



**PERMANENT MISSION
OF THE PRINCIPALITY OF LIECHTENSTEIN
TO THE UNITED NATIONS
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ASSEMBLY OF STATES PARTIES TO THE ROME STATUTE

GENERAL DEBATE

STATEMENT BY H.E. CHRISTIAN WENAWESER

PERMANENT REPRESENTATIVE OF LIECHTENSTEIN TO THE UNITED NATIONS

Madam President,

Let me thank President Fernandez de Gurmendi for her years of dedicated service during the past term of the Bureau. I also wish to welcome President Päivi Kaukoranta as the new President of the Assembly. We look forward to working under her leadership for the next three years which will be of essential importance for the ICC. We also extend a warm welcome to Armenia which has joined the community of ICC State Parties, an important step on the long road to universality.

Madam President,

The Court is looking back at an eventful year, which has illustrated, often tragically, the ever-growing importance of its work – and the need for our political and financial support. This Assembly must produce positive results in this respect. Support from us State Parties is crucially important at a time when the Court finds itself under direct attack. It has been subject to massive cyberattacks which were highly disruptive and costly both financially as well as in terms of efficiency of its work. More dramatically still, senior officials of the Court have been subject to

unprecedented retaliatory measures from the Russian Federation – simply for the doing the job that we have asked them to do under the Rome Statute. This must be a matter of serious concern and urgent attention for us – and in fact also for States who have not yet joined the Rome Statutes, as a frontal assault on the principle of judicial independence which is a key principle for any judicial institution, domestically or internationally. Our joint and unequivocal support for the Court in the face of such attacks is key.

Equally important is the realization that we must equip the ICC with the resources it requires to carry out its tasks in accordance with its mandate under the Rome Statute. Last year, our general debate generated many statements of support and calls for action with respect to the situation in Ukraine. This year, the world has been shaken by the reports of the terrorist attacks on the civilian population in Israel and the massive crisis of respect for international humanitarian law that followed and is still ongoing. This does not mean, of course, that the need of the Court's work in Ukraine – or indeed in Myanmar, in Libya, in Darfur – have decreased, quite the opposite. Our obligation as State Parties at this session is therefore to equip the Court, and in particular the Office of the Prosecutor, with the financial resources it requires to do the work we expect it to do. Our statements of support for the Court are only credible if backed up by concrete action, most importantly, while not exclusively with respect to the Court's regular budget which is the only way to ensure both effectiveness and prosecutorial as well as judicial independence.

Madam President,

25 years after the adoption of the Rome Statute, it is safe to say that the treaty and the vision contained in it continue to be a beacon of hope for victims of serious crimes around the globe and the basis for effective prosecutions, be it before the ICC itself or, ideally, in national judiciaries. There is, however, no room for complacency. For the first time since the conclusion of the relationship agreement in 2004, the UN General Assembly did not welcome the annual report of the ICC by consensus, but rather voted on it. While it was a very small number of States

that followed the Russian Federation in opposing the resolution in question, it is a reason for concern that not all State Parties voted in support of this text. We need a respectful and open dialogue in moving forward and take this as an opportunity to forge a stronger political consensus, first among ourselves, and then also within the wider UN membership. An important aspect of this is to implement the truly global nature of the Court, not only with respect to the Court's own activities, but also on our side, the State Parties.

Madam President,

While we underline the quality of the Rome Statute which has indeed stood the test of time, we must also be willing to make improvements to it where they are urgently needed. The most manifest aspect in this regard is the insufficient jurisdictional regime the Court has over the crime of aggression, one of the four core crimes originally included in our treaty 25 years ago. When we adopted the Kampala amendments in 2010, at the first Review Conference, which I had the honor to preside over, we addressed two aspects of our big task in a manner which was solid and sustainable: First, we agreed on a strong and consensual definition, supported by a set of understandings, that is both deep and narrow at the same time and today reflects customary international, as part of the most successful amendment to the Rome Statute to date, now ratified by 45 States. Second, we gave the Court the possibility to exercise its jurisdiction also in the absence of a determination of the UN Security Council that an act of aggression has occurred, thus safeguarding the Court's judicial independence. In the area of jurisdiction, however, we were forced to agree on a jurisdictional regime that is so limited that it does not give potential victim States the protection they are looking for and thus also serves as an obstacle to universality. The aggression against Ukraine is the most extreme and blatant illustration of the worrying global trend for States to resort to the use of force, also in manifest violation of the UN Charter, instead of embracing the principle of peaceful settlement of disputes. The agreement in Kampala provides for a mandatory review of the package adopted in light of the experience

gathered in the time since the activation of the Court's jurisdiction in 2018. The conclusion today seems an obvious one: we need to bring the ICC's jurisdiction over the crime of aggression in line with the other core crimes in the Rome Statute. It is clearly overdue to treat the "supreme crime" under international law not as a second category issue, but as what it is: An assault on the peace and security architecture established in the UN Charter, a massive violation of the rights of countless of individuals and often the origin of other horrendous Rome Statute crimes. We look forward to moving this discussion forward as expeditiously as we can.

I thank you.