



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

SECURITY COUNCIL – OPEN DEBATE ON TRANSITIONAL JUSTICE

STATEMENT BY H.E. AMBASSADOR CHRISTIAN WENAWESER

PERMANENT REPRESENTATIVE OF THE PRINCIPALITY OF LIECHTENSTEIN TO THE UNITED NATIONS

Mr. President

At the heart of our discussion today is the question of how peace and justice correlate to each other. The Council itself has answered this question by stating that a “comprehensive approach to transitional justice including promotion of healing and reconciliation”, as well as other factors is “critical to consolidation of peace and stability”. This is a clear and strong statement, and we fully agree with it. Such a comprehensive approach encompasses the dimensions of truth, justice, reparation and guarantee of non-re-occurrence, i.e. prevention. The overall purpose of transitional justice should indeed be to help societies overcome a difficult, often painful past, promote reconciliation and support a common way forward towards a sustainable peace. Transitional justice is thus also a key component to conflict prevention and to promoting sustainable peace, in line with Sustainable Development Goal 16. National ownership of such processes is essential. But in many cases, in particular where atrocity crimes were committed at a large scale, international or regional assistance may be not only helpful, but necessary. There are various examples where Truth and Reconciliation Commissions have played a supportive role in post-conflict situations. A commitment to the right to truth is indeed indispensable. Any person who has suffered atrocities has the right to know who is responsible; any person whose family members have disappeared has the right to discover their fate and whereabouts; every society where these crimes have taken place has the right to learn their history without lies or denial. These are inevitably painful processes, but they form the basis for moving forward together and to take the measures necessary to ensure that the same

will not happen again. These processes also give victims their rightful place in the discussion – a place that they are too often denied. We have heard in yesterday’s discussions how often children’s grievances and calls for justice are neglected in peace processes – and with what devastating results for sustainable peace. Similar things can be said with respect to the Women, Peace and Security Agenda. In addition to securing justice for individual violations, transitional justice has to address in particular the context of gender inequality and injustice that gives rise to conflict.

Mr. President

If the Council has a strong conceptual basis to work from, its practical record is a different story. To begin with, there is no collective political will in this Council’s membership to translate the thematic agreements on justice into practice. In the case of Myanmar, it has not even seriously considered, let alone acknowledged the unanimous decision of the International Court of Justice, the principal judicial organ of the United Nations, on provisional measures to be taken by the authorities of Myanmar on the basis of the Genocide Convention. In so doing, the Council is missing a unique opportunity to help guarantee non-reoccurrence. In the ongoing conflict in the Syrian Arab Republic, it has ignored the accountability and justice dimension pretty much altogether and passed the ball to the General Assembly which has established the IIIM as a result. But in fairness, there is also a conceptual difficulty with giving transitional justice tasks to the Security Council. Of course, there are peace-keeping operations – and your very useful concept note has listed those operations where the Council has included relevant elements in their respective mandates. But for the most part, the Council will not stay engaged for the long years that are often required to provide transitional justice. The UN body most underutilized in this respect seems to be the Peacebuilding Commission which has the mandate “to support the development of integrated strategies in order to lay the foundation for sustainable development”, of which transitional justice is a key ingredient. Ongoing discussions on the Peacebuilding Commission should therefore place strong emphasis on this dimension. The UN system should be equipped to assist all States who do not have a PBC configuration but are still facing transitional justice challenges.

Mr. President

It is a convenient talking point to say that there can be no peace without justice - while one that is less en vogue today than a few years ago. In practice, however, we often prioritize peace over justice – and certainly this Council does. How often have we heard in this room that the involvement of the International Criminal Court in Darfur – ironically mandated by this very Council – was not only unwarranted, but in fact harmful for peace and stability in Sudan ? As it turns out, the authorities in Sudan seem to have come to a different conclusion. We are following very closely the reports concerning a possible transfer of those indicted by the ICC in connection with the crimes committed in Darfur. The mere fact that these discussions are taking place is the strongest possible statement in support of the relevance of justice for sustainable peace. We hope of course that we will witness these transfers. Trials in the Hague would be a late and partial relief for the suffering of the victims of the genocide in Darfur. And they would illustrate how short-sighted, 75 years after its creation, the Council’s approach to the challenge of peace and justice still is.

I thank you.