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ISSUE OF: THE ETHICAL LEGITIMACY OF THE SECURITY COUNCIL VETOES IN CASES OF GENOCIDE AND MASS ATROCITIES

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Dear Delegates,

We would first like to welcome all of you to this UNSC committee where we will address one of the most controversial points of the Security Council ever since it was established, the usage of veto power during cases such as genocide and mass atrocities.

The Security Council is the principal organ that bears the responsibility for maintaining international peace and security. The UNSC has a key role to provide different types of support aimed at maintaining peace and stability, protecting civilians, and preventing or halting armed conflict and other forms of violence.

Over the years a growing number of people have expressed their concern over “P5” states exercising their veto rights on concerning and urgent matters such as genocide. Critics have raised that the UNSC has challenges when it comes to protecting civilians from mass atrocity crimes genocide, war crimes, ethnic cleansing and crimes against humanity. This has weakened the Council’s credibility to the wider member of the UN and the international community.

During this committee, delegates must examine the ethical legitimacy of the veto and consider how its use can be reconciled with the international community's responsibility to prevent and respond to mass atrocities. The challenge given is not only to solve the issue at hand but also to develop realistic solutions that strengthen the Council's effectiveness, accountability, and credibility while recognising the political and legal complexities involved.

We extend our best wishes to all delegates and look forward to productive debate, constructive diplomacy, and innovative solutions.

Key Terms

United Nations Security Council (UNSC): The Primary UN Organ that's tasked with maintaining peace and security, developing relations with other states, and cooperate when solving international issues.

Permanent 5 Members (P5): China, Russia, United States, United Kingdom, France. These members are granted continuing membership and veto power.

Veto Power: The ability of any P5 member in the UNSC to strike down draft UNSC resolution.

Article 27 of the UN Charter: The Article establishes the Security Council's voting procedure including the special voting right of the P5 countries.

Genocide: Acts committed with intent to destroy in whole or in part, a national, ethnical, racial, or religious group.

Mass Atrocities: Instances of "large-scale, systematic violence against civilian populations." it usually refers to genocide, crimes against humanity, war crimes, and ethnic cleansing.

Humanitarian Intervention: Actions taken by a country or group of countries to address severe human rights abuses within another nation, typically involving military force but sometimes including economic sanctions or other non-military measures.

Ethical Legitimacy: Belief that a states actions are morally just, fair and worthy of compliance by the international community rather than backed by military force or legal technicalities.

Key Terms

Accountability: The obligation of states or international institutions to explain, justify, and accept responsibility for their decisions and actions.

Responsibility to Protect (R2P): An international norm that seeks to ensure that the international community never again fails to halt the mass atrocity crimes of genocide, war crimes, ethnic cleansing and crimes against humanity.

Charter Amendment: A formal change to the UN Charter. Amending the Charter requires approval by two-thirds of the General Assembly and ratification by two-thirds of UN member states, including all five permanent members of the Security Council.

International Humanitarian Law (IHL): Set of rules that seeks, for humanitarian reasons, to limit the effects of armed conflict. It protects persons who are not, or are no longer, directly or actively participating in hostilities, and imposes limits on the means and methods of warfare.

International Criminal Law: The body of law that establishes individual criminal responsibility for international crimes, including genocide, war crimes, and crimes against humanity.

Veto Restraint: Proposed by former French President Francois Hollande, a “code of conduct” by which permanent members would withhold their right to veto in any mass atrocity situation.

ACT Code of Conduct: The ACT Group Code of Conduct on Mass Atrocities is a non-binding political pledge to commit that they will not vote against any "credible" draft resolution before the Council that is intended to prevent or end the commission of genocide, crimes against humanity, or war crimes.

Topic Introduction

The UN Security Council was established in 1945 following World War II to maintain international peace and security. Its framework grants veto power to the five permanent members (P5): China, France, Russia, the United Kingdom, and the United States. This arrangement reflected the post-war international order, based on the belief that cooperation among major powers was essential to global stability.

However, changes in the international political landscape have raised questions about whether the veto system remains suitable. Although intended to maintain cooperation among major powers, the veto can obstruct collective action when political interests conflict, particularly in situations involving genocide and mass atrocities.

This debate raises questions about international responsibility and the legitimacy of the Security Council. While critics argue that veto use can undermine civilian protection, supporters maintain that it reflects political realities and can prevent actions that might escalate conflicts.

Proposed reforms include voluntary veto restraint in mass atrocity situations, greater transparency, and increased cooperation with the General Assembly. Nevertheless, disagreements over state sovereignty, political interests, and the distribution of power continue to make reform challenging.

Key Issues

The Ethical Legitimacy of the Veto in Mass Atrocity Situations:
The veto power was handed to P5 nations to protect their interests and help maintain international peace and security. However, its use in situations such as genocide and mass atrocities raises serious ethical concerns. When actions are blocked by permanent members intended to protect civilians, questions arise about whether national interests should take priority over the protection of human life.

