

11 May 2012

Excellency,

On behalf of the Coalition for the International Criminal Court (CICC), I want to express the great interest of our global campaign in the resolution that five governments are co-sponsoring in the UN General Assembly: “Enhancing the accountability, transparency and effectiveness of the Security Council”, **A/66/L.42/Rev.1**. The resolution is being advanced under Agenda Item 117, “Follow up to the outcome of the Millennium Summit.” The proposed resolution, commonly referred to as the “S-5 Resolution” is based upon the paragraph in the World Summit Outcome Document which states: “We recommend that the Security Council continue to adapt its working methods so as to increase the involvement of States not members of the Council in its work, as appropriate, enhance its accountability to the membership and increase the transparency of its work.”

The CICC fully supports what we believe is a major component of the S-5 Resolution, recommending that the permanent members of the Security Council consider **“refraining from using a veto to block Council action aimed at preventing or ending genocide, war crimes and crimes against humanity.”**<sup>1</sup> The CICC believes that this recommendation of the resolution—which identifies the core crimes in the mandate of the International Criminal Court—would help strengthen the relationship between the UN Security Council and the ICC.

The Coalition agrees with the S-5 governments in their statement of April 4, 2012 to GA members that this provision reflects the historic decision in 2005 World Summit document which states that the international community, through the United Nations, has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means to help protect populations from genocide, war crimes and crimes against humanity; and that when a state is manifestly failing, the international community must take stronger measures authorized by the Security Council under Chapter VII.<sup>2</sup>

Further article 24(2) of the UN Charter clearly requires that all decisions of the Security Council, including the use of the veto must be made in a manner that are consistent with the “Purposes and Principles” of the United Nations. Tragically, almost every year and even at present the international community witnesses Council deliberations where use of the veto (or its misuse) is inconsistent with these provisions - a situation that this recommendation in the resolution attempts to address.

The Rome Statute provides for the accountability of individuals for these worst crimes in international law. This recommendation of the S-5 Resolution would enhance the goal for preventing and for ending impunity for these crimes, and at the same time strengthens the responsibility of UN Member States, the international community, the UN system, and the Security Council to prevent and stop the commission of these crimes.

Excellency, the heads of government clearly expected the General Assembly to continue to address the issues incorporated in the S-5 Resolution<sup>3</sup> and we appeal to all governments to take a positive decision on supporting this recommendation in all appropriate General Assembly processes and in the Security Council.

Sincerely,



William R. Pace

Convenor, Coalition for the International Criminal Court

<sup>1</sup> Annex A/66/L.42 Section on Use of Veto; Measure 20

<sup>2</sup> A/60/1 paragraph 138-139

<sup>3</sup> See for example, Paras 139,149, 151, 154 A/60/1.