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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

Over the past year, discussions over the concept of the rule of law have been at the center of the General Assembly's attention in the context of the negotiations on the proposed Sustainable Development Goals. My delegation was glad to see that many important elements of the rule of law were reflected in the OWG's final outcome – such as access to justice, equality and non-discrimination, anti-corruption and good governance. There is a strong consensus within the UN membership on the importance of these core elements of the rule of law. It was thus all the more surprising that we were not able to agree that the term “rule of law” should be included in the title of goal 16, which now only refers to “access to justice”. By pure coincidence, the agreed sub-topic of this year's Sixth Committee debate deals with “strengthening the rule of law through access to justice”. Obviously, that in itself confirms that access to justice is but one aspect of the rule of law, albeit a particularly important one. We hope that this conceptual incoherence can still be corrected in the course of the remaining work on the post-2015 development agenda. Promoting the rule of law is indeed an indispensable enabler, as well as an outcome, of sustainable development.

Mr. Chairman,

The greater the grievance, the greater the importance of access to justice. Yet the statement coined by José Ayala Lasso, former United Nations High Commissioner for Human Rights, still holds true in many parts of the world: “A person stands a better chance of being tried and judged for killing one human being than for killing 100,000.” The fight against impunity for the most serious crimes, such as genocide, crimes against humanity, war crimes and the crime of aggression is an ambitious undertaking. These crimes are usually committed in situations where a State’s internal justice system has broken down; or worse, they may be committed by the very leaders who are responsible for the protection of the civilian population. The principle of complementarity enshrined in the Rome Statute of the ICC is a sensible approach to deal with these difficult dynamics. We believe the Court has overall struck the right balance in applying this principle. But the experience gained so far also clearly shows that we need to redouble our efforts to strengthen the capacity of domestic justice systems – in particular since the ICC can only try a small number of perpetrators, or may not have jurisdiction in the first place. Such capacity building does not have to focus on specific crimes, but should improve the effectiveness of domestic justice systems in general terms. Various UN entities, bilateral donors, but also other actors such as International Development Law Organization or the Open Society Foundations are making important contributions in this regard. Particular emphasis should be placed on ensuring access to justice for those who often face particular obstacles in having their rights asserted, such as women, migrants, and persons with disabilities – to name just a few.

Mr. Chairman,

The example just cited also underlines that a discussion on the rule of law held almost exclusively among State representatives will inevitably miss out on important perspectives. Bringing other stakeholders to the table is therefore crucial, and we fully support the Secretary-General’s recommendations in this regard. Given the procedural constraints of the General Assembly, informal arrangements will be best suited for this purpose.

We also generally agree with the other recommendations on strengthening the linkages between the rule of law, human rights, peace and security, and development contained in the

Secretary-General's report. We would in particular be interested in the Secretary-General's suggestions regarding rule of law-related areas that need to be further elaborated. One such issue is the right to privacy in the digital era, which was the subject of an enlightening and highly substantive report by the High Commissioner for Human Rights, and which is currently under consideration in the Third Committee. This is also a good example showing the cross-cutting nature of the rule of law.

Mr. Chairman,

In closing, I would like to reiterate Liechtenstein's full support for the work of the Rule of Law Coordination and Resource Group as well as the Rule of Law Unit. The United Nations system has come a long way in improving the effectiveness and coherence of their rule of law activities, thanks in particular to these arrangements. We are confident that the latest institutional improvements, such as the operationalization of the Global Focal Point arrangement, will lead to further progress.

I thank you.