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GENERAL ASSEMBLY, SIXTH COMMITTEE

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

THE RULE OF LAW AT THE NATIONAL AND INTERNATIONAL LEVELS

Mr. Chairman

We would like to thank the Secretary-General for providing us with another highly substantive report on “Strengthening and coordinating United Nations rule of law activities”. We particularly look forward to the upcoming report on the linkages between the rule of law and the three main pillars of the United Nations: peace and security, human rights, and development, which is expected for the second part of the General Assembly’s 68th session. Liechtenstein strongly supports the work of the Rule of Law Coordination and Resource Group as well as the Rule of Law Unit, and we hope that the recent review of institutional arrangements will lead to further improvements.

Mr. Chairman

Liechtenstein welcomes the subtopic chosen for the current session, “the rule of law and the peaceful settlement of international disputes”. The most prominent tool in this regard is of course the International Court of Justice. The ICJ has an impressive track record in the peaceful settlement of disputes, but is far from unfolding its full potential. It remains of great concern that only 69 States have so far accepted the ICJ’s compulsory jurisdiction under Article 36(2) of its Statute. We believe that any UN Member State that truly subscribes to the principles of the rule of law at the international level should be able to do so. Certainly, one would think, any State Party to the Rome Statute of the ICC should be able to do so. Accepting the ICJ’s compulsory jurisdiction does not infringe on national sovereignty. Quite the opposite: it means accepting sovereign equality, and accepting that in a dispute among equals recourse to an independent court may be the best way of safeguarding the rule of law. Liechtenstein therefore strongly supports the Secretary-General’s efforts aimed at encouraging more States to take this important step.

Mr. Chairman

The fight against impunity for atrocity crimes is a core element of the rule of law. It is also one of the most daunting tasks that the international community has ever taken on. The system established by the Rome Statute of the International Criminal Court recognizes that criminal justice is first and foremost the responsibility of each individual

State. But it also recognizes that domestic systems may break down during armed conflict or otherwise not be able to deliver justice, in which case the ICC will investigate and prosecute those bearing the greatest responsibility. Today, the ICC is doing so in eight situations, most of them in countries that have consented to the Court's jurisdiction. And most of them have in fact requested the ICC to open an investigation. Nevertheless, some politicians accuse the ICC of political bias. For this we cannot find any evidence. Certainly, the ICC has its limitations: it can only investigate situations linked to the territory or nationals of States Parties, or referred by the Security Council. As a consequence, several situations worthy of judicial scrutiny remain out of the Court's reach – Syria comes to mind as today's most relevant example. But these limitations are based on nothing else but the core principles of the international legal order inherited from World War II. They cannot possibly be blamed on the ICC. The fact that justice may not reach some parts of the world is no reason to deny justice to victims of atrocity crimes in others. Liechtenstein will therefore continue to support the work of the ICC, as well as efforts to strengthen domestic criminal justice systems.

Mr. Chairman,

Liechtenstein also remains committed to assisting 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 2012, and since then ten more States Parties have joined us. 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 consensus 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. We invite all delegates to visit our dedicated website on this topic, www.crimeofaggression.info, and to contact us with any requests for assistance.

Mr. Chairman

The outcome document of last year's high-level meeting recognized "that the rule of law applies to ... international organizations, including the United Nations and its principal organs". This important statement 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 Sixth Committee typically deals with. Yet it is obvious that we must tackle the issue in an integrated manner. The rule of law is too broad a concept to be left in the hands of legal advisers alone. For example, the rule of law will be a very important dimension of the General Assembly's discussion on the post-2015 agenda. We commend the President of the General Assembly for his initiative to hold a high-level event on this topic. Liechtenstein therefore favors a follow-up to the high-level meeting that takes the cross-cutting nature of the rule of law fully into account, and that involves all stakeholders, including civil society. I thank you.