



**PERMANENT MISSION
OF THE PRINCIPALITY OF LIECHTENSTEIN
TO THE UNITED NATIONS
NEW YORK**

NEW YORK, 14 OCTOBER 2015

CHECK AGAINST DELIVERY

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

I would like to thank the Secretariat, and in particular the Rule of Law Unit, for providing us with an excellent report on United Nations rule of law activities. The report shows once again how a multitude of UN entities provide concrete support in this field, and thereby helps us connect the dots. Truly, the United Nations as a whole is the world's premier **rule-of-law provider**. This may not always be apparent when listening to our debates in the Sixth Committee, which occasionally gives the impression that States are divided over the rule of law as a concept – in particular over its precise definition, and over fears that the rule of law may be used as an excuse to interfere in internal matters. For all *practical* purposes, however, this perceived divide is far outweighed by what actually unites us. Promoting the rule of law is core business for this organization, provided at the request or with the consent of the countries concerned. What hampers UN rule-of-law related programmes is typically a lack of funding, and not a lack of political will.

Another case in point for practice trumping theory is the **2030 Agenda for Sustainable Development**. The SDGs contain numerous goals and targets that incorporate important elements of the rule of law – such as access to justice, equality and non-discrimination, anti-

corruption and good governance. The 2030 Agenda fully recognizes the rule of law as an indispensable enabler, as well as an outcome, of sustainable development. We note in this context that the Sixth Committee was – and remains – mandated to consider “ways and means of further developing the **linkages** of the rule of law and the three pillars of the United Nations” – a discussion that has not yet brought about any particular result. But despite a lack of agreement in our rhetoric, we have adopted the 2030 Agenda and thereby – in concrete, not just in theoretical ways – furthered the linkages between the rule of law and one of the three pillars of the United Nations, namely development. This is an achievement we can be proud of.

In this context, the Global Compact’s *Business for Rule of Law* initiative deserves particular mention. Liechtenstein strongly supports this effort aimed at increasing **private sector** involvement in rule of law assistance. Businesses have shown great interest in this initiative, which also underlines the importance of involving all stakeholders in rule of law discussions and activities.

Mr. Chairman,

Turning to the sub-topic of this session, Liechtenstein considers **multilateral treaty processes** as essential tools to advance the rule of law at the international level. Treaties in areas of universal concern should always be initiated and negotiated in a universal forum, such as the General Assembly, in order to ensure a level playing field among the negotiating partners. But while the number of multilateral treaties has “grown exponentially”, as noted by the Secretary-General, the Sixth Committee has contributed relatively little in this regard in recent years. The products of the International Law Commission and other draft legal instruments are rarely converted into treaties in this Chamber. This is a worrying trend, and one that is partially caused by our insistence on concluding treaties by **consensus**. The underlying rationale – that only consensus can satisfy aspirations for universality – is questionable. Voted treaties, such as the Arms Trade Treaty, the Rome Statute of the ICC, and even the ICCPR, can be very successful from the beginning, and their acceptance can grow further over time. By contrast, striving for consensus without even the *possibility* of a vote as an alternative strongly reduces the incentive to compromise. This may lead to prolonged deadlock, or to treaties of such diluted content that Parliaments will have little interest in ratifying them. Generally speaking, seeking the strongest

possible support of countries that are actually interested in ratifying a treaty therefore seems to be a better goal than seeking consensus for the sake of it.

In this context, we note the valuable work of the **Office of Legal Affairs** in supporting multilateral treaty processes, especially their various publications in this area.

Mr. Chairman,

In its summary of past debates in the Sixth Committee, the Secretariat noted the concern expressed by some delegations that insufficient attention was paid to the rule of law at the international level. In our view, it is primarily up to States themselves to take the required action to achieve the desired balance. This is particularly true with respect to **accountability** and **independent adjudication of disputes**, which are largely dependent on the active consent of the States concerned. Just over one third of UN Member States have accepted the compulsory jurisdiction of the **International Court of Justice**, in accordance with Article 36(2) of the Statute. We commend Romania, Greece, the United Kingdom and Italy for having joined this illustrious group of countries in the past year. And just under two thirds of UN Member States are parties to the Rome Statute of the **International Criminal Court**. We call on those States that have not yet done so to consider joining the Rome Statute, in particular since it has been amended to empower the ICC to prosecute crimes of aggression. The Kampala consensus of 2010 will also help enforce the United Nations Charter, by criminalizing the most serious forms of the illegal use of force.

Consenting to these and other forms of international adjudication is the most concrete support any State can give to the rule of law at the international level. Any such commitment must, however, be given in a consequent manner and not waver in the face of inconvenient outcomes. Differences of opinion on legal matters must be played out within the framework of the judicial process, and the judges' decisions must be accepted and implemented, once final, even when they are not agreeable. This is the ultimate expression of commitment to the rule of law.

I thank you.