



PREVENTING MASS ATROCITY CRIMES IS THERE A RESPONSIBILITY NOT TO VETO?

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Research Summary

In 2005, all UN Member States signed on to the Responsibility to Protect (RtoP) to save their citizens from mass atrocities. Yet while there is general agreement about RtoP on the normative level, the conflict in Syria continues to demonstrate that in practice RtoP is not yet working. Time and again, the division of the Permanent Five members of the UN Security Council prevent them from taking decisive action in situations where mass atrocity crimes have either been looming or have been committed.

Should RtoP for all UN Member States therefore be accompanied by a Responsibility Not to Veto for the P5? This event traces the genealogy of efforts to restrain the use of the veto. Structural reforms



In Aleppo, Karm al Jabal. 4 March 2013. Credit: Basma. wikipedia



of the Security Council remain highly unlikely, given that it would require a Charter amendment process. For the same reason, the P5 have a de facto veto over any formal modification of the veto power. Consequently, recent reform efforts have focused on inducing the permanent members to voluntarily restrain their use of the veto.

Attempts to curb the use of the veto on a voluntary basis began in the late 1990s after the intervention in Kosovo. These actions were undertaken without a Security Council mandate and were later found to be “illegal but legitimate.” Subsequent norm entrepreneurs began to call for reform including the S-5 Group, and, more recently, its successor organization, the Accountability, Coherence, and Transparency (ACT) Group. What sets aside the French initiative, co-launched by Mexico, and currently supported by 100 Member States, is that it originated from a veto-wielding member of the Security Council.



Syria 2015 Credit: AFP

For Consideration:

- Can the Security Council be reformed from within, so that the P5 take the lead?
- Would a more selective use of the veto by the P5 undercut the need for reforming the UN Security Council, including the prerogative of the veto power?
- Is it in the interest of the general UN Membership if veto restraint strengthens, rather than ameliorates, the P5’s veto prerogative?
- What is the current state of the French/Mexican initiative to voluntarily restrain the use of the veto and the Code of Conduct to prevent mass atrocities as spearheaded by Liechtenstein and the ACT Group?
- What are the legal constraints for using the veto?
- How do these initiatives relate to the ongoing debate about reforming the structure and membership of the Council?



Serbian Detainees - 3 July 1999. Credit: SGT Craig J. Shell, U.S. Marine Corps

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