

**ITEM 79:
THE RULE OF LAW
AT THE NATIONAL AND INTERNATIONAL LEVELS**

**STATEMENT
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TO THE UNITED NATIONS**

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CHECK AGAINST DELIVERY

Mr. Chairman

Two years ago, when the Sixth Committee considered the item "The rule of law at the national and international levels" for the first time, our work was mainly based on the political commitments emanating from the 2005 World Summit. Beyond that, however, we did not yet dispose of a comprehensive analysis of the United Nations' work and needs in this area nor of an integrated institutional framework to advance the rule of law agenda. Two years later, our outlook is very different.

At the institutional level, the establishment of the **Rule of Law Coordination and Resource Group** has filled an important gap. We are confident that the Group will become increasingly operational and be able to report regularly on substantive achievements. Liechtenstein also fully supports the work of the **Rule of Law Unit** and considers that sustainable resource arrangements for the Unit are overdue.

The Secretary-General's report A/63/226 is one important result of this new architecture. In conjunction with the comprehensive inventory on United Nations rule of law activities, it provides an ambitious blueprint for a more effective engagement in promoting the rule of law worldwide. The report exhibits a sensible understanding of what the rule of law means in abstract terms, by referring to commonly agreed values and principles and avoiding overly sharp definitions. It further conveys meaning and depth to the abstract notion of the "rule of law at the national and international level" by highlighting concrete areas of activity and placing them into context, from the promotion of human rights to conflict prevention and resolution, transitional justice and long-term development. Most importantly, the report identifies a number of areas that need to be catered to more effectively by the international community, and presents recommendations in this regard. We would like to congratulate the Secretariat for this impressive and ambitious document. Now it is up to us Member States to provide for the necessary follow-up. This will require a concerted and sustainable effort on our part.

In the following, we would like to comment on some of the report's findings.

We agree that Member States should renew their commitment to the core principles of the **international rule of law**. Our annual resolution on the rule of law provides an appropriate place for such a statement. In light of our deepening engagement on rule of law issues, however, we could also consider the elaboration of a more visible and action-oriented document focused on the rule of law, possibly in two to three years time. One important priority in this regard is the strengthening of **accountability and dispute resolution** mechanisms at the international level. This has been one of the most dynamic areas in recent years, as evidenced for example by the establishment of the International Criminal Court or the ever increasing use of trade-related dispute resolution mechanisms. At the same time, glaring gaps remain in the scope and reach of accountability and legally binding dispute-resolution at the international level. The limited acceptance of the compulsory jurisdiction of the ICJ is the most obvious example in this regard.

We share the Secretary-General's concern about the disconnect between the normative work of the United Nations and their subsequent implementation at the

national level. In practice, the effectiveness of **technical assistance for the implementation of international norms and standards** varies greatly from one field to another. In some areas, such as the promotion of human rights or the global fight against terrorism, technical assistance is effective because these constitute priority themes for donor countries and international organizations. Other areas of international law attract less interest at both the offer and demand side of technical assistance. In our view, the Rule of Law Coordination and Resource Group should undertake efforts to fill this gap, in particular by assessing needs for technical assistance beyond the traditional priority areas.

Another disconnect that should be remedied step by step exists between the organizations role as a legislative forum and its own application of relevant rules of international law. We acknowledge that the **rule of law at the "institutional" level** is a conceptually challenging notion. It requires United Nations organs to examine the extent to which they are bound not just by the United Nations Charter, but also by applicable rules of customary international law. Given the ever increasing scope of the United Nations' activities, however, improving adherence to international law internally is indispensable to uphold the organization's legitimacy and credibility. In our view, it is the responsibility of each organ to make the necessary improvements.

As for the **rule of law at the national level**, we note with satisfaction the great range of relevant activities undertaken by UN actors, and the process initiated by the Rule of Law Coordination and Resource Group aimed at enhancing and harmonizing this engagement. The report has identified a number of concrete areas requiring a stronger focus, and commenting on all of them would go well beyond the scope of today's debate. Some of them require action by organs other than the General Assembly, such as the Peacebuilding Commission or the Security Council. We also find merit in the various follow-up tools envisaged in the report, such as the development of a joint strategic plan for the implementation of a common approach to rule of law assistance, the establishment of a system-wide rule of law website, and the creation of a rule of law trust fund. We hope that Member States will be strongly involved in these processes and ready to provide guidance. It could prove useful to convene informal meetings between Member States and the Group to discuss selected focus areas. Issues such as donor coherence and the perspectives of recipient countries would be particularly relevant for consideration in such a format.

Mr. Chairman

In conclusion, we would once again like to thank the Secretary-General for providing us with a sound basis for us to advance the rule of law agenda. It is our hope that this session will mark the beginning of a new phase in which the General Assembly will make progress on a number of concrete areas, based on the Secretary-General's recommendations. We look forward to working with all delegations to this end.

I thank you.