



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

NEW YORK, 29 OCTOBER 2013

SECURITY COUNCIL – OPEN DEBATE

WORKING METHODS OF THE SECURITY COUNCIL

STATEMENT BY H.E. AMBASSADOR CHRISTIAN WENAWESER

PERMANENT REPRESENTATIVE OF THE PRINCIPALITY OF LIECHTENSTEIN TO THE UNITED NATIONS

Mr. President,

Liechtenstein is a member of the ACT Group and aligns itself with the statement delivered on behalf of the Group by Switzerland. We would now like to raise a few specific points relating to the Council's work on accountability and on the use of the veto.

Mr. President,

During the last year, the Council has made some progress in improving its interaction with the International Criminal Court and on related issues. Last October's open debate on peace and justice, with a special focus on the role of the International Criminal Court, was a good opportunity for the wider membership to express its views on the Council's relations to this key institution of international criminal justice. We also consider the informal, interactive dialogue between the Council and the ICC Prosecutor to be a useful format, allowing for a more fluid exchange of information and a less limited conversation. While we welcome these events and thank the delegations that have initiated them, we are disappointed about the lack of follow-up. As often seems to be the case in the workings of the Council, positive innovations are difficult to institutionalize.

The Council began this year well, by expressing its commitment to effectively follow up to issues of cooperation with international tribunals, including the ICC.¹ Unfortunately, the Council has not lived up to this promise so far. The Council still lacks the proper forum for interaction with the ICC. One year ago, together with Costa Rica and Jordan, we had encouraged the creation of a new subsidiary body or the re-tasking of the Informal Working Group on Tribunals. Since then, the need for such a platform has only become more pressing, as requests to the Council relating to ICC issues are in the headlines on a daily basis. Partially due to this shortcoming, the Council has again failed to take up the Court's decisions of non-cooperation in the Darfur situation. Failure by the Council to effectively follow-up to its own referrals undermines the credibility of both bodies.

We have seen the recent request by Kenya that the Security Council defer the cases in the Kenya situation for 12 months, pursuant to article 16 of the Rome Statute – to be taken up by the Council shortly. This can also serve as a reminder for the need to revisit its working methods in dealing with such requests, which hitherto have been unsatisfactory. The Council's decision-making process on this matter should be informed and made on the basis of a thorough discussion involving all stakeholders. The implementation of article 16 of the Rome Statute is as much a concern of all States Parties to the Statute as it is of the members of this Council. We therefore encourage the Security Council to enter into a dialogue with States Parties, especially on the question of criteria to be considered in deciding whether to defer cases before the ICC.

Mr. President,

The situation in Syria, now in its third year, has laid bare this Council's shortcomings. The Council has been unable to play its role on nearly all issues, save for that of chemical weapons.

¹ See S/PRST/2013/2 of 12 February 2013.

While we appreciate the efforts of Luxembourg and Australia in drafting the recent Presidential Statement on the humanitarian situation in Syria,² we regret that the Council was not able to adopt a resolution on this topic.

The Council has also failed in its responsibility to promote accountability for the war crimes and crimes against humanity that have been and continue to be perpetrated by all sides of this conflict. Liechtenstein was one of 58 States that had called on the Security Council to refer the situation in Syria to the ICC. Nine months later, we are still waiting for the Council to take this issue up.

Mr. President,

The Syria crisis also best illustrates that the use of the veto - and the extensive threat of its use - continue to stymie its work. The veto as such is part and parcel of the Charter of the United Nations, which we all have ratified. But it is essential that it not be used contrary to the very purposes and principles contained in that Charter, and that a minimum of accountability be provided in this respect. We have repeatedly called on the permanent members to commit to refraining from the use of the veto in situations involving genocide, crimes against humanity and war crimes. We welcome the initiative by France to bring this topic to the attention of the international community. Now is the time to make concrete progress towards such a code of conduct. We look forward to discussions among the permanent members on this suggestion and will continue to work through the ACT Group to contribute to its success.

I thank you.

² S/PRST/2013/15 of 2 October 2013.