



Liechtenstein's position on Security Council Reform

Expansion of the Security Council

The current composition of the Security Council does not reflect current geopolitical realities. At the 2005 World Summit, Member States committed themselves to achieving an early reform of the Security Council, and a general sentiment that change is necessary persistent.¹ However, fundamental differences between major negotiating groups have stalemated discussions for two decades – there have been no real negotiations to speak of. Liechtenstein favors an early start to text-based negotiations and supports the efforts of the Chair of the Intergovernmental Negotiations in this respect.

Liechtenstein has proposed a model for expansion that would create a new category of long-term (8-10 year) seats, sometimes subsumed under the term “**intermediate model**”.² States could serve on a permanent basis if constantly re-elected, but this model does not create permanent seats as currently reflected in the UN Charter. It seeks to bridge the gap between those who favor expansion in the two existing categories and those who want to expand the number of two-year non-permanent seats only. It is also preferable to other expansion models in its own right, as it does not seek to perpetuate the current status quo; rather, it allows Security Council membership to change over time to reflect the evolving global political order. **This is, therefore, a logical compromise between the interested groups and offers a lasting solution for the future.**

Other features of the Liechtenstein expansion model include a so-called “flip-flop clause” under which States that unsuccessfully sought election for the new category of seats would be barred from standing for election for the existing, two-year seats for the duration of what would have been their term of office. A mandatory **review** would take place after two terms of the new, long-term seats. This review would address the operation of the new category of seats as well as, in particular, the question of the veto. **While this model leaves a possibility for further changes as part of a review after about 20 years or so, it is not meant to be a transitional solution, but rather a model in its own right.**

- ***See attached Liechtenstein expansion model***

¹ See A/Res/60/1, paragraph 153.

² Other models are also described using this term.

Security Council Working Methods

Liechtenstein is also committed to improving the working methods of the present Security Council and seeks to **improve transparency and access for non-Security Council members**. Liechtenstein was a founding member of the S-5 Group (2005 to 2012, composed of Costa Rica, Jordan Liechtenstein, Singapore and Switzerland) and is currently a member of the Accountability, Coherence and Transparency Group (ACT). As a direct result of these groups' work, the Security Council has begun to actively examine its own working methods. Within ACT, Liechtenstein leads discussions on improving the Council's interaction with the International Criminal Court and on the use of the veto (see below).

Code of Conduct on the Voting in the Security Council

One of the most politically relevant aspects of the work of the ACT Group is its project on the use of the veto in the Security Council. Liechtenstein's own engagement with this topic is long-standing: as long ago as 2005, Liechtenstein has called on permanent members of the Security Council to voluntarily agree to refrain from using their veto in situations involving mass atrocity crimes. Since the creation of ACT, Liechtenstein has led the work of the sub-group dealing with the question of the veto. Negotiations in that have resulted in a number of concrete elements as input for discussions leading to the adoption of such a code of conduct. The most important features of these elements are:

- The crimes in question are referred to in terms that are well defined in international law.
- They refer to both **ending** and **preventing** these crimes.
- The **facts on the ground would be the trigger** and lead to Security Council action. The **Secretary-General** would, however, 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.
- The Code would be **not only for permanent members** of the Security Council to commit themselves to, but for any member of the Council, as well as for any other State that may, in principle, at some point become a member of the Council.

It is hoped that the elements will be helpful in the elaboration of a code of conduct. Liechtenstein and other ACT members will engage with interested states towards the adoption of a strong and credible code of conduct before or on the occasion of the UN's 70th anniversary.

