



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

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SECURITY COUNCIL – OPEN DEBATE ON STRENGTHENING ACCOUNTABILITY AND JUSTICE FOR
SERIOUS VIOLATIONS OF INTERNATIONAL LAW

STATEMENT BY TO H.E. AMBASSADOR CHRISTIAN WENAWESER

PERMANENT REPRESENTATIVE OF THE PRINCIPALITY OF LIECHTENSTEIN TO THE UNITED NATIONS

Mr. President,

The reason for the Security Council to discuss ways to strengthen its work on accountability is obvious – the strong link between sustainable peace and justice that all have agreed on various occasions, including in the 2030 Agenda. There is ample evidence to support this connection, including too many examples of situations that are on the agenda of this Council - from Myanmar, Syria and Sudan and most recently Ukraine, where the pattern of war crimes and crimes against humanity is a direct continuation of the manner in which the war in Syria has been conducted for over a decade. Such blatant violations of international law have been largely met with silence by the Security Council, which attempted to refer the situation in Syria to the International Criminal Court in 2014, but was unable to do so due to the vetoes cast by China and the Russian Federation.

Finding the right balance between peace and justice is not the exclusive responsibility of this Council, quite far from it. Effective accountability is typically a long-lasting process, which often requires both criminal accountability and forms of restorative justice. On the latter in particular,

there is big potential for a strong role to be played by the Peacebuilding Commission, which yet needs to be explored – over 15 years into its existence. But this Council has the very important role and responsibility to underline that justice matters for the maintenance of peace and security and to do so consistently. As we meet today, we are very far from meeting this standard and that the reality is starkly different: The attempt to include relevant elements in the decision-making of the Council is the exception rather than the rule. While these issues regularly feature in the speaking points of a number of Council members, there is a silent understanding that effective accountability work in the Security Council is not feasible. We need to see more innovative approaches in Council consultations and outcomes. We and many others will continue to ask for situations that are particularly alarming be referred to the ICC. And a veto is no longer the last word, as the Veto Initiative makes a GA debate automatic after a veto is cast. But, there are other and more simple ways for the Council to address accountability issues. First and foremost, the Council has a key role in asking for the full respect of international humanitarian law by all conflict parties and to stand ready to take action when this call is not heeded. Second, it should remind conflict parties of their primary obligation under international law to investigate and prosecute the most serious crimes, in line with the principle of complementarity. And third, it should welcome efforts undertaken to ensure accountability and prevent impunity, for example through action by national judiciaries under the principle of universal jurisdiction.

Mr. President,

There is no bigger responsibility for this Council than to enforce manifest violations of the prohibition of the use of force at the heart of the UN Charter, which is the bedrock of the modern international order. Since July 2018, the Security Council has had the power to refer

situations involving the crime of aggression to the ICC. This tool has the tremendous potential to deter aggression and support the Council's mandate to maintain international peace and security. The brazen aggression against Ukraine is an obvious case for the Council to make use of this tool. In the absence of such a referral the UN system will have to find a different way to ensure that there is no impunity for this frontal assault on the international order. We are committed to engaging with the UN membership to build on GA resolution ES/11-1, which addressed the aggression against Ukraine in overwhelming fashion. We have the law to do so – the definition of the crime of aggression codified in the Rome Statute, reflecting customary international law. We have strong accountability precedents at the UN to draw from. And we have a joint responsibility to protect the international order as reflected in the UN charter and deter illegal uses of force in the future.

I thank you.