



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

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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

As we gather for this session of the Assembly of State Parties, in the year of the 20<sup>th</sup> anniversary of the Rome Statute, the International Criminal Court is facing considerable challenges. The political attacks on the Court have become more intense and different in character: Recent attempts to undermine the Court are part of a broader attack on international organizations, on multilateral approaches and indeed on international law itself. The ICC is a landmark achievement in the history of international law, it therefore should come as no surprise that it finds itself as a central target of such attacks. If in the past some aspects of the Court's performance were subject to criticism, now its very existence is being put into question. We therefore hope that our discussions at this session will demonstrate a unified front of States Parties standing up for the Court, defending its independence and recommitting to the accountability system created by the Rome Statute.

The historic establishment of the International Criminal Court was the result of a process

spanning decades. As a permanent and independent criminal court, it has jurisdiction over the most serious crimes under international law: Genocide, crimes against humanity, war crimes and the crime of aggression. Wherever atrocity crimes are committed on a massive scale – from Myanmar to Syria – there are calls for these crimes to be brought before the ICC. The Court is today the strongest symbol for accountability and a beacon of hope for victims around the globe. At the same time, the Court's reach is limited – it was never designed to be in charge of every situation in which such crimes are committed. We as States Parties have to work on several areas in order to support the Court and to ensure its success. Our collective work on universality continues to be crucial. The ratification process of the Rome Statute has slowed down, and there are even a number of States that have announced their withdrawal from the treaty. This trend can be reversed, and it is our duty as States Parties to bring those to the table who have not yet joined. In parallel, we have to work on alternative paths for accountability in situations where the ICC does not have jurisdiction, which is frequently the case in situations where accountability is most urgently needed. The United Nations Security Council which could fill this void by referring situations to the ICC cannot be relied upon to do so. We will nevertheless continue joining calls for such referrals, but are under no illusion as to their likelihood. But the Rome Statute system and the principle of complementarity give us other options. We were proud to lead the effort in the UN General Assembly to create the IIIM mechanism for Syria. It was essential to illustrate the possibility for meaningful action on accountability in a situation where the ICC has no jurisdiction and the Security Council was unwilling to act. The IIIM has been more successful than we had hoped, both in its operational work and in its high level of political acceptance. The IIIM fits very well in the overall architecture of the Rome Statute system and is in line with the principle of complementarity. A similar accountability mechanism established for Myanmar illustrates this very well. The IIIM model has proven its worth in a very short period of time and can be applied to other exceptional situations, perhaps even as a generic standalone institution. But there is also room

for other innovative ideas that take the principle of complementarity as point of departure and take into account the specifics of the accountability discussion at hand. Strengthening the international justice system in such ways reinforces the ICC's mission and will help strengthen it.

Mr. President

This is a difficult time for the rules-based international order and by the same token for the ICC, as well. Indeed, there is much reason to be concerned about political attacks against the Court. But at the same time, we also have to look at ourselves, talk to each other, the supporters of the Court. We are sometimes also concerned about the level of support the Court gets from its friends in addition to the criticism it receives by its declared opponents. There is simply not enough coming from us in support of the Court. Too many of us are watching from the sideline instead of joining political discussions that can be difficult. We need to trigger a new conversation, both with the Court and among ourselves. We have to state clearly where we see deficiencies in the Court's performance, what changes we expect to see and how we are offering to help to bring them about. The vision captured in the Rome Statute is unique. The treaty is a true highlight of international law-making. But we are falling short of exploring the full potential of the Rome Statute system and we have to urgently change course. We do not expect this session of the Assembly to bring the answers to these questions. But we hope that it can generate a sense of urgency to at least have this discussion.

Mr. President

Finally, we very much welcome the activation of the Court's jurisdiction over the crime of Aggression which commenced on 17 July this year. Developments around the world make it clear that it is more imperative than ever to have a Court that can exercise jurisdiction over the most serious forms of the illegal use of force, both in the area of modern warfare and given the

erosion of respect for international law. The ICC's jurisdiction complements the prohibition of the illegal use of force, which is a cornerstone of the United Nations Charter. 36 States have already ratified the Kampala amendments, and we hope that many others will join this very important legal regime. It has never been more important to make the statement that illegal war-making is an international crime and punishable in a court of law.

Thank you.