



**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

I would like to thank you for taking the initiative to convene today's debate on a topic of utmost importance. We would also like to thank the Secretary-General for his report on measuring effectiveness of rule of law programmes. Both the Security Council and the General Assembly have for several years now called upon the Secretariat to give greater priority to this issue. We are glad to see progress in establishing a **"culture of measurement"** across the organization, while we also recognize that there are limits as to how precisely the United Nations' impact on the rule of law can be measured. Ensuring maximum value for the money invested is of course an important factor in improving the impact of rule of law mandates. A perhaps even more important factor, however, is **political will to prioritize rule of law programmes** as a means of addressing conflict and post-conflict situations. Such political will is particularly needed at the country-level, but also among donors, international organizations, and of course the Security Council itself.

The Council's commitment to and increasing practice of promoting the rule of law, in particular by including rule of law activities in mission mandates, is encouraging and needs to continue. But it also needs to become more consistent, as is evident from the Council's own challenges in living up to rule of law principles. These problems need to be addressed with urgency.

**Ensuring proper conduct of UN personnel in the field:** Peacekeeping missions and other operations mandated by the Security Council undertake crucial activities in numerous conflict and post-conflict situations, many of them in direct support of the rule of law architecture in the respective host country. The importance of ensuring that UN peacekeepers and other personnel abide by applicable laws and do not commit crimes cannot be overstated. 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, for the sake of the victims of such crimes, and for the credibility and effectiveness of UN support in the countries concerned.

**Improving relations and cooperation with the International Criminal Court:** Criminal accountability for the worst crimes under international law, such as genocide, crimes against humanity and war crimes, is a core element of the rule of law. More than twenty years ago, the Council itself became the pioneer of international criminal justice by establishing the ad-hoc tribunals, and on many instances since then has the Council supported accountability mechanisms, such as the Special Court for Sierra Leone and the Lebanon Tribunal. With the establishment of the ICC and the possibility of Security Council referrals, the Council received a powerful addition to its repertoire.

In theory, the referral power made it easier than ever for the Council to promote the rule of law and accountability, by simply requesting the cost-free services of the Court in appropriate situations. But practice has shown that the Council is still not fully comfortable with the Court, in several respects. The Council has refrained from referring several situations that cry out for criminal justice, such as the conflict in Syria. The findings of the UN Commission of Inquiry regarding the DPRK challenge the Council to seriously discuss a referral of this tragic situation to the ICC.

Where referrals have been made, the Council tiptoes around urgently needed follow-up measures, in particular regarding the Darfur situation. Where States refuse to cooperate with the ICC in relation to Security Council referrals, they effectively refuse to comply with the Council's own decisions. Nevertheless, the Council has regularly failed to respond to notifications of non-cooperation by the Court. The Council must do more to address this serious problem. Making institutional arrangements to improve communication and cooperation with the Court would be a step in the right direction. Furthermore, the Council should make greater use of its own operations, such as peacekeeping missions and sanctions committees, to support the Court's work, in particular regarding arrest and surrender.

**Improving due process standards for sanctions listings:** The European Court of Justice recently reminded us in the Kadi II case about the continuing difficulty of reconciling the Council's sanctions listing and de-listing procedures with international human rights law. We recognize that the Council has made great progress in this regard as far as the Al-Qaida sanctions are concerned, thanks to the improved legal mandate and the tireless efforts of the Ombudsperson, Ms. Kimberly Prost. It is becoming increasingly clear that the Council cannot continue to apply vastly different due process standards in different sanctions regimes. We therefore once more call on the Council to consider expanding the Ombudspersons' mandate to other sanctions regimes, step by step, and where appropriate.

Mr. President,

Before concluding, I would like to briefly turn take to an issue that relates to the core of today's topic, the rule of law in the maintenance of international peace and security. Since the last open debate on this issue, the Rome Statute's amendments on the **crime of aggression** have been ratified by thirteen countries, including my own. If the trend continues, we will reach the required 30 ratifications within the next two years. Once the Court's jurisdiction over the crime of aggression will be activated in 2017, the Council will have a new policy option to address the most serious forms of the illegal use of force in contravention of the Charter. Liechtenstein continues to actively promote ratification of the Kampala amendments, and we stand ready to provide technical assistance<sup>1</sup> to any State Party that is interested in ratifying the amendments or implementing them into the domestic legal order. I thank you.

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<sup>1</sup> See [www.crimeofaggression.info](http://www.crimeofaggression.info)