



**PERMANENT MISSION
OF THE PRINCIPALITY OF LIECHTENSTEIN
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SECURITY COUNCIL - ARRIA FORMULA MEETING ON 'HUMAN RIGHTS, ACCOUNTABILITY AND JUSTICE: CONTRIBUTIONS TO INTERNATIONAL PEACE AND SECURITY'

STATEMENT BY H.E. MR. CHRISTIAN WENAWESER

PERMANENT REPRESENTATIVE OF THE PRINCIPALITY OF LIECHTENSTEIN TO THE UN

Mr. Chairperson,

We welcome this meeting and we salute the briefers, and it is great to see Diego Arria in the room.

I am conscious of the time so I will focus my remarks on the main issues and then respond to your concept note. It was said on the panel that there can be no sustainable peace without justice. We are looking at the High-level Political Forum this July that has a focus on the implementation of SDG16, and we do believe that the first challenge with respect to the topic today for the Security Council is to bring together the agendas of peace and justice.

This is a task that is difficult, but it is a task that is necessary - and a task that we have all agreed is necessary. It seems to us that the Security Council is at the very beginning of its work in this respect and we do strongly believe that assistance and pressure from the outside is important to move the Council forward on this agenda. This is why meetings like this are so important. We also believe that there would be room for an open debate on peace and justice in the Security Council. If you look at the situation in Myanmar, if you look at the situation in the Syrian Arab Republic – these are both situations where in our view it is very clear that sustainable peace is

not possible without justice. In the case of Myanmar, it is not comprehensible to us how the return of the Rohingya population should be possible without an accountability process in place. In neither case has the Security Council been able to step up to the challenge so far.

Secondly, the Council can of course be a creator of accountability, and has been so in the past. Theodore Meron would not be sitting on the podium if the Security Council had not established the Ad Hoc Tribunals that really were trailblazers for international criminal justice. This is also why the Rome Statute of the International Criminal Court has given the Security Council the competence to refer situations to the ICC. The Council has, twice in its history, done just that, with very mixed success because the Council showed no willingness to enforce its decisions and especially to enforce cooperation by States. We have just heard, if I'm not mistaken, from the Russian delegation that they intend to veto all Security Council referrals in the future. Maybe I misunderstood, maybe that was lost in translation, but we have no high expectations about the possibility, in the current political dynamic, that the Council will do this very often – at a time when it should do it more often. Because it now can actually give jurisdiction to the ICC also over the crime of aggression, which is not a mass atrocity crime, but it goes to the very core of the mandate of the United Nations, namely, the illegal use of force – the crime of aggression constituting the most serious form of the illegal use of force. As Germany, we want to salute Malaysia for its decision to join the ICC and we welcome them in the community of the Rome Statute State Parties.

My final point is, given the dynamic in the Security Council, the answer cannot be inaction. The General Assembly has ample room to step in, as it did when it created the IIIM, which has been referenced frequently in this discussion. We are very proud to have led the effort together with the State of Qatar in the creation of the IIIM. And, we are very happy to see that this model has been replicated with respect to the situation in Myanmar by the Human Rights Council. We hope that mechanism will also be operational very soon. But, the point here is that there is a lot of room for accountability work to be done by bodies other than the Security Council if and when

the Council fails – and that this work should be based always on the primary competence of national judiciaries.

Finally, we want to remind everybody of the Code of Conduct for Security Council action against mass atrocity crimes of the ACT group. The Code of Conduct is supported by 119 States, ten of which are currently members of the Security Council – this gives us hope that there is a good basis for the Council to take action at least in some cases in the future.

I thank you very much.