

ITEM 83:
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

At the outset, my delegation would like to thank the Secretary-General for submitting the first annual report on the rule of law. We appreciate the efforts undertaken by the **Rule of Law Coordination and Resource Group** and the **Rule of Law Unit** aimed at improving the coherence and effectiveness of UN activities in this area. The report illustrates that we have made significant institutional progress in recent years, which now needs to be consolidated. Liechtenstein is grateful for the General Assembly's support for the Rule of Law Unit. We hope that remaining issues regarding the long-term sustainability of the Unit can be addressed in the context of this year's budget discussions.

In line with the decision taken at last year's Sixth Committee meeting, we would like to focus our remarks on the sub-topic "Promoting the rule of law at the international level". We note that the SG's report devotes relatively few paragraphs to this subtopic. We interpret this as a call on Member States to initiate the dialogue on this matter. In this sense, we understand this debate as the beginning of a dialogue which should continue.

For a small country like Liechtenstein, the promotion of the rule of law at the international level is neither a technical nor philosophical matter, but ultimately a matter of survival. A strong international system based on the rule of law, rather than on the rule of power, is the main guarantor for the protection of the rights and interests of the less powerful. Obviously, much remains to be done to fortify that system, as pointed out by the Secretary-General. The General Assembly is the most appropriate forum from which relevant initiatives should be launched.

Our Sixth Committee debates in recent years, our annual resolution, as well as past reports of the Secretary-General have illustrated the vastness of the topic in front of us. We would therefore like to focus our intervention on a few select issues of particular interest.

Liechtenstein fully supports the role of the **International Court of Justice** as the world's prime judicial mechanism for the peaceful settlement of disputes. Liechtenstein accepted the Court's compulsory jurisdiction already back in 1950, four decades before becoming a UN Member State. It is regrettable that only 66 States are currently subject to the Court's compulsory jurisdiction. At the same time, we do not think that this number reflects the true potential of this mechanism. Concrete efforts should be made to **reach out to States and encourage them to actively consider accepting the Court's jurisdiction**, beyond a mere mention of the issue in our annual resolution. As a first step, we propose that the General Assembly should mandate the Secretary-General to invite all States that have not yet joined this mechanism to submit their views on the possibility of doing so, for inclusion in next year's report under this agenda item.

Strengthening adherence to the **rule of law within the United Nations** is another relevant area addressed in the SG's report. The reform of the system of administration of justice and the Security Council's efforts at improving the fairness of sanctions procedures are but specific examples of a broader, more important point. The United Nations, acting through its main organs, is obviously an

embodiment of the international rule of law, in that it is based on, empowered by, and restrained by the legal regime of the United Nations Charter. That legal regime mainly operates at the inter-state level, outlining the rights and responsibilities of Member States and the competences and procedures of intergovernmental organs. This system has served us well for more than six decades, but it has also outgrown itself. Today, more than ever, the United Nations is not just dealing with governments and other organizations as its counterparts, but also with **individuals**. It does so at multiple levels, from the Security Council at Headquarters putting individuals on sanctions lists, to UN peacekeepers and police units enforcing the law in the field. In some cases, the United Nations has even taken on the role of a *de facto* interim government. It is therefore high time that we unequivocally clarify the question **to what extent the United Nations and its main organs are bound by the very human rights standards that this organization has created for Member States**, bearing in mind the Charter as the constitution of this organization. The manner in which the Secretary-General's Bulletin ST/SGB/1999/13 has clarified the application of international humanitarian law to UN forces is a pertinent example of the relevance of such an exercise. Ultimately, this process of reflection could lead to a solemn declaration by all relevant United Nations organs, a bill of rights by the United Nations, for the United Nations.

The increasing importance of the intersection of international law and individual actors is evidenced most prominently by the advent of **international criminal justice**, and in particular the establishment of the International Criminal Court. Accountability is one of the most important elements of an effective rules-based system. The steadily increasing number of States Parties to the Rome Statute underlines that ultimately, no individual must enjoy impunity for the gravest crimes of international concern. Next year's Review Conference provides an opportunity to further extend this principle of accountability, as States Parties will consider the definition of the crime of aggression and the conditions under which the ICC shall exercise jurisdiction over this crime. We call on all States to keep working toward an agreeable provision on aggression, and to seize this historic opportunity. Furthermore, we should more earnestly consider the role of the United Nations in promoting the principle of complementarity, particularly through capacity-building – an issue that merits in-depth discussion in the context of next year's sub-topic.

“Promoting respect for the purposes and principles of the United Nations Charter” – an issue explicitly highlighted for this year's debate, is something that we do not just accomplish in the framework of the organization itself. In fact, the manner in which we conduct international relations in other contexts may have an even stronger impact on this goal. We note the proliferation of international fora in which matters relevant for all members of the United Nations are discussed and sometimes decided, with effects far beyond the formal or informal membership of those groups. As a small State, we understand the need for efficient and pragmatic networks and decision-making. But good and effective solutions require the support of those who are to implement them. And, most importantly: Rules must apply to everyone equally, based on a level playing field, and in accordance with the notion of **sovereign equality**.

I thank you.