



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

---

NEW YORK, 14 DECEMBER 2011

CHECK AGAINST DELIVERY

**STATEMENT BY H.E. CHRISTIAN WENAWESER, PERMANENT REPRESENTATIVE**

INTERNATIONAL CRIMINAL COURT – ASSEMBLY OF THE STATES PARTIES TO THE ROME STATUTE  
GENERAL DEBATE

Madame President,

I had an opportunity to offer some thoughts on the last years when speaking before this Assembly on Monday. My remarks today will therefore be forward-looking and thus based on a retreat meeting that we had the pleasure of organizing in October this year. We hope that the action points emanating from this meeting that we have circulated in the room will be useful for the Assembly in its future work. The retreat meeting was attended among others by the High Commissioner for Human Rights, the Legal Adviser of the United Nations, all the principals of the organs of the Courts organs, the Vice-president and the former President of the Assembly, among others.

After the Kampala conference, a central challenge for the Assembly has been defining the relationship between the Court and the Assembly and the oversight function of the Assembly in accordance with article 112 of the Rome Statute. We have made good progress in this respect: The judicial independence of the Court must be maintained, while there must be administrative accountability. I do believe that there is an agreement between the Court and the States Parties on these principles, and that we can put in place mechanisms for administrative accountability in accordance with the provisions of the Statute. In this respect, the Study Group on Governance should become a permanent platform for dialogue between the Court and the States Parties where both sides can put forward their concerns and engage in a constructive exchange, with full respect for the respective competencies. We hope in particular that the work on expediting the judicial proceedings will make solid progress in the course of the next year. This is necessary both to enhance the effectiveness of the Court and to ease some of the political pressure concerning the budget. We as States Parties must live up to our responsibility which includes the Rules of Procedure of the Court.

We will need a discussion on strategic budget policy: After solving this year's difficult budget discussions, States Parties will have to create an opportunity to look at the budget from a more strategic point of view – something we will never do in the framework of this Assembly. Such strategic considerations would include the areas which the Committee on Budget and Finance has rightly identified for us. But it also would require a look at the budget process that everybody involved seems to be unhappy with – the Court and the States Parties. Next year should also be the moment when States Parties move their discussions on the costs arising from Security Council referrals forward. We cannot continue with a situation in which States Parties exonerate the United Nations from shouldering the costs arising from a Security Council mandated activity, while at the same time refusing to accept an increase in the Court's budget which naturally will result.

We will be keen to conduct a lessons learned process on the work of the Search Committee for the position of Prosecutor. We have received many comments in this respect, and it will be important to process everything that we have done in a professional manner in order to offer a basis for future discussions. I am encouraged by the many positive reactions we have been given, inside and outside of the Assembly, and for the support given to the process, including by all those who were interviewed by the Search Committee. I thank again all the members of the Search Committee and in particular its Chairman, Prince Zeid from Jordan, who has so ably led the discussions of the Committee. I hope that we will be able to collectively embrace merit-based approaches to filling the most crucial positions on the ICC.

In order for the Court to be successful, we have to integrate its interests much closer into our daily work at the United Nations. To this end, we should take some time to reflect on the future policy concerning the role of the Security Council. So far, referrals have happened on the basis of the assumption that their value for the Court and its acceptance is absolute. On that basis, substantive concessions have been made that are not to the benefit of the Court, in particular on the questions of exemptions of certain nationals and on the question of financing. We should take a look at these and other aspects in order to prepare for any possible future discussions in the Security Council. Of no lesser importance is follow-up action by the Security Council on referrals, with a view to ensuring cooperation with the Court. So far, the Council has mostly been silent in this respect, and it is currently facing a new challenge after the notifications it has received from the Pre-Trial Chamber in connection with the arrest warrant against the President of Sudan. Clearly, the Council must be better prepared for these challenges, and we as States Parties can make a contribution to this end.

Making complementarity work is a key element not just of the effectiveness of the Rome Statute system, but also of its political acceptance. It has to be better understood that the ICC is the most important incentive for States to fulfill their obligation to investigate and prosecute at the national level. We must build on the international consensus to fight impunity for the most serious crimes under international law and to emphasize the primacy of national systems in this fight. There are numerous opportunities to link up our complementarity work with the manifold activities that many stakeholders undertake in the area of building and strengthening national capacity. The high level meeting on the rule of law in September 2012 is a prime opportunity in

this respect, and we hope that States Parties will make the best of this opportunity to mainstream the Court into the activities of the United Nations.

Cooperation is indispensable for the effective functioning of the Court. We are grateful that the Assembly is about to adopt a decision on procedures for situations of non-cooperation. This is but an important first step in the right direction that we must follow-up with sustained political commitment. This Assembly must be able to respond effectively to situations of non-cooperation by States Parties.

Finally, I wish to highlight the importance of promoting the ratification of the Kampala amendments, in particular the ones on the crime of aggression. The consensual adoption of these amendments at the Kampala Conference both completed the Rome Statute and filled one of the biggest remaining gaps in international law. We look forward to contributing to a well-informed and productive ratification process that we hope will soon result in the 30 ratifications necessary for the activation of the jurisdiction of the Court in 2017. The Kampala decision is also of particular relevance for the United Nations, our host today: For the first time in the history, we can criminalize the worst forms of illegal use of force – which goes to the very core of the mandate of this organization.

Finally, I wish to salute Prosecutor Luis Moreno-Ocampo. We have not always agreed on everything, but we have always shared a vision to move the Court forward. His vision, courage and commitment have been essential in taking the Court to the place where it is today. I will miss working with him.

I thank you.