

INFORMAL MEETING OF THE GENERAL ASSEMBLY
ON THE DRAFT OUTCOME DOCUMENT
OF THE HIGH-LEVEL PLENARY MEETING OF THE GENERAL ASSEMBLY
(14 – 16 SEPTEMBER 2005)

STATEMENT

BY

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TO THE UNITED NATIONS

NEW YORK, 21 JUNE 2005

CHECK AGAINST DELIVERY

Mr. President

Let me commend you and the Facilitators for the hard work and commitment they have shown in presenting us this draft outcome document for the Summit in September. Liechtenstein is of the view that the draft represents an excellent basis for our endeavor to come to agree on a final version within the next few weeks. In tackling the reform process, we have identified certain priority areas as the focus for our national input. My statement today is a reflection of this approach, and you will find some drafting suggestions in the relevant parts, in particular in the areas of rule of law and human rights.

DEVELOPMENT

The chapter on **development** contains many concrete proposals on how the UN and its member States best respond to the pressing need for more progress in eradicating poverty and promoting development for all, and we think that this part of the outcome document is probably the closest to its final version. The outcome document must reflect the central role of the development agenda for the Summit, and we believe that your draft is an excellent expression thereof. When it comes to creating a favorable environment for development strategies to have the intended positive impact, we have to assume the responsibility to establish the necessary conditions. In particular, we think that our resolve to ensure good governance should be clearly spelled out. In this context, we have to make sure that the necessary steps to combat corruption are also taken at the local level, for it is at that level where the people experience success or failure of our measures most immediately.

Global partnership for development

13. ...To these ends, we resolve to:

- ~~Strengthen~~ **Ensure good** governance, combat corruption at **local**, national and international levels and put in place the policies and investments to drive growth and stimulate private sector, employment generation and maximize domestic resources to fund national development strategies;

There is no doubt that increased and more predictable resources are needed for the **financing of development**. Liechtenstein is therefore currently examining the possibility to establish a timetable to achieve the target of 0.7 per cent of gross national income for official development assistance by no later than 2015. In order to reach this goal worldwide, efforts will have to be undertaken by many countries to identify new means for financing such increase. It should, however, be made clear that any activities aimed at raising additional resources or creating new solidarity contributions have to observe the established international legal framework.

Financing for development

14... and to this end, we:

- Recognize the need for increased and more predictable resources, and in that regard take note with interest of ~~international~~ efforts, contributions and discussions aimed at identifying, **within the international legal framework**, innovative and additional sources of financing for development **for a substantial increase of investment** on a public, private, ~~domestic~~ **national** or ~~external~~ **international** basis;
- Underline the urgent need for increased investment now, ..., and decide to consider further other solidarity contributions **within the international legal framework** that would be nationally applied and internationally coordinated;

Migration is a global issue which is often heavily influenced by decisions at the local level. It requires enhanced international cooperation but also effective and equitable management at the local level. We believe that this aspect should also be included in the outcome document.

Migration

23. We recognize that In this regard we resolve to ensure the success of the General Assembly high-level dialogue on international migration and development in 2006 with a view to identifying ways in which the effective and equitable management of migration can be promoted at the **local**, national, regional and international levels.

PEACE AND COLLECTIVE SECURITY

The Chapter on **Peace and Collective Security** contains a number of important decisions and statements which have the potential to shape our collective security system for many years to come. We join other Member States in the commitment to a new security consensus, based on the recognition that development, security and human rights are mutually inter-dependent. There is no viable alternative to our multilateral security system, but it needs to be adapted to the threats and challenges of our times. In this respect we particularly welcome the establishment of a Peacebuilding Commission which should begin operating as soon as possible. Further detail on its mandate, status and working methods would therefore be a welcome addition to the current draft. We agree that such details could usefully be contained in an annex to the outcome document.

We welcome the fact that the **protection of children in armed conflicts** has been given a prominent role under this chapter. Indeed, the lot of child soldiers and children subject to other forms of abuse during armed conflicts, for a long time neglected, has rightly attracted the full attention of the public at large. We think, however, that the language in this regard has to make clear that States have legal obligations to promote and protect the rights and welfare of children in armed conflicts.

