



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

NEW YORK, 6 DECEMBER 2017

CHECK AGAINST DELIVERY

ASSEMBLY OF STATES PARTIES TO THE ROME STATUTE

GENERAL DEBATE

STATEMENT BY H.E. MR. CHRISTIAN WENAWESER

PERMANENT REPRESENTATIVE OF THE PRINCIPALITY OF LIECHTENSTEIN TO THE UN

Mr. President

The ICC has not been designed to be a panacea to impunity challenges around the world. It can therefore not be expected to play that role. National proceedings always have precedence, and as long as the Rome Statute is not universally accepted, we will also always have to look for other accountability options. We are proud to have led the way in the creation of an accountability mechanism for Syria (IIIM) - in a situation where the Court's involvement had been blocked through the veto cast by two Permanent Members of the Security Council. The ICC is the central institution in the fight against impunity. It has led to a paradigm shift in the conversation about justice. The Court is the biggest step forward in the development of international law in the past two decades – it gives hope to victims that the most serious crimes will not go unpunished. Our collective task is to work with the Court to make sure that these hopes are fulfilled. This has to include both political support as well as a firm financial commitment. Liechtenstein will continue to be critical when we think that the Court's resources are not used in the best way possible and welcome the ongoing work with regard to

performance indicators initiated by the President. And we will continue assisting the Court to become a more effective and stronger institution for example through our engagement in the area of financial investigations: The Court should build capacity to use financial data as an alternative to witness testimony. But we will also continue advocating for the Court to have the resources it needs. All of us who wish to see an effective institution have to understand that the Court must be able to act where it offers the only realistic accountability option. The shocking media reports on slavery practices in Libya are a case in point: This is a situation where the Court was given jurisdiction by the Security Council – yet failed to follow-up through any enforcement measures, let alone financial support. Even worse, some of those States who call for a stronger involvement of the Court against slavery crimes at the same time demand budgetary restrictions that make such involvement impossible. The ICC should place a stronger strategic focus on prosecuting slavery crimes – a crime that is covered by the strongest universal legal norm, is committed in all regions of the world and with shocking levels of impunity.

Mr. President

This session offers us the opportunity to activate the Court's jurisdiction over the crime of aggression. This crime has been part of the Court's jurisdiction ever since the Rome Statute was adopted almost twenty years ago. All 123 States Parties have accepted jurisdiction as part of their ratification of the Rome Statute. But it was only in 2010, at the Review Conference in Kampala, that we found a consensual agreement on the relevant provisions of the crime of aggression – the Kampala Amendments. These amendments have been ratified by 35 States, after Panama deposited its instruments just today. All conditions are therefore in place to finally activate the Court's jurisdiction over this crime. Its scope of jurisdiction will be limited as it does not apply to nationals of States that have remained outside of the Rome Statute. A few countries wish to limit the jurisdiction further and to restrict the application to the ratifying

States in case of a conflict between each other. But the Kampala agreement provides legal protection to ratifying States vis-a-vis all States Parties, in accordance with the principle of territoriality - just as we all enjoy legal protection vis-a-vis non-State Parties with respect to the other Rome Statute crimes. We of course accept that jurisdiction will not apply to those States Parties who do not wish to see their nationals covered by the Court's jurisdiction, as agreed in Kampala. We thank all States who are working with us to find a way to bridge the remaining gap in our conversation over the coming days and to safeguard the integrity of the Kampala consensus. We have travelled a long way together and overcome many formidable obstacles, political and legal, to get here. We are confident that we will take this last step together which will allow us to complete the Rome Statute and to make history by complementing the prohibition of the use of force contained in the UN Charter.

I thank you.