

ITEM 86:
THE RULE OF LAW
AT THE NATIONAL AND INTERNATIONAL LEVELS

STATEMENT

BY

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CHECK AGAINST DELIVERY

Mr. Chairman

It is with great pleasure that my delegation participates in the debate of the Sixth Committee on the item “**The rule of law at the national and international levels**”. We are confident that the Committee will engage in a substantive and constructive discussion of this item, aimed at strengthening the United Nations’ activities in furtherance of the rule of law worldwide.

Liechtenstein is deeply committed to the rule of law at the national and international levels, both with respect to its procedural and substantial aspects. The **procedural aspect** refers to an effective system of rules which are established in accordance with a higher set of rules and which make legal decisions foreseeable to the greatest extent possible. It also implies that the normative system is effectively respected by all actors, and that decisions rendered by duly authorized organs are accepted. The rule of law contains also has a **substantial aspect**, as this system of rules must reflect basic values of humanity, such as fundamental human rights and freedoms.

The United Nations is in a unique position to support the rule of law globally, and we hope that Member States’ commitment to an international order based on the rule of law and international law, as expressed in the World Summit Outcome and in the General Assembly resolution on this item, will translate into stronger action. Despite some setbacks, this organization has been instrumental in recent years in bringing about progress for the rule of law: mechanisms of international criminal justice have been further developed and operationalized, as evidenced for example by the referral of the Darfur situation to the International Criminal Court, new human rights instruments have been adopted, the principle of “responsibility to protect” has received full political endorsement, and rule of law elements in peacekeeping and peacebuilding activities have been considerably strengthened. Many other examples could be added to this list, which gives reason for some optimism.

Mr. Chairman,

The United Nations and its agencies, funds and programmes carry out a wide range of rule of law activities, as described in the **Secretary-General's report** "Uniting our strengths: Enhancing United Nations support for the rule of law" (A/61/636 – S/2006/980). In our view, these activities should be at the center of our attention in this Committee. We commend the Secretariat for this excellent, substantive report, which analyzes the deficiencies in the system and shows the way ahead. Liechtenstein fully supports the establishment of the **Rule of Law Coordination and Resource Group**, chaired by the Deputy Secretary-General, and its mandate. As with a number of other cross-cutting issues, such headquarters-based coordination is necessary to bring about coherent policies and to harvest synergy effects. The Group's work will also advance the Secretariat's institutional memory in this area, which is currently lacking due to the decentralized nature of many activities.

It is self-evident that the work of the Rule of Law Coordination and Resource Group will only be successful if it is backed up by a minimum number of dedicated Secretariat staff. Liechtenstein supports the establishment of the **Rule of Law Unit** mandated to perform this task, but is concerned about the sustainability of the current arrangements. We would like to remind that the World Summit Outcome explicitly "support[ed] the idea of the establishment of a rule of law assistance unit within the Secretariat, in accordance with existing relevant procedures, subject to a report by the Secretary-General to the General Assembly ...". In our view, this clearly implied a mandate for the Secretary-General to request the necessary budgetary resources for the Unit through the established procedures. We note that the Secretary-General chose to immediately establish the Unit with staff to be seconded from UN offices for the initial phase. We should, however, not lose sight of the fact that at Headquarters, the Secretariat capacities in this area are very limited and by no means proportional to the task at hand. This is well illustrated by the fact that the proposed programme budget for 2008-2009 devotes only 2 % of the budget to the part related to international law and justice.

Mr. Chairman,

The Rule of Law Coordination and Resource Group, together with the Rule of Law Unit, fills an important gap in the organization. They are a crucial interlocutor for the Sixth Committee with respect to our work under this item. Member States expect an inventory of the current activities of the United Nations system at the next session, as well as recommendations for strengthening and coordinating the activities listed in the inventory. To some extent, the request for the inventory and related recommendations has already been addressed in the Secretary-General's report, which was issued only a few weeks after the adoption of resolution 61/39. Nevertheless, we anticipate that the report to be submitted at the next session will greatly benefit from the progress already made and the evolution of these new structures. We agree that the next report should indeed be coordinated by the Rule of Law Coordination and Resource Group, with the assistance of the Rule of Law Unit, as the request itself relates to the very core of their mandate.

Mr. Chairman,

The rule of law is a potentially very broad topic. We favor an approach which focuses on those areas where the United Nations can make a real difference and add real value. This principle is already operational today, as many parts of the UN system are engaged in concrete **assistance and capacity building** in many countries, providing services which are otherwise not easily available. Making capacity-building more efficient will be one of the main tasks for the Rule of Law Coordination and Resource Group. Strengthening capacity-building corresponds to a real demand stemming from various circumstances: re-building the rule of law sector following conflict is one particularly difficult scenario for any given State, but even simply absorbing the sheer volume of international law represents real challenges in many parts of the world. The Group and Unit will therefore have a very important role to play.

Mr. Chairman,

In conclusion, we warmly welcome the increased attention that rule of law activities are receiving by Member States, and the leadership shown by the Secretariat. As a next step, Member States should support all efforts to strengthen these activities at the operational level.

Let me also use this opportunity to bring to your attention an interesting presentation to be held later today in this room at 1.15 p.m., regarding the “Rule of Law Assistance Directory” of the International Development Law Organization, co-sponsored by the Missions of Mexico and Liechtenstein, to which all colleagues are invited.

I thank you.