31. We ~~renew our resolve~~ **reaffirm our commitment** to promote and protect the rights and welfare of children in armed conflicts and call upon all States to take effective measures to prevent the recruitment and use of children by armed groups and to prohibit and criminalize such practices.

32. We also reaffirm our commitment to ensure that children in armed conflicts receive timely effective humanitarian assistance, **including education**, and to take effective measures for their rehabilitation and reintegration in society.

Regarding **sanctions**, Liechtenstein concurs with the expressed commitment towards targeted and effective sanctions as an important tool for the maintenance of international peace and security. We particularly share the concern for fair and transparent procedures for placing individuals and entities on sanctions list, and would like to add that such procedural standards should also be guaranteed for decisions on humanitarian exemptions under the various sanctions regimes.

Sanctions

43. We call on the Security Council, with the support of the Secretary-General, to improve its monitoring of the implementation and effects of sanctions, to ensure that sanctions are implemented in an accountable manner, and to review regularly the results of such monitoring. We also call on the Security Council and the Secretary-General to ensure that fair and transparent procedures **in accordance with international standards of due process** exist for placing individuals and entities on sanctions lists, and for removing them, **as well as for granting humanitarian exemptions**.

Liechtenstein supports the proposed language on the **use of force**, in particular in so far as it confirms the adequacy of the Charter provisions to address the full range of security threats. This includes notably Article 51 on the inherent right of self-defence, which should be mentioned explicitly in the text. We further welcome continued discussions on the proposed principles guiding Security Council decisions involving the use of force, which would best be placed in the context of the General Assembly as part of its powers under Article 12 of the Charter.

The use of force

45. We reaffirm that **one of the purposes and principles guiding of** the United Nations **are is** to maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to **the** peace, and for the suppression of acts of aggression or other breaches of peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of peace. *(Article 1 para. 1 of the Charter refers to purposes, not principles, and contains purposes other than maintaining peace and security)*

46. We also reaffirm that the relevant provisions of the Charter of the United Nations regarding the use of force **and the inherent right of self-defence** are sufficient to address the full range of security threats and agree that the use of force should be considered as an instrument of last resort. We further reaffirm the authority of the Security Council to take action to maintain and restore international peace and security, in accordance with the pertinent provisions of the Charter.

The section on **disarmament and non-proliferation** deserves particular attention and additional work, given the urgency of the topic and the setbacks we have witnessed in the recent past. We do of course not underestimate the problems attached to these topics. Regarding WMD's, we wish to make three general points: The outcome document should contain a clear reference to the legal obligations of States in this area. It should further contain a sound balance between the issues of disarmament and non-proliferation in the nuclear area. This should be done in a manner that makes it clear that one is not a precondition for the other, but rather that they must be complementary, pursued at the same time and be mutually reinforcing. Finally, we believe that stronger emphasis should be placed on the strengthening of existing and establishment of new verification and monitoring mechanisms.

Enhanced international cooperation is also urgently needed in the field of **small arms and light weapons**. These arms are certainly among the most deadly weapons, all too often used against civilians in conflict situations and also facilitating the abuse of children as soldiers. We are therefore of the view that this issue requires much more attention and would deserve more than a short reference in the outcome document, particularly if compared with the detailed part on WMDs. The control of trade in such weapons has to be improved in order to avoid their diversion into illicit use. We are therefore in favor of developing a legally binding international instrument to regulate the marking, tracing, brokering and transfer of SALW, including their ammunition. Any control regime needs to ensure effectiveness on a global level.

51. We agree to develop a legally binding international instrument to regulate the marking, tracing, ~~and illicit brokering~~ **and transfer** of small arms and light weapons, **including their ammunition**.

