

## **Book Discussion: “Existing Legal Limits to Security Council Veto Power in the Face of Atrocity Crimes”**

**Thursday, 10 September 2020 – 1:15-2:45 PM**

### **Introductory remarks of Hon. Amina Maelainine (Morocco)**

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#### **I. Introduction**

*On behalf of Parliamentarians for Global Action (PGA) and as a Member of Parliament of the Kingdom of Morocco, it is a great pleasure and honour to be here with you today.*

*I would like to thank the Permanent Missions of Costa Rica, the Netherlands and Sierra Leone for co-organizing this timely event to discuss Professor Trahan's book, *Existing Legal Limits to Security Council veto power in the face of atrocity crimes*.*

Excellencies,  
Esteemed Parliamentary Colleagues,  
Distinguished Guests,  
Ladies and Gentlemen,

In its first article, the United Nations Charter clearly outlines the purposes of the Organization, including:

- “To maintain international peace and security, and to that end: take effective collective measures for the prevention and removal of threats to the peace [...] in conformity with the principles of justice and international law.”

The main goals of the UN Charter are more relevant than ever today, at a time when human rights, democracy, justice, and the Rule of Law are under continued and increasing attacks, within the framework of a partially globalized world.

Elements of backsliding include the progressive erosion of democratic principles, starting with the principle of separation of powers, the independence of the judiciary and the principle of equality before the law. These trends have been made worse in many countries by the coronavirus pandemic.

#### **II. UN Member States must respect the UN Charter**

The United Nations Security Council (UNSC) is the principal organ of the UN system in our collective system of maintaining international peace and security. In recognition of their “great power” status, the permanent members of the SC were given a tool in the Charter, the VETO, to have an alternative to the use of force. so that another world war could be avoided. But the veto power granted in Article 27 was subject to the purposes and principles of the Charter – including to be used in conformity with the principles of justice and international law.

The finding by the Security Council that a situation poses a threat to international peace and security is the basis for that body to exercise collective security. It is especially in situations where at least nine members of the SC are willing to act, to prevent or stop atrocity crimes like genocide, war crimes and crimes against humanity, that the veto power in Article 27 has to be exercised in conformity with the Charter's purposes and principles. The alternative too often has been a deadlocked Security Council, while the world watches on as populations are subjected to brutality. The perception that Council members cannot agree on a course of action when addressing international crimes hinders the effectiveness of the Council and erodes its legitimacy.

### **III. The international community must act so that of Security Council can be consistent and effective.**

In the last couple of decades:

1. the governments of Costa Rica, Jordan, Liechtenstein, Singapore, and Switzerland, advocated for permanent members to “refrain ... from using a veto to block Council action aimed at preventing or ending genocide, war crimes and crimes against humanity”.
2. The Accountability, Coherence and Transparency (ACT) group, a cross-regional group of 27 small and medium-sized states aimed at enhancing the effectiveness of the Council through the improvement of its working methods, including putting constraints on the use of the veto. In 2015, PGA participated in the launch of the Code of Conduct regarding Security Council action against genocide, crimes against humanity, or war crimes, submitted by the ACT group and I am pleased that my country, Morocco, was among the supporters.
3. And the permanent member France, joined by Mexico, had advocated for voluntary restraint of the veto on the part of the permanent members in the face of atrocity crimes.

UN Member States and the broader international community do not accept the status quo of how the veto is used. This is evident in these many initiatives over the years urging permanent members to refrain from veto use to block the Council's action to prevent or end genocide, war crimes and crimes against humanity.

### **IV. The role of parliamentarians in upholding the international and domestic rule of Law**

Although the veto power is exercised by the Executive branch, parliamentarians have significant prerogatives to not only legislate, but also control the actions of the Executive branch, especially in countries that sit on the Security Council. Parliamentarians are the bridge between the Executive branch and constituencies. They can raise awareness on issues stemming from the unrestrained use of the veto.

### **V. Conclusion**

To conclude, I urge Members of Parliament worldwide to raise awareness on the need to recognize and respect the limits that international law places on the use of the veto in the face of atrocity crimes. Professor Trahan's book points at ways in which this can be achieved. Parliamentarians must urge their governments to speak up whenever a veto blocks Security Council action that could prevent or stop atrocities; and they should encourage their governments to pursue

the ideas presented in Professor Trahan's book and support ongoing initiatives aiming at restraining the use of the veto in the face of atrocity crimes.