- *See elements for a code of conduct regarding security Council action against genocide, crimes against humanity and war crimes*

**Elements for a General Assembly resolution
on the enlargement of the Security Council
– intermediate model**

The General Assembly,

[preamble]

Decides to expand the membership of the Security Council as follows:

Part I: Enlargement of the Security Council

Size

1. The membership of the Security Council shall be increased from fifteen to [xx¹].

Membership

2. The following six additional members shall be elected to serve on a permanent basis for renewable terms of [8 / 10]² years:

- I. two from African States
- II. two from Asian States
- III. one from Latin American and Caribbean States
- IV. one from Western European and Other States

3. *[insert paragraph on additional non-permanent members]*

Elections of the new members

4. Elections to fill the seats created pursuant to paragraphs 2 and 3 above shall be held after the entry into force of the amendments annexed to the present resolution and simultaneously with the regular elections of non-permanent members of the Security Council. The elections shall be held in accordance with the relevant rules of procedure of the General Assembly.

5. Candidates for seats created pursuant to paragraph 2 above shall not be eligible to serve as non-permanent members in accordance with article 23, paragraph 2, of the UN Charter for the following [8 / 10] calendar years.

6. The expanded Council shall take up its work on 1 January of the calendar year following the elections held in accordance with paragraph 4 above.

¹ The question of creation of new non-permanent seats in the sense of article 23.2 of the UN charter is not addressed in these elements, cf. OP 3, which serves as a placeholder for the scenario where additional two-year seats are created.

² The numbers in square brackets are meant to reflect a middleground and would be subject to negotiation.

Charter amendments

7. The Charter amendments necessary for the implementation of the present resolution are contained in the Annex to the present resolution and adopted simultaneously.

Ratification

8. Member States are called upon to ratify the amendments contained in the Annex to the present resolution, in accordance with their respective constitutional processes, by ... 2010.

Review

9. [16 / 20] years after the first elections held in accordance with paragraph 4 above, the General Assembly shall review the situation created by the entry into force of the Charter amendments contained in the Annex to the present resolution. The review shall include consideration of the categories of seats, the creation of additional seats of any category, including permanent seats, a review of the question of the veto as well as the implementation of the measures to improve the working methods of the Council contained in ...³

[Part II: Working Methods of the Security Council]

Annex: Amendments to the United Nations Charter

Article 23, paragraph 1: The Security Council shall consist of [xx] members of the United Nations. China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect [yy] other Members of the United Nations to be **members of the Security Council**, due regard being specially paid, in the first instance, to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, as well as equitable geographical distribution. **Six elected members shall serve on a permanent basis for terms of [8/10] years and be eligible for immediate re-election.**

[add consequential Charter amendments to articles 27 (2), 27 (3), 109 (1) and (3) updating the respective numbers of affirmative votes required]

³ It is understood that the General Assembly will simultaneously decide on a set of measures dealing with the working methods of the Council. This can either be done in a separate part of the resolution or in a stand-alone resolution that is adopted at the same time as the resolution dealing with the enlargement of the Council.



PERMANENT MISSION OF THE PRINCIPALITY OF LIECHTENSTEIN
TO THE UNITED NATIONS

**Explanatory memorandum:
Intermediate model for the enlargement of the Security Council**

The attached elements for a General Assembly resolution on the enlargement of the Security Council are submitted pursuant to the request of the Chairman of the intergovernmental negotiations on Security Council reform, Ambassador Tanin, contained in his letter of 5 February 2010. In accordance with the terms of the said letter, the elements are presented in language that is “fit for negotiation purposes”. The main objective of these elements is to **illustrate the possible structure of an “intermediate” solution** for the enlargement of the Security Council, and thus to contribute to finding a solution that commands the broadest possible political support and to bridging the gap between the existing positions.

The model provides for the creation of a **new category of seats the terms of which are considerably longer** than the current non-permanent seats in accordance with article 23 para. 2 of the UN Charter. In addition, they can be **renewed immediately**, and States thus have the possibility **to serve permanently** on the Council, if they are regularly chosen to do so by the membership of the United Nations.

The model mainly illustrates the creation of a new category of seats and does therefore **not address the question of possible additional non-permanent seats** in the sense of article 23 para. 2 of the UN Charter. The model can easily be combined with the creation of new non-permanent seats, but also serve as a stand-alone model (in which case the Council would be enlarged to 21 seats).

