



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

---

NEW YORK, 9 NOVEMBER 2018

SECURITY COUNCIL – OPEN DEBATE

**STRENGTHENING MULTILATERALISM AND THE ROLE OF THE UNITED NATIONS**

**STATEMENT BY H.E. MR. CHRISTIAN WENAWESER, AMBASSADOR, PERMANENT REPRESENTATIVE**

Mr. President

We appreciate your initiative to propose an open debate on this topic – and are grateful to the Secretary-General for joining us for this important opportunity. For the Security Council to discuss the importance of multilateralism in the maintenance of international peace and security can seem like a truism. After all, the UN is the embodiment of the very idea of multilateralism – and the mandate of the Council is of course the maintenance of international peace and security. But this is, indeed, an important moment to recommit to multilateralism – including with respect to the scope of the work of the Security Council.

Mr. President

The United Nations is the ultimate expression of the rule of law at the international level. A key aspect of the Charter and thus a fundamental task for the Security Council is to enforce the rules governing the use of force. Born out of the desire to “save succeeding generations from

the scourge of war”, the Charter has made the use of force illegal, with only two exceptions: Self-defense in accordance with art. 51 and the authorization of the use of force by this very Council. In recent years, we have witnessed a widening interpretation by some of which actions qualify as self-defense, without much discussion or consequence. And, unfortunately, we have also witnessed the unilateral use of force without prior authorization by the Council, and the attempt to expand rules enshrined in the UN Charter. These discussions have been rather opaque and limited to a small number of States. But, there was also a process to codify the laws and norms on the use of force that was open-ended, inclusive and transparent: A successful process in the framework of the Rome Statute system to develop a legally binding definition of an act as well as of a crime of aggression. Stretching over several years, this process was open to all Member States, including those who have not ratified the Rome Statute. The decision to have a process open to the entire membership was made due to the overall significance of the effort, not least for the work of this Council. Various States, including some assembled at this table today, contributed actively to this effort and supported the consensual agreement on both definitions before the Kampala Review Conference of the International Criminal Court in 2010. Grounded firmly in existing international law, that definition has a number of important features. It establishes a high threshold for a determination that an act of aggression has been committed – the act has to constitute a manifest violation of the UN Charter, by its character, gravity and scale. In other words: Being in violation of the rules governing the use of force under the UN Charter does not automatically constitute an act of aggression – and therefore would not lead to individual criminal responsibility. The crime of aggression under the Rome

Statute is defined as a leadership crime – only individuals in leadership positions – whether military or political – can be held criminally responsible.

Mr. President

After the agreement on the complex definitional issues, States Parties also forged a consensus on the conditions for the exercise of the ICC's jurisdiction over the crime of aggression. The role of this Council was a crucial aspect in that discussion, due to its competence under art. 39 of the Charter to make a determination that an act of aggression has been committed. The primacy of the Council's role in this respect was never seriously challenged and is fully safeguarded in the Rome Statute of the ICC. After a successful ratification process and consensual activation decision last December, this Council has had, since 17 July, an additional tool at its disposal to enforce the UN Charter's rules on the use of force: the ability to seize the ICC with situations in which these rules are manifestly violated. We are aware, of course, of the difficult political dynamic in this Council and of its checkered relationship with the ICC in particular. But, if the Council is serious about its role as a guardian of the UN Charter, it now has an additional tool available to enforce the legality of the use of force.

Mr. President

The importance of this development in international law does not lie in the likelihood of a large number of cases before the ICC. It rests in the ability of every State individually and this Council collectively, to benefit from an internationally agreed definition of an act of aggression when

engaging in complex decision-making processes on the use of force. Recent trends indicate very clearly that armed conflict between States, in violation of the UN Charter, is an ever more present threat. And, as indicated by the Secretary-General in his comments, the nature of modern warfare is changing rapidly. The risks of cyberwarfare cast an ever darker shadow, which makes a thorough discussion of the international law aspects of these trends a truly burning challenge. The definition in the Rome Statute offers the best framework for the discussion on regulating the threats of cyberwarfare.

Mr. President

Finally, there is no doubt that the global order rooted in international law and multilateralism is under attack today. We must therefore all rally in support of multilateralism and the United Nations itself – which is at the heart of this order, especially with respect to the maintenance of international peace and security. This organization is the ultimate expression in the belief of the power of the law – its continued relevance depends on our ability further strengthen the rules enshrined in its Charter to meet the challenges of tomorrow and to stand up for this belief.

I thank you.