

UN GENERAL ASSEMBLY – SIXTH COMMITTEE

**THE RULE OF LAW
AT THE NATIONAL AND INTERNATIONAL LEVELS**

STATEMENT

BY

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CHECK AGAINST DELIVERY

Madam Chair

I would like to thank the Secretary-General for submitting another comprehensive annual report on the rule of law. The report reflects the impressive array of activities undertaken by the UN system to strengthen the rule of law worldwide. We note with satisfaction that the efforts undertaken by the Rule of Law Coordination and Resource Group and the Rule of Law Unit are yielding some good results in improving the coherence and effectiveness of these activities – though of course much more remains to be done. The task which we have entrusted to the Group and the Unit is monumental, given the sheer number of relevant activities by UN actors carried out in more than 125 countries and often under different labels. Liechtenstein fully supports the approach taken by the Group, which provides substantive guidance on key rule of law issues as well as a forum for coordination.

Madam Chair

Strengthening and coordinating rule of law activities is not just a purely technical exercise, but goes to the heart of the mandate of the United Nations and its role in global governance. The United Nations, through its various missions, funds and programmes, is uniquely placed to facilitate knowledge transfer and provide capacity building with the consent of the country concerned. Rule of law assistance generates a value in itself, in particular where it promotes the domestic implementation of international human rights law and standards of criminal justice. At the same time, it also plays a crucial role for conflict prevention, peacebuilding and sustainable development. We therefore look forward to the results of the pilot country exercise.

We also note the significant challenges identified in the Secretary-General's report, both inside the UN system, with its over 40 relevant actors, as well as in relation to the external environment, which appears even more fragmented. While the Group was designed to promote coherence within the UN system, "no global coordination

mechanism exists around which to forge consensus nor through which donors, practitioners and partner countries can engage". This assessment is particularly worrying at a time when donor countries, facing budgetary constraints due to the effects of the economic and financial crisis, are under pressure to downsize some of their assistance programmes. Liechtenstein therefore supports the efforts undertaken by the Group and the Unit to expand partnerships to maximize coherence and coordination. In the long run, we hope that the Group and the Unit will be able to play a central role in promoting donor coherence and the inclusion of the perspective of recipient countries in rule of law assistance worldwide and beyond purely UN-driven activities. We also support the Secretary-General's call for a high-level meeting on the rule of law, as referred to in the joint strategic plan.

Madame Chair,

We note with interest the Secretary-General's observations on strengthening the rule of law at the institutional level within the organization. Indeed, much progress has been made in recent years, though mostly as a matter of political pressure and under a pragmatic approach. The conceptual question of the organization's relationship to international human rights law, however, remains unaddressed. We agree with the Secretary-General that the time has come to align the law applicable to the United Nations with relevant developments in international law. Necessarily, such an exercise would have to take into account the specific nature of this organization, including the mandate of the Security Council under the Charter. Given the manner in which the United Nations has evolved over time into an organization with multiple operative mandates around the world, often directly affecting the rights and obligations of individuals, this central question needs to be tackled. The UN's jurisdictional immunity alone is not the answer.

Madame Chair,

The report usefully highlights the role of international and hybrid courts and tribunals. The number of concrete cases of accountability at the international level – in its broadest sense, from general international law to international criminal law to specialized and technical areas – continues to rise. Nevertheless, international adjudication remains the exception rather than the rule. This raises questions of capacity at the level of the international and hybrid institutions, but more so at the domestic level. In the area of international criminal justice, the Review Conference of the Rome Statute of the International Criminal Court, held in June in Kampala, brought new momentum to efforts to strengthen domestic criminal justice systems, in line with the principle of complementarity. While the work of the ICC has over the last years had a catalytic effect on the strengthening of domestic systems, the Court itself has no direct role in capacity-building. Within the UN system, however, no entity is clearly designated as the leading provider of assistance to strengthen domestic capacity to investigate and prosecute the most serious crimes under international law, in particular war crimes, crimes against humanity and genocide.

This gap should not just be a matter of concern to the continuously growing number of States that support the International Criminal Court. In fact, the obligation for individual States to domestically prosecute these crimes predates the Rome Statute and stems primarily from the Geneva Conventions, the Genocide Convention and customary international law. Relevant assistance is also not simply a matter of post-conflict peacebuilding, when crimes have already occurred in the past. It is also a matter of prevention. Liechtenstein is of the view that the United Nations Office on Drugs and Crime with its general mandate of “promot[ing], at the request of Member States, effective, fair and humane criminal justice systems [...]” would be well placed to take a lead role in this area. It would be useful if the Rule of Law Coordination and Resource Group could examine the issue and make suggestions for the way forward. I thank you.