



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 Court's report once again illustrates its vibrancy and central role in ensuring accountability in all regions of the world. 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. We hope that the ICC can exercise jurisdiction over the crimes committed in Syria in the future and that the IIIM can assist the Court in this undertaking. While not the only accountability mechanism, the ICC is certainly the central institution in the fight against impunity. As such, 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 – and it gives hope to victims around the world that the most serious crimes will not go

unpunished. It is our collective task to work with the Court to make sure that these hopes are fulfilled. Our work in this respect has to include both political support as well as a firm financial commitment. We will continue to be critical of the Court where we think 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 our work to help the Court become a more effective and stronger institution. Our engagement to enhance capacity and expertise in the area of financial investigations is just one example of that commitment: The Court can build its expertise in order to be able to use financial data as an alternative to witness testimony. But we will also continue advocating for the Court to have the necessary resources it needs. All of us who wish to see an effective institution have to understand that the Court should be able to act where it has jurisdiction and serves as the only realistic accountability option. The shocking media reports on slavery practices in Libya illustrate this point very clearly: This is a situation where the Court was given jurisdiction by the Security Council of the United Nations – which, however, it did not follow-up through any enforcement measures, let alone the financial support that should be coming from the UN system. 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. We hope that the Court will place a stronger strategic focus on prosecuting slavery crimes in general – a crime that is covered by the strongest universal legal norm, yet is committed with shocking levels of impunity.

Mr. President

At this session, we also have the opportunity to activate the Court's jurisdiction over the crime of aggression. The 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 this 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 definitional and jurisdictional provisions of the crime of aggression – the Kampala Amendments. These amendments have been ratified by 34 States, with many others on the way to do the same. At this ASP session, all conditions are in place to finally activate the Court’s jurisdiction over this crime. The scope of jurisdiction will be limited as it does not apply to nationals of States that have remained outside of the Rome Statute. Some wish to limit the jurisdiction further and to restrict the application to the 34 ratifying States in case of a conflict between each other. We strongly believe that 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 other Rome Statute crimes. At the same time, we accept that jurisdiction will not apply to those States 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. 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 in fact make history.

I thank you.