The Balance Between State Sovereignty and the Responsibility to Protect:
The principle of State Sovereignty acknowledges state authority within their own territories and internal affairs. However the international community also has a responsibility to protect civilian populations from genocide, war crimes, ethnic cleansing, and crimes against humanity.

So this raises a question: what should happen when a state is unwilling or unable to protect its population, or when the state in question is the reason for mass atrocities? The Responsibility to Protect (R2P) framework provides a base for international action, but joint measures must remain consistent with the UN Charter.

Political Interests of "P5" Nations:
The 5 permanent members of the Security Council, all have differing political interests, alliances, and foreign policies. These interests are key at influencing their stance on resolutions addressing conflicts and humanitarian crises.

When a P5 member uses its veto to protect itself or its allies, the council faces serious drawbacks on its ability to respond. However P5 members may argue that the veto power prevents decisions that might escalate conflicts or undermine international law.

Key Issues

Reforming the Veto System and Promoting Voluntary Restraint:
There have been several attempts when it comes to the issue of limiting the use of veto when involving mass atrocities. Such as the France-Mexico initiative or the ACT Group's code of conduct. Both arguing that the Security Council must refrain from using veto power on credible resolutions aimed at preventing genocide at mass atrocities.

However all the current initiatives rely on commitment rather than being backed by a legal prohibition. More extensive reforms require amending the UN Charter but it requires ratification by all P5 members.

Alternative Responses when The Security Council is Deadlocked:
When a veto prevents an important resolution from passing, the international community may seek other solutions to address the topic such as through the General Assembly, humanitarian intervention, negotiations or any other measure under international law.

UN General Assembly Resolution 76/262 has provided a GA meeting after a Security Council veto. But the General Assembly can not replace the UNSC's of adopting legally binding measures under Chapter VII of the UN Charter.

Historical Background

South Africa (1948-1994):

The issue became key during the Apartheid era of South Africa when the US, UK, and France repeatedly used their veto power to block Security Council resolutions that supported stronger international measures against the regime.

During this era, South Africa was run by a white-minority government which enforced racial classification, excluded Black South Africans from political participation, denied them the right to vote, stripped many of their citizenship, and used violence against those protesting the regime. The first major veto took place on October 30, 1974 when the US, UK, and France cast a triple veto to block a draft UN Security Council resolution that sought to expel South Africa from the United Nations over its apartheid policies. On October 31, 1977 The US, UK, and France vetoed three African-sponsored resolutions aimed at imposing mandatory economic penalties, investment bans, and nuclear cooperation curbs against the apartheid regime. After this point the veto was used 5 more times, 4 times in 1981 on Namibian independence from South Africa and once in March 1988 on a resolution that would have placed economic sanctions on South Africa.

US, British, and French officials frequently argued that dialogue, pressure, and targeted measures (such as the 1977 arms embargo) were more effective than total sanctions, though critics accused them of protecting white-minority rule.

The situation illustrates how the use of veto power can protect the political interests of powerful states while obstructing international efforts to address serious human rights violations.

South Africa has been used as a comparative example of political obstruction, not as a direct example of genocide.

Historical Background

Rwanda (1994):

The Rwandan Genocide began on April 6, 1994, and lasted approximately 100 days, resulting in the deaths of an estimated 800,000 people, primarily Tutsis and moderate Hutus. Despite the growing violence and warnings of an impending humanitarian catastrophe, the international community failed to respond effectively. The United Nations Assistance Mission for Rwanda (UNAMIR), which had originally been established to support the implementation of the Arusha Peace Agreement, was unable to adequately protect civilians as the situation deteriorated.

On April 21, 1994, the Security Council adopted Resolution 912, reducing UNAMIR's troop numbers from approximately 2,165 to 270. Political reluctance, particularly from the United States, contributed to the lack of international intervention. The US administration was hesitant to risk American lives following the deaths of 18 soldiers in Somalia in October 1993. France also faced criticism for its close relationship with the former Rwandan government, although it later launched Operation Turquoise in June 1994, a humanitarian intervention authorised by the Security Council.

The Rwandan Genocide illustrates how political interests, lack of international cooperation, and inadequate Security Council action can contribute to the failure to protect civilians during mass atrocities. It raises questions about whether the interests of powerful states should take priority over the international community's responsibility to prevent genocide.

Bloc Positions

Supporters of Voluntary Veto Restraint:
States like France and the United Kingdom advocate for the voluntary restraint of the use of veto power in cases of genocide and mass atrocities. This is because the P5 need to refrain from using veto power to block urgent action on protection of civilians within the current framework of the UN Charter.

Defenders of the Current Veto System:
States like China and Russia focus on the importance of the veto power in ensuring cooperation among the major powers and protecting the sovereignty of states. In general, they are opposed to any form of reform that undermines the authority of the permanent members of the UNSC.

