



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

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SECURITY COUNCIL – OPEN DEBATE

**THE PROMOTION AND STRENGTHENING OF THE RULE OF LAW IN THE MAINTENANCE OF  
INTERNATIONAL PEACE AND SECURITY**

**STATEMENT BY H.E. AMBASSADOR CHRISTIAN WENAWESER**

PERMANENT REPRESENTATIVE OF THE PRINCIPALITY OF LIECHTENSTEIN TO THE UNITED NATIONS

Mr. President

Liechtenstein warmly welcomes today's debate, which is held in a very timely manner. 2012 may well become the year of the rule of law at the United Nations, not least due to the High-level General Assembly meeting on the rule of law to be held in September. It is gratifying to see the Security Council pay the corresponding attention. We would also like to thank the Secretary-General for his excellent report. We agree that the Security Council is playing an increasing role in promoting the rule of law, and hope that the Security Council will consider and follow his recommendations. We fully endorse the Secretary-General's view that the Security Council should adhere to basic rule of law principles to ensure legitimacy of its actions. Indeed, as we have stated before, the best way for the Security Council to promote international law and the rule of law is to lead by example.

Mr. President,

Given the broad scope of the Secretary-General's report and the limited time available, we would like to focus our intervention on a few specific points:

Leading by example is not only required from the Security Council itself, but also from **missions and operations mandated by the Security Council**, often with explicit mandates to support the rule of law architecture in the respective host country. The importance of ensuring that UN peacekeepers and other personnel operating in such environments abide by applicable laws and do not commit crimes cannot be overstated. It appears though that much remains to be done to effectively prevent such crimes and to ensure that the perpetrators are brought to justice. Repatriation alone is insufficient to bring about accountability. Greater efforts must be made to address this problem, and we were disappointed to note its absence in the Secretary-General's report.

In recent years and decades we have seen an enormous expansion of international mechanisms promoting the rule of law and in particular criminal accountability, as evidenced most prominently by the growing role of the International Criminal Court. At the same time, it is evident and also in keeping with the principle of complementarity enshrined in the Rome Statute that the domestic level holds the key for sustainable progress. It must therefore be at the center of our attention and also a focus of Security Council action. The Council should continue reminding States of their obligations **to investigate and prosecute the most serious crimes under international law and support efforts to strengthen domestic judicial capacities**, in particular by devising appropriate mandates and structures for missions on the ground. We are pleased to note the Secretary-General's commitment to work together with the ICC and donors to enhance support to national authorities. The General Assembly has repeatedly stressed the importance of placing national perspectives at the center of rule of law support and capacity building. We hope that the high-level meeting in September will be an opportunity to improve the coordination of these efforts.

The Secretary-General's report rightly highlights **commissions of inquiry** as an important tool to promote accountability. At the same time, it appears that the UN system is often struggling to provide such commissions with the necessary support. Given the wealth of experience gained in recent years with such undertakings, the time seems ripe to systematize and professionalize support for commissions of inquiry, in a similar manner that the Secretariat has improved its support for mediation activities.

Finally, we would like to take this opportunity to remind the Council and Member States of an important development in international criminal law. By consensus, the 2010 ICC Review Conference adopted a definition of the **crime of aggression** for the purpose of the Rome Statute as well as the conditions under which the Court may – no earlier than 2017 – exercise jurisdiction over this crime. Once formally activated, the Court's jurisdiction over the crime of aggression will give the Council a new policy option to address the most serious forms of the illegal use of force in contravention of the Charter. And the definition of the act and crime of aggression can assist the Council already now in its deliberations on the legality of the use of force. The prospect of judicial enforcement of this most central prohibition of the United Nations Charter represents a significant advancement for the rule of law in the maintenance of international peace and security. In order to bring this new system to full effect, States should ratify the amendments on the crime of aggression soon. Furthermore, they should also incorporate the definition of the crime of aggression into their criminal codes, at least with respect to their own nationals.

Mr. President

It is our hope that the outcome of today's debate, and in particular the Presidential Statement, will have a concrete impact on the Council's future work in country-specific situations. Furthermore, we hope that it will also make a positive contribution to the upcoming preparatory process for the September 2012 High-level Meeting. The Security Council's full support for the rule of law is indeed indispensable for the overall success of United Nations engagement in this area.

I thank you.