Given that all variables in the enlargement discussion are interlinked, as has become clear in the course of the intergovernmental negotiations as well as in previous discussions on Security Council reform, the model leaves a number of figures open, in particular the overall size of the Council. The illustrative figure chosen in the elements for the length of the terms of office of the new category of seats is meant to reflect a possible middle ground between the existing positions. It is of course understood that all these figures are subject to negotiation.

The model is submitted with the understanding that the General Assembly would **at the same time address the question of working methods of the Security Council**, either in a second part of the resolution or, perhaps preferably, in a stand-alone resolution, taking into account in particular the proposals presented by the S-5 since 2006.

26 February 2010

(DRAFT) Non-Paper

**on a Code of Conduct regarding Security Council action against
genocide, crimes against humanity or war crimes**

2015-03-19

Many UN Member States have expressed support for the idea that permanent members of the Security Council should voluntarily agree to refrain from using their veto in situations involving mass atrocity crimes. This initiative is actively being pursued by France, which is seeking the support of other permanent members.

Members of the ACT (Accountability, Coherence, Transparency) Group have consistently advocated for such a Code of Conduct to be concluded. With a view to supporting this effort, and bearing in mind that the 70th anniversary of the United Nations would provide an ideal platform for the launch of such a Code of Conduct, **a number of concrete elements are submitted for consideration, as set out in the annex.** They have been elaborated informally by the ACT subgroup on the veto and are supported by Austria, Costa Rica, Estonia, Finland, Hungary, Liechtenstein, Netherlands, Norway, Slovenia, Spain, Switzerland and Uruguay. They are intended as constructive input for the discussions leading to such a code of conduct.

The main features of these elements are the following:

- The crimes in question are referred to as **genocide, crimes against humanity and war crimes** – all terms that are well defined in international law.
- They refer to both **ending** and **preventing** these crimes.
- They do not refer to a procedural trigger for the Code to be applied. Instead, the Code would be triggered by the existence of a situation involving these crimes – in other words, the **facts on the ground would be the trigger** and lead to Security Council action. The **Secretary-General** would however 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.
- The Code would be **not only for permanent members** of the Security Council to sign, but for any member of the Council, as well as for any other State that may, in principle, at some point become a member of the Council. Security Council action in response to these crimes requires the support of all Council members, not just permanent members. The Code of Conduct should thus not be just about the veto, but about a broader pledge to support timely and decisive Security Council action in such situations.

ELEMENTS

for a Code of Conduct regarding Security Council action against genocide, crimes against humanity or war crimes

We, the undersigned Member States of the United Nations, who are or who may, in principle, 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,

Recalling the commitment by the Heads of State and Government of the Members of the United Nations contained in paragraph 139 of the World Summit Outcome Document,¹

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 of the Special Adviser on the Prevention of Genocide,²

Convinced that, where national or regional mechanisms fail, decisive Security Council action may be necessary to prevent or end the commission of genocide, crimes against humanity and war crimes,

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* not to hinder the adoption of a draft resolution before the Security Council that is aimed at ending the commission of genocide, crimes against humanity or war crimes, or at preventing such crimes;
3. *Invite* the Secretary-General to bring situations that, in her or his assessment, involve or are likely to lead to genocide, crimes against humanity or war crimes to the attention of the Council, including by using her or his powers under Article 99 of the Charter of the United Nations;
4. In this regard *further invite* the Secretary-General to make full use of the expertise and early-warning capacities of the United Nations system, in particular the Office of the High Commissioner for Human Rights and the Office of the Special Adviser on the Prevention of Genocide;
5. *Pledge* to fully and promptly take into account the Secretary-General's assessment as to whether a particular situation involves or is likely to lead to genocide, crimes against humanity or war crimes, and to act accordingly;
6. *Also invite* all Member States of the United Nations to sign this Code of Conduct.

¹ General Assembly Resolution 60/1, paragraph 139.

² See www.un.org/sg/rightsupfront/ and www.un.org/en/preventgenocide/adviser/documents.