



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

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NEW YORK, 23 OCTOBER 2014  
SECURITY COUNCIL – OPEN DEBATE  
**WORKING METHODS OF THE SECURITY COUNCIL**  
**STATEMENT BY MR. STEFAN BARRIGA**  
MINISTER, CHARGE D’AFFAIRES A.I.

Madam President,

Liechtenstein is a member of ACT and aligns itself with the statement delivered by Switzerland on behalf of the group. We also align ourselves with the statement delivered by Norway on behalf of the group of likeminded States on targeted sanctions. We would like to thank you for the concept note issued in preparation of the debate. I have the honor to deliver the following remarks, which will focus on the follow-up to Security Council referrals to the ICC and the use of the veto, on behalf of Costa Rica, Hungary, the Netherlands, Slovenia, Switzerland as well as my own country.

Madam President,

When the Security Council created the *ad hoc* tribunals for the former Yugoslavia and for Rwanda, it took care to ensure an effective follow-up. It invited the President and Prosecutor of these tribunals to conduct regular briefings, and created the Informal Working Group on Tribunals to address the day-to-day issues arising from the Tribunals’ work. All of us know the tremendous value of such an established mechanism for interaction.

No such mechanism exists to address issues arising from Security Council referrals to the ICC despite almost a decade having passed since the first referral by the Council to the ICC, of the situation in Darfur, Sudan.<sup>1</sup> While individual delegations have made commendable attempts at improving the interaction, for example through informal, interactive dialogue between the Council and the ICC Prosecutor, such innovations have been *ad hoc* and were left unrepeated. In February 2013, the Council formally committed itself to effectively follow-up to issues of cooperation with international tribunals, including the ICC,<sup>2</sup> but this promise remains unfulfilled.

As a consequence, real issues arising from the Council-ICC relationship continue to go unaddressed. In case of Security Council referrals the Council can and should act as a powerful enforcement mechanism. It is high time for the Council to start fulfilling its part of the bargain.

The failure of Sudan, for example, to cooperate with the ICC reflects badly on the Court, through no fault on its own. The repeated failure of this Council, however, to enforce its own resolution which imposes an unambiguous obligation on Sudan to cooperate with the ICC, undermines the credibility of this Council and hollows out its public commitment to ensuring accountability for the worst crimes under international law. Creating a follow-up mechanism to deal with cooperation problems would be a first step in the right direction.

Madam President,

Two no votes prevented this Council from referring the situation in Syria to the ICC. Two no votes against 13 votes in favor, with 65 co-sponsors. We certainly accept the veto as part of the United Nations Charter, which we all ratified. But we do not accept that it be used contrary to the very purposes and principles contained in that Charter. We have repeatedly called on the

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<sup>1</sup> Security Council Resolution 1593 of 31 March 2005.

<sup>2</sup> See S/PRST/2013/2 of 12 February 2013.

permanent members to commit to refraining from the use of the veto in situations involving genocide, crimes against humanity and war crimes. The meeting convened last month by the French and Mexican foreign ministers on this subject demonstrated that many UN Member States share our view.

We applaud the French initiative and hope to see more concrete results soon. In our view, a code of conduct to this end should also have a preventative function, so as to allow the Council to stop these horrendous crimes from happening in the first place. Elected members of the Council should also sign on to such a code of conduct, as they have an equally important obligation not to vote against Council action in situations involving the enumerated atrocity crimes. For our part, we will continue to work through the ACT Group to contribute to its success.

I thank you.