



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

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SECURITY COUNCIL – ARRIA-FORMULA MEETING ON ‘CYBER-ATTACKS AGAINST CRITICAL INFRASTRUCTURE’

STATEMENT BY H.E. AMBASSADOR CHRISTIAN WENAWESER

PERMANENT REPRESENTATIVE OF THE PRINCIPALITY OF LIECHTENSTEIN TO THE UNITED NATIONS

Your Excellency,

Thank you for calling this important meeting that raises awareness of a critical issue. In recent years we have seen evidence of cyber-attacks against forms of critical infrastructure including telecommunications networks, power grids, and judicial systems. In targeting vaccine development programs, cyber operations threaten to undermine the global response to COVID-19, and ongoing attempts to influence elections through cyber-operations are aimed to undermine democratic norms. This organization, which was created to prevent inter-state conflict, must have a key role in preventing states and other actors to move the domain of warfare to cyberspace with little consequence. Indeed, it seems clear that cyberattacks against critical infrastructure can amount to threats to international peace and security and constitute acts of aggression.

While there seems to be broad agreement that international law applies to cyberspace, there is no such agreement on how that application functions in practice. Against this background, Liechtenstein has looked to help develop a clearer understanding of how the Rome Statute of the International Criminal Court applies in the cyber context. Clarity on the Rome Statute’s application in the cyber context can help inform the work of the Security Council, in particular

how to use its power to refer situations involving acts of aggression to the ICC - a referral power that provides an important complement and enforcement mechanism for the UN Charter's prohibition on the use of force. It can both serve as an important deterrent to malicious cyber-operations and contribute to accountability for acts of cyber-aggression.

Liechtenstein has begun to explore the role the ICC may play in the regulation of warfare as it evolves in the 21st century by creating a Council of Advisers on the Application of the Rome Statute to Cyberwarfare. Joined by nine other ICC States Parties, we convened a group of legal and technical experts to discuss the extent to which the Rome Statute's provisions defining the crimes over which the Court has jurisdiction apply to cyberattacks. We of course acknowledge that the Rome Statute is not universally ratified at this time, but are also keenly aware of the strong support the definition of the Rome Statute crimes also finds among non-States Parties. A final report based on the views of the experts is scheduled to be presented at the ICC Assembly of States Parties this December.

I thank you.