



**PERMANENT MISSION
OF THE PRINCIPALITY OF LIECHTENSTEIN
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CHECK AGAINST DELIVERY

SIDE-EVENT: 20TH ANNIVERSARY OF THE ROME STATUTE

STATEMENT BY H.E. DR. AURELIA FRICK

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Mr. President,

It is a pleasure for me to be here today. I have come to New York to attend the High Level Political Forum, at which we discuss our collective and individual progress with respect to the implementation of the 2030 Agenda. For many, this discussion has little to do with the commemoration that brings us together in this room: The International Day of Justice. This, in my view, is an unfortunate misperception. The rule of law, accountable institutions, and indeed justice for all are essential ingredients of sustainable development. We have stated this in SDG 16 – and we have the opportunity today to take a decisive step in this direction.

On this very day, 20 years ago, States gathered in Rome and adopted the treaty that established the International Criminal Court – after decades of advocacy, five weeks of intense negotiations, long days and nights spent in a mix of despair and hopefulness. In the end, and against considerable odds, it turned out that the ICC was an idea whose time had – finally – come. The Rome Statute was adopted, not by consensus, but with an overwhelming majority of the States participating in the vote. It was a unique triumph of multilateral diplomacy, of untiring civil society engagement and of the belief in international law. It was a memorable moment of collective

commitment to speak law to power. This is history, and a proud memory for many who were able to contribute to it.

So where do we stand today? The enthusiasm generated in Rome has carried us a long way. We have created the first permanent, international and independent Court that has jurisdiction over the most serious crimes. Close to two thirds of the UN membership has accepted its jurisdiction and the Court is active in all regions of the world. Most importantly, it is the most powerful statement in service of justice, the biggest promise made to victims worldwide. Wherever egregious impunity gaps exist – be it in Syria, in Myanmar or elsewhere – calls for ICC action are loud and frequent. The ICC is indeed the central instrument in the fight against impunity. But these big achievements are matched by enormous challenges. Multilateral diplomacy today is in a significantly weakened state. What we witness instead, is a return to nationalist agendas and skepticism of the rule of law. A success, such as the one in Rome in 1998, would almost be unimaginable today. The ICC is not only a target of those who wish to roll back achievements in multilateralism in general, but is especially vulnerable to political attacks. As a Court that has the mandate to investigate those who are responsible for the most serious crimes under international law, including the most powerful individuals, this is also not a surprise. The principle that nobody is above the law is a cornerstone of the Rome Statute. But it is not supported by everyone at a time when many believe and practice the opposite. So our fight for the ICC is also a fight for the rule of law in a much broader sense. I am glad to see that so many of you have joined us today to recommit to this fight.

This is not to say that the Court is without flaws. There are times when we have serious difficulty reconciling judicial decisions with our understanding of international criminal law. Aspects of the Court's management are frustrating to us, and we want to work with those who have grievances that we may not share ourselves. And this is what we want to do – with all of you, and most importantly: Together with the ICC itself. We want to work for an even stronger institution that fully lives up to the vision reflected in the Rome Statute.

But the most serious flaw in our reality today does not lie with the Court. It is ourselves that we have to look at – our role in making the fight against impunity as effective as possible, and our failure to do so. One part of the vision of the Rome Statute in particular remains an empty promise: That the Security Council would step in to fill glaring impunity gaps. This has not happened. While we will not stop trying to put pressure on the Council to play its role, we are also under no illusion about the current power dynamic in the Security Council. Thus we must look for alternatives, and they exist. We were happy to lead the effort in the General Assembly to create an accountability mechanism for Syria – which is doing excellent work, enjoying strong political support and having direct impact. We also see much potential in working with States to ensure that they fulfill their national responsibility to investigate and prosecute – in line with the principle of complementarity reflected in the Rome Statute.

Today is also the day when the ICC can – finally – begin exercising jurisdiction over the crime of aggression. In Rome, many believed that the Court’s judicial reach could not be complete without jurisdiction over this crime – which has been called the “supreme international crime”. But it has taken these full 20 years for the Court to be able to take on this task. The agreement of principle was followed by the consensual adoption of the Kampala Amendments in 2010 and the agreement on activation – again by consensus – last December here in New York. We now have, for the first time in history, an international court with jurisdiction over the crime of aggression – the worst form of the illegal use of force. And indeed, the moment could not be more auspicious. The provisions on the legality of the use of force – a centerpiece of the UN Charter – are frequently challenged these days and at times openly ignored. The conviction that armed conflict between States was largely a phenomenon of the past has been replaced by well-founded concerns that international armed conflicts may be back on the rise. We therefore, more than ever, need a strong, independent, international Court with jurisdiction over the most serious forms of the illegal use of force. We are proud to have made a big contribution to this success. And I am asking all of you today who have not done so yet to join us in accepting the Court’s jurisdiction over this crime.

I thank you.