



**PERMANENT MISSION
OF THE PRINCIPALITY OF LIECHTENSTEIN
TO THE UNITED NATIONS
NEW YORK**

NEW YORK, 17 MAY 2018

CHECK AGAINST DELIVERY

SECURITY COUNCIL - OPEN DEBATE

UPHOLDING INTERNATIONAL LAW

STATEMENT BY H.E. MR. CHRISTIAN WENAWESER

PERMANENT REPRESENTATIVE OF THE PRINCIPALITY OF LIECHTENSTEIN TO THE UN

Mr. President,

Not too long ago, we liked to believe that we had firmly transitioned into an era of the primacy of international law. This belief has been weakened in the recent past, but not our determination to make it so. Those who believe in the rule of law, as we do, are challenged to stand up for the primacy of international law at the heart of the international order. The prohibition of the illegal use of force is a core provision in this respect. It was incorporated in the UN Charter in direct response to the destruction of the Second World War and has been recognized as key provisions of international law since. It continues to be of crucial relevance. Resorting to the use of force remains one of the most serious decisions and requires careful legal scrutiny and communication by States. In assessing their decisions in this respect, States are now assisted by the first internationally agreed definition, contained in the Rome Statute of the ICC, of a crime of aggression – which is met only in cases where the illegal use of force constitutes a manifest violation of the United Nations Charter.

Mr. President,

At the Nuremberg trials, twelve leading figures of Nazi Germany, were convicted of “crimes against peace”. Since then, no international criminal tribunal has had the competence to hold individuals accountable for the most serious forms of the illegal use of force. In the following seven decades, we did not even have an internationally accepted definition of the crime of aggression. In December of last year, this changed. The 123 States Parties to the Rome Statute made the historic decision to enable the International Criminal Court to prosecute the crime of aggression. Exactly two-months from today, on the 17th of July, the ICC’s competence over the crime of aggression will commence – marking the first time that humanity will have a permanent international court with the authority to hold individuals accountable for this crime. This is a crucial moment also for the Security Council, which will have a new tool at its disposal: the ability to refer situations involving acts of aggression to the ICC. If applied in a meaningful way, this new tool can assist the Security Council in the peaceful resolution of conflicts and in reinforcing the UN Charter.

Mr. President,

July 17th also marks the 20th anniversary of the Rome Statute – an occasion both to reaffirm our collective commitment to justice and international law and to address the numerous challenges we continue to face. Impunity continues to reign in many situations where grave crimes are committed. Where the seriousness of the situation so requires and where all other options fail – in particular national prosecutions - the ICC must be able to act. It is often up to the Security Council to provide the Court with jurisdiction – as it indeed should do with respect to the situations in Syria and Myanmar. But more than ten years after its first referral decision, the Council still has much room for a more productive relationship with the Court and lacks a collective commitment to accountability. As much as we need to strive to make this relationship more productive - combined with work for universality of the Rome Statute – we

also must be prepared to act within the parameters of today's reality. The Court's reach is severely restricted – as the situation in Syria has starkly illustrated for a number of years. Given that the path to the ICC was blocked in the Council through the veto of two Permanent Members, the General Assembly decided to create an accountability mechanism (IIIM). We are proud to have led this effort. The IIIM acts as a model for future action – that the General Assembly should step in, where the Council is paralyzed, to take on its responsibility to ensure accountability in line with its authority under the UN Charter. The collective commitment of the UN membership to fight mass atrocity crimes is also expressed in the ACT Code of Conduct – we echo the call by many speakers in today's debate to join this initiative, which is supported already by 116 States.

Mr. President,

There is no doubt that international norms and international law are under attack today. In its consequence, this is an effort to undermine the international legal order and the United Nations itself – which is at the heart of this order, not only with respect to the maintenance of international peace and security. This organization is the ultimate expression in the belief of the power of the law – its continued relevance depends on our ability to stand up for this belief.

I thank you.