Mr. President,

On 15 March 2014, the Russian Federation vetoed a draft resolution, co-sponsored by Liechtenstein amongst others, in the aftermath of the annexation of Crimea. This raises serious questions under the second part of Article 27(3) of the Charter, which obliges parties to a conflict to abstain on decisions taken under Chapter VI of the Charter. We were surprised that this matter was not raised in the Council.

The time is ripe to re-examine the application of this paragraph. We encourage a frank discussion amongst Council members and the membership at large on this issue, and would expect future reports of the Council to reflect a critical examination of the applicability of Article 27(3) in relevant instances.

I thank you.

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4 A/69/2, paragraph 360.