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CHECK AGAINST DELIVERY

GENERAL ASSEMBLY, SIXTH COMMITTEE

STATEMENT BY MR. STEFAN BARRIGA, MINISTER, DEPUTY PERMANENT REPRESENTATIVE

AGENDA ITEM 83: THE RULE OF LAW AT THE NATIONAL AND INTERNATIONAL LEVELS

Mr. Chairman

Six years have passed since the General Assembly decided to take up the topic „The rule of law at the national and international levels“. The progress made since then is encouraging. The General Assembly’s first high-level meeting on this topic was a clear success in many regards. The level of participation, the substance of the outcome document and the numerous side-events are evidence that the rule of law continues to move to the center of our attention. The Facilitators of the outcome document, Ambassador De Alba of Mexico and Ambassador Staur of Denmark, and their advisors deserve our praise for their hard and effective work. The outcome document clearly shows the linkages between the rule of law and the main pillars of the United Nations, peace and security, development, and human rights. Our main disappointment is the lack of ambition in the follow-up, as well as the hesitation to include all stakeholders, in particular civil society.

We would also like to thank the Secretary-General for providing us with another highly substantive report on “Strengthening and coordinating United Nations rule of law activities”, as well as his thoughtful proposals in preparation of the high-level meeting. We strongly support the work of the Rule of Law Coordination and Resource Group as well as the Rule of Law Unit.

Mr. Chairman

The Secretary-General's report provides an excellent overview of relevant activities during the last year. The achievements made in the area of the fight against impunity are particularly impressive. They include a number of real milestones: the judgment against Liberia's former President Charles Taylor at the Special Court for Sierra Leone, the completion of the first case at the Extraordinary Chambers in Cambodia, the ICJ's insistence that the former President of Chad, Hissène Habré, be either prosecuted or extradited, as well as the first verdict of the ICC in the case of Thomas Lubanga.

At the same time, much more needs to be done to ensure that justice reaches all those who need it. At 121 States Parties, the Rome Statute's protective effect now reaches almost two-thirds of the UN membership. Some criticize the ICC for taking up investigations regarding non-States Parties, based on the referral powers of the Security Council. The criticism is usually directed against the way in which the Security Council selects situations that it deems worthy of a referral, and blames the ICC – unfairly, to our mind – for the implications. Yet we are encouraged by the fact that this very criticism usually asks for more justice, not for less. There is indeed a consensus that there should be no impunity anywhere in the world for those bearing the greatest responsibility for international crimes. The way to get there, and to reduce selectivity, is for more States to ratify the Rome Statute – so that the ICC does not need the help of the Security Council in establishing jurisdiction where crimes occur.

In this context, we would also like to reiterate the importance of strengthening national justice systems to enable them to effectively deal with international crimes at the national level. We note with interest that the United Nations is conducting a lessons-learned exercise and will issue a guidance note in this regard.

Mr. Chairman,

At the high-level meeting, Liechtenstein made several pledges to promote the rule of law at the international level. I would like to highlight our commitment to assist other States in the ratification of the Kampala amendments on the crime of aggression. Liechtenstein was the first State to ratify these amendments, on 8 May this year, and we are pleased that Samoa has

joined us in recent weeks. Several other ratifications are expected in the next few months. We would like to thank all those States Parties that responded positively to a joint suggestion by Belgium and Liechtenstein and made specific pledges to ratify the amendments. Once the amendments are activated in 2017, the ICC would be empowered to prosecute leaders who are responsible for the most serious forms of the illegal use of force against other States. The Kampala compromise thus established a new mechanism to enforce Article 2, paragraph 4 of the UN Charter, which prohibits States from using force against another State in any manner inconsistent with the Purposes of the United Nations.

Mr. Chairman

The Rule of Law Outcome document recognized “that the rule of law applies to ... international organizations, including the United Nations and its principal organs“. This is an important statement and confirms that the UN must fully live up to its own human rights standards when dealing with the rights of individuals. Serious progress has been made in this regard in the UN’s internal administration of justice, as well as in the Security Council’s targeted sanctions regimes. In both instances, the due process gains that have been made in the past few years should now be extended to all affected individuals.

Mr. Chairman

As the high-level meeting has shown, the United Nations’ rule of law activities go far beyond the topics that the Six Committee typically deals with. Yet it is obvious that we must tackle the issue in an integrated manner, and not just from the perspective of legal advisers. In fact, we have ourselves asked the UN Secretariat to take a holistic approach, and the Secretariat responded to that request by establishing the Rule of Law Coordination and Resource Group. We Member States should now step up our game as well. We thus look forward to exploring ways in which we can better develop the linkages between the rule of law and the three pillars of United Nations activities. This will however only be a worthwhile exercise if we include all relevant stakeholders, in particular civil society.

I thank you.