Liechtenstein welcomes the draft language on **terrorism**, in particular as regards the support for the Secretary-General's counter-terrorism strategy and the recognition that the deliberate killing of civilians cannot be justified by any cause or grievance. At the same time, the proposed recognition of the value of human rights in the fight against terrorism needs to be strengthened, taking into account existing commitments made by Member States in the General Assembly, such as those contained in resolution A/RES/59/191. States must therefore not only recognize the importance of human rights, but ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law. We believe that this element should follow directly after the definitional element, rather than being an afterthought at

the end of the section. It must be understood that the protection of human rights is part of our strategy on counterterrorism, as was made clear by the SG in his "5-D"-approach. We are further of the view that the outcome document should address the question of root causes while making it clear that they can never be invoked to justify terrorism. On the question of a definition, we prefer going back to the language of para. 91 of the SG's report "In Larger Freedom" which contains a clear statement on the targeting of civilians which we should all be able to subscribe to. While not strictly speaking a definition, this statement certainly helps in the work to conclude a comprehensive convention by June 2006. We also advocate a redraft of para. 56 which is cleared and also takes into account the need to coordinate with regional organizations.

54. We reject terrorism in all its forms and manifestations and ~~commit to~~ endorse and **resolve to** implement the comprehensive United Nations counter-terrorism strategy proposed by the Secretary-General, taking fully into account the need to address factors that may contribute to terrorism, ~~including poverty, political and economic injustice, and foreign occupation,~~ **which need to be addressed in their own right, but which can never justify terrorism.**

55. We recognize that the targeting and deliberate killing of civilians and non-combatants cannot be justified or legitimized by any cause or grievance. We declare that any action ~~which is~~ intended to cause death or serious bodily harm to civilians or non-combatants, when the purpose of such an act, by its nature or context, is to intimidate a population or to compel a government or an international organization to do or to abstain from any act ~~cannot be justified on any grounds~~ **constitutes an act of terrorism.**

~~55bis. We recognize the importance of adhering to the principles of good governance, respect for human rights and the rule of law in the fight against terrorism.~~ **55bis. We resolve to ensure that any measure taken to combat terrorism complies with our obligations under international law, in particular international human rights, refugee and humanitarian law.** (A/RES/59/191)

56. We invite the Secretary-General, **on the basis of the comprehensive United Nations counter-terrorism strategy,** to ~~consult further with the General Assembly and the Security Council to strengthen the capacities of the United Nations, its specialized agencies and States~~ **ensure coordination among the United Nations organs, bodies, agencies and programs as well as regional organizations, in their work to assist States through capacity-building.**

57. We ~~will strive~~ **resolve** to conclude a comprehensive convention on terrorism during the sixtieth session of the General Assembly, but not later than June 2006.

58. We agree to sign the International Convention for the Suppression of Acts of Nuclear Terrorism with a view to its early entry-into-force, and to accede to the twelve other international conventions against terrorism as soon as possible.

~~59. We recognize the importance of adhering to the principles of good governance, respect for human rights and the rule of law in the fight against terrorism.~~
(replaced by 55bis)

HUMAN RIGHTS AND RULE OF LAW

Mr. President

We welcome the recognition contained in the draft (para. 7) that development, security and **human rights** are the pillars of the United Nations system, as well as the implied understanding that these three pillars should be treated with equal attention. We are of the view that the human rights language throughout the draft outcome document should be strengthened. The current draft often falls behind the Millennium Declaration, according to which "We will spare no effort to promote democracy and strengthen the rule of law, as well as respect for all internationally

recognized human rights and fundamental freedoms, including the right to development". We have therefore a number of drafting suggestions aimed at strengthening the sometimes vague formulations in the current text. In particular, we are of the view that the text should contain a clear timeframe for the increase in resources for the Office of the High Commissioner for Human Rights in accordance with the "Plan of Action" submitted by the High Commissioner. In addition, we feel the need for certain clarifications, such as the fact that the UN Charter is not a human rights instrument *per se* and therefore, as such, does not "enshrine human rights" as it is put in the current draft. Reference should instead be made to the core human rights instruments adopted by the United Nations.

62. We ~~commit ourselves~~ **will spare no effort** to promote and respect human rights, the rule of law and democracy and recognize that they **are mutually reinforcing and** constitute together core values and principles of the United Nations; and that no security agenda or no drive for development will be successful unless they are based on the respect for human dignity.

