

**OPEN DEBATE OF THE
SECURITY COUNCIL:
JUSTICE AND THE RULE OF LAW: THE UNITED NATIONS ROLE**

STATEMENT

BY

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TO THE UNITED NATIONS**

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CHECK AGAINST DELIVERY

Mr. President

We welcome the report of the Secretary-General and the set of actionable recommendations contained in it. Even when limited to conflict and post-conflict societies, the topic of the rule of law and transitional justice is a very vast one, and we thus need a clear focus in our debates. We therefore think it might be useful if the next report – and we support a follow-up report to be submitted in six months – could give us Member States some guidance as to what topics could be central to our next debate.

Mr. President,

The rule of law is an indispensable element of sound domestic policies, often referred to as good governance, and thus of sustainable development worldwide. Liechtenstein attaches great importance to the rule of law and is willing to assist other States through capacity-building in areas where we have relevant expertise. Our authorities are currently discussing with UNDP offices in Belgrade the modalities for hosting an international conference on “Strengthening International Cooperation in Combating Financial Crime”. This event will offer an opportunity for judges, prosecutors and other officials to exchange their expertise and experiences in the area of best practices.

Mr. President

It is clear that the United Nations must play a central role in the promotion of the rule of law. We therefore support the relevant efforts undertaken in the Security Council and elsewhere and welcome the leadership exercised by the Secretary-General in this respect. The rule of law at the domestic level, as we are debating it today, must be complemented at the international level: Through full and

unconditional respect for internationally recognized standards and transparent and fair rules in international decision-making. Such respect for the rule of law is a prerequisite for credible international assistance efforts to foster the rule of law at the national level.

Mr. President,

The definition of rule of law contained in the report makes it clear that the rule of law has both a formal and a substantive component. Governance must not only be in accordance with the law, but the law itself must be in conformity with international human rights standards. It is therefore crucial that the United Nations, in assisting societies emerging from conflict, promote respect for substantial standards. The rejection of any endorsement of amnesty for genocide, war crimes or crimes against humanity is but one such standard. Helping countries to cope with their transitional justice needs is thus not a purely technical, juridical exercise, but a very substantive political process. In providing such assistance, the United Nations must uphold fundamental standards while at the same time working with the specifics of any given situation. There are clearly no standard solutions or models that can uniformly be applied to all conflict or post-conflict situations. One of the most important lessons from the past must be the principle of ownership. The goal of international or internationally assisted efforts must always be to enable the country concerned to ensure respect for the rule of law on its own.

Mr. President,

The International Criminal Court is an institution that can play an instrumental role in this respect. The principle of complementarity upon which it is based constitutes a strong incentive for States Parties to strengthen their national judiciaries, a key component of the rule of law. Bringing the perpetrators of the worst crimes to

justice is one key function of the Court. Another one is to be a component in the international efforts, led by the United Nations, to ensure effective and independent prosecutions and trials at the national level. A regular and intensive working relationship between the United Nations and its specialized agencies and programs and the International Criminal Court is therefore a necessity. We are confident that the Relationship Agreement signed by the two institutions just two days ago will be the basis for a constructive and mutually beneficial working relationship. As stated in the report before us, the Security Council has a particular role to play with regard to the International Criminal Court: The referral of situations to the Court is a unique and potentially powerful tool for the Council in ensuring that the worst crimes do not go unpunished.

Mr. President

The lessons learned from the ICTY and ICTR will show the way forward for the ICC as well as for other forms of assistance to national criminal justice systems, such as hybrid tribunals or other mechanisms which might in certain cases be the preferred or complementary solution. Again, the need for national ownership and the long-term contribution to the administration of justice in the society concerned must be key lessons. We continue to support the ad hoc tribunals in their efforts to finish their work by 2010.

Mr. President

The Secretary-General's report shows that the United Nations has for many years been very active in helping countries to strengthen national justice systems. These efforts and the availability of relevant expertise need to be systematically enhanced. The Executive Committee on Peace and Security should look into these matters, as proposed by the Secretary-General, and make suggestions for a number of

institutional arrangements, including the development of a comprehensive roster of experts. As the importance of activities in the area of rule of law increases gradually, the work carried out by the relevant players should be better coordinated and more accessible to Member States. A coordinating body, such as a unit or focal point within the Secretariat is therefore needed, and we strongly support the relevant discussions on this topic.

I thank you, Mr. President.