Supporters of Fundamental Veto Reform:
These states prefer more restrictive rules regarding the use of veto powers which can take the form of legally restricting the use of the veto or even abolishing the veto power. This is because it should not be left to national interest to block action against mass atrocities. There are however legal and political hurdles involved in major reform of the veto system.

Advocates of Greater Regional Representation:
The African Union calls for greater African representation on the Security Council, including permanent seats with the same prerogatives as existing permanent members for as long as the veto remains. These states prioritize equality and the Council's legitimacy, although they may disagree on broader veto reform.

Supporters of Transparency and Accountability:
Such nations are for more transparency regarding veto decisions, explanation, and participation of the General Assembly. These countries might be for accountability actions but not for abolishment or limitation of the veto.

Related Organizations

These are broad political tendencies rather than fixed alliances! Countries can support voluntary restraint while disagreeing on more fundamental reforms.

United Nations Security Council (UNSC):
The UNSC is the main organ responsible for maintaining peace and security in the international community. It is empowered to adopt resolutions, impose sanctions, authorize peacekeeping missions, among other actions as stated under the UN Charter. Nonetheless, its decision-making structure gives any of the five permanent members the power to veto a substantive resolution. As such, it is a key organ that is at the center of the discussion on how to strike a balance between protecting civilians from mass atrocities and the interest of the major powers.

United Nations General Assembly (UNGA):
The General Assembly is an organ that affords 193 UN member states a chance to deliberate on international matters, including the issue of the use of veto power. In April 2022, the General Assembly passed Resolution 76/262, which puts in place a process through which there will be formal debate within ten working days after a veto is cast by the Security Council, except when the General Assembly is already deliberating on an emergency special session on the matter. Despite its increased transparency and political accountability, it cannot automatically override or replace the UNSC veto.

Office of the United Nations on Genocide Prevention and the Responsibility to Protect:
This office helps the United Nations prevent genocides and other atrocities, which include acts such as war crimes, ethnic cleansing, and crimes against humanity. The office monitors early warning signs, assesses risks, increases awareness, and notifies the concerned UN organs and Members States about situations where preventive action might be necessary. This office is relevant to the current problem because the evidence of warning signs and potential atrocities can help the deliberations of the Security Council.

Related Organizations

United Nations Human Rights Council (UNHRC):
The Human Rights Council deals with serious human rights violations through discussions, special sessions, investigations, and commissions of inquiry. These procedures may help to collect evidence and document human rights violations where there is a case of mass atrocities. Even though this body does not have the ability to eliminate the veto power of the member states, its conclusions can help the international community to exert pressure where the Security Council fails to arrive at a decision.

Accountability, Coherence and Transparency (ACT) Group:
The Accountability, Coherence and Transparency (ACT) Group is an interregional group of UN member states that strives to improve the transparency, accountability and effectiveness of the United Nations system. In July 2015, it adopted a Code of Conduct relating to the Security Council's response to genocide, crimes against humanity and war crimes. The Code urges all members of the Security Council not to vote against credible draft resolutions aimed at preventing or stopping such crimes. It is a tool for voluntary self-restraint and a good example for proposal on the ethical dimension of the veto.

The France-Mexico Veto Restraining Initiative:
This initiative was launched in 2015 and suggests that the permanent members of the Security Council should voluntarily refrain from using their veto power in cases where there are mass atrocities. This initiative seeks to decrease the likelihood of paralysis of the Security Council when there is a need to take some action in response to such issues as genocide, crimes against humanity, and massive war crimes. This is not an amendment to the UN Charter and hence does not have any legal basis, but it can be seen as a basis for discussion about how serious this matter is.

Questions a Resolution Should Answer

- Should the permanent members be obligated to refrain from using the veto when mass atrocities are occurring?
- Can the veto be considered legitimate if its use prevents the Security Council from responding to widespread violence against civilians?
- How should the international community balance national interests with humanitarian responsibilities?
- Under what circumstances should the international community intervene to protect civilians?
- How can the international community prevent the misuse of humanitarian arguments to justify political interference?
- What role should the Security Council play when a state commits or fails to prevent mass atrocities within its territory?
- How can the Security Council prevent geopolitical rivalries from obstructing responses to mass atrocities?
- How can the Council encourage cooperation between permanent and elected members?

Questions a Resolution Should Answer

- Should permanent members be required to provide formal explanations when exercising their veto?
- What mechanisms could improve transparency and accountability without making the Council less effective?
- Should veto restraint become a voluntary political commitment or a legally binding obligation?
- How should the international community determine when a situation warrants veto restraint?
- What reforms are realistically achievable under the existing UN Charter?
- What role should the General Assembly play when the Security Council cannot reach agreement?
- How can humanitarian assistance continue while political negotiations remain deadlocked?

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