



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

---

NEW YORK, 29 JUNE 2021

SECURITY COUNCIL – HIGH-LEVEL OPEN DEBATE ON ‘MAINTAINING INTERNATIONAL PEACE AND SECURITY IN CYBERSPACE’

**STATEMENT BY H.E. AMBASSADOR CHRISTIAN WENAWESER**

PERMANENT REPRESENTATIVE OF THE PRINCIPALITY OF LIECHTENSTEIN TO THE UNITED NATIONS

Mr. President,

Cyber operations have served as the equalizer in modern warfare by providing new avenues for both offensive and defensive operations to all actors, including those with fewer resources. As a result, the frequency and severity of cyber operations have intensified in recent years, threatening international peace and security. It is alarming that such attacks have the potential to cause grave suffering to the civilian population, including the loss of lives and the disruption of essential services. In this context, we recall that States increasingly agree that international law, specifically the UN Charter in its entirety and rules of customary international law derived from the Charter's principles, as well as the Rome Statute of the International Criminal Court and international humanitarian law, apply to cyberspace.

The Open-ended Working Group on Developments in the Field of Information and Telecommunications in the Context of International Security (OEWG) institutionalized discussions on international peace and security in the cyber context within the United Nations. Furthermore, the final report released by the Group of Governmental Experts on Advancing Responsible State Behavior in Cyberspace in the Context of International Security (GGE) reaffirms the applicability and necessity of international law in cyberspace. Liechtenstein takes note of the

OEWG's and the GGE's combined contributions in furthering the discussion on how international law, in particular the UN Charter, applies to cyberspace.

Mr. President,

One of the landmark achievements of the UN Charter is the prohibition on the use of force. The use of force is prohibited except when authorized by the Security Council under Chapter VII or carried out in self-defense under Article 51 of the Charter. However, Article 51 is increasingly invoked as the legal basis for the use of force without necessary legal justifications. There is a substantive risk of this trend extending to cyberspace with the development of new technologies and State capabilities. We should ensure that cyberspace does not facilitate unjustified self-defense operations. And, we recall that invoking Article 51 preemptively requires evidence of the imminence of an armed attack, and it always requires proof of necessity and the proportionality of measures taken in response.

The UN Charter foresees an enforcement role for the Security Council concerning the most serious violations of the relevant rules under international law that amount to acts of aggression. In addition to the tools contained in the Charter, the Council now also has the option of initiating individual criminal responsibility for perpetrators of the crime of aggression by referring relevant situations to the ICC. In this context, Liechtenstein believes that having a clear understanding of how the Rome Statute applies to cyber operations will help to inform the work of the Council.

In an effort to elucidate the Rome Statute's application to cyber operations, Liechtenstein, together with ten other ICC States Parties, created a Council of Advisers to explore the role of the ICC in the regulation of cyberwarfare. Composed of 16 eminent international lawyers, the Council of Advisers convened three times across 2019 and 2020 to discuss the extent to which the Rome Statute's core provisions apply to cyber operations. A final report is scheduled to be presented this year. We are hopeful that this will contribute to shared understandings of accountability in the context of cyber operations as well as deterring such crimes in the first place.

Mr. President,

Liechtenstein underscores the need for a robust legal framework to regulate cyberspace for international peace and security. We are pleased to contribute to global efforts to combat malicious cyber operations through our upcoming Rome Statute-focused report, and we will continue to strive for international peace and security with our unwavering commitment to international law.

I thank you.