

Statement delivered on behalf of the Permanent Mission of the Principality of Liechtenstein to the United Nations

General Assembly informal, interactive dialogue on the “Responsibility to Protect: State Responsibility and Prevention”

11 September 2013

(UNOFFICIAL TRANSCRIPTION)

I appreciate this opportunity to discuss the RtoP principle, and we would like to thank the Secretariat for preparing the report before us. It may come at a strange moment when everybody talks about the situation in Syria, which obviously constitutes a very big RtoP failure when we talk about prevention, but we do believe this is a very important discussion to have.

We are grateful for the approach taken in the report that identified risk factors and typologies that can lead to RtoP crimes, while at the same time there is always a bit of a risk in these discussions that we become a bit too academic in what we are doing.

We all know that prevention is possible. We all know, and Jan Eliasson has reminded us, that it is something we have committed to in the Charter of the United Nations, and we all know that lack of information is usually not the reason we are not able to engage in prevention. It was not the obstacle to being effective in preventing the genocide in Rwanda; it was not the obstacle in preventing other RtoP crises such as in Sri Lanka. As we have seen in the report of the SG, a lack of information is not usually the problem.

The problem is lack of political will. We have actually all the mechanisms, we do believe, in place, but we do believe that the indicators and the risk factors are possible. We think they should enable the Secretary General on the advice of the Special Advisor to engage at a very early stage with the states where RtoP crises may be emerging. We do believe that quiet diplomacy, mediation efforts, and so on, in many cases, can lead to diffusion of the tensions in place, and we do believe that this is what the UN is here for.

Where that is not possible, we think it is essential that the SG does go to the Security Council under Article 99, as he can do, and there are of course more and less informal ways of doing it, but we do believe that this is an Article in the mechanism that has not been resorted to sufficiently in the history of the United Nations.

One hundred and forty-two states assembled in this room have a legal obligation to prevent genocide under the Genocide Convention, not only in their own countries, but worldwide, and this is a legal obligation we have to live up to more concretely than we have done so far.

We second those, and there have been many who have mentioned it this morning, that the Permanent Members of the Security Council could make a very essential contribution to prevention by committing themselves to not using the veto to block action aimed at preventing RtoP crimes, and we hope that there will be a concrete follow-up to what we have heard this morning.

One of the risk factors identified in the report is lack of capacity. We certainly concur with that analysis. We also do believe that membership in the International Criminal Court is a key element in addressing lack of capacity, both through the principle of complementarity, and through assistance that we should

give those states that are committed to the ICC provisions, but also through the fact that if the state actually fails in its obligation to investigate and prosecute, there is the International Criminal Court that can step in, and we do believe that the Court has a very good judicial record.

In connection with Syria, it is certainly sad to see that it took the chemical weapons attacks of the 21st of August to put accountability higher on the agenda, while it is still not high enough. The Commission of Inquiry in Syria has issued a new report just today. I have stopped counting. The Commission of Inquiry has documented very, very well the crimes that have been committed in Syria. There is no doubt that crimes have been committed by all parties to the conflict – that crimes against humanity have been committed, and war crimes at a very large scale.

We're grateful to our colleagues from France for having put the suggestion to refer this, finally, to the International Criminal Court, to the Security Council, and we very much hope that everybody will support that proposal.

Thank you.