63. We **reaffirm our commitment to the** ~~also recognize the need for human rights as they are enshrined in the Charter of the United Nations and~~ full implementation of human rights standards contained in the Universal Declaration of Human Rights and ~~other pertinent~~ **the core** human rights instruments.

Human Rights

64. We resolve **to take measures** ~~further to strengthen the UN human rights system with the aim~~ to ensure effective enjoyment by all of all human rights – civil, cultural, economic, political, and social rights, as well as the right to development – **including through strengthening the UN human rights system.**

65. We resolve to strengthen the Office of the High Commissioner for Human Rights to enable it to effectively respond to the broad range of human rights challenges facing the international community, particularly at the level of field offices in the areas of technical assistance and capacity-building, through **more staff and full funding through increased** resources from the regular budget, **to be achieved within the next five years.**

66. We resolve to improve the effectiveness of the human rights treaty bodies, including through **additional resources for assistance to States to enhance their reporting capacities, as well as** improved and streamlined reporting procedures, and to **ensure** ~~promote~~ the implementation of their recommendations.

The parts of the report dealing with the **rule of law** need to be strengthened further, in particular by using more action-oriented language. In the Millennium Declaration, Heads of State did not only "recognize" the importance of the rule of law, but did unequivocally "resolve to strengthen respect for the rule of law, in international as in national affairs and, in particular, to ensure compliance by Member States with decisions of the International Court of Justice [...]". The September Summit must not be a step backwards from this commitment.

Rule of law

67. Recognizing the need for universal adherence to and implementation of the rule of law at both national and international levels, we ~~pledge to~~:

- Reaffirm our commitment to the purposes and principles of the Charter of the United Nations and **resolve to strengthen respect for** an international order based on rules and the rule of law, which is essential for the peaceful coexistence and cooperation among States;
- Recognize the important role of the International Court of Justice in adjudicating disputes among States, call on States which have not yet done so to consider recognizing the jurisdiction of the Court and to make greater use, through the General Assembly and the Security Council, of the Court's advisory ~~opinions~~ **powers** (cf. *SG report, para. 139*), and agree to consider means to strengthen the Court's work, including by supporting a ~~voluntary trust fund to assist states in the settlement of disputes~~ **the Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice** (*the Trust Fund already exists*); and ...

The draft language on ending **impunity** needs to be changed, since it currently is limited to “serious violations of international humanitarian law”. In this context it is long established that violations of human rights are also relevant in the fight against impunity, as is recognized in a number of Security Council resolutions and as was also recently confirmed by the consensus resolution on impunity of the Commission on Human Rights (E/CN.4/2005/81). Furthermore, it is legally inaccurate to subsume crimes against humanity under the category “international humanitarian law”, since crimes against humanity can be committed outside the context of armed conflict.

Impunity

71. Recognizing that justice is a vital component of the rule of law, we commit to end impunity for the most serious violations of **human rights and** international humanitarian law, such as genocide, war crimes, and crimes against humanity, by cooperating with the work of the International Criminal Court, the existing ad hoc and mixed war crimes tribunals, and other mechanisms for international justice.

Regarding the **responsibility to protect** civilian populations from genocide, war crimes and crimes against humanity, including so-called “ethnic cleansing”, Liechtenstein would like to explicitly support the language included in the draft outcome document. The clear statement in the text must under no circumstance be diluted, since it will be an important yardstick for measuring the success of the September Summit.

STRENGTHENING THE UNITED NATIONS

The section on the strengthening of the United Nations is of particular importance because the Summit should result in a clear improvement of the institutional balance of the organization. We believe that issues such as Security Council reform, establishment of a Human Rights Council and management reform – all of which are covered in this section – will serve as an important yardstick for public opinion to measure the success of the summit meeting.

The **General Assembly** must be placed at the heart of the organization and be made into the central decision-making organ the Charter wanted it to be. The current draft is based on the assumption that a separate decision on revitalization of the GA will be in place by the time the Summit convenes. We share this hope and ambition and thus fully support this approach. If, for whatever reason, the draft resolution on this topic suggested by the President is not adopted prior to the summit, the language on para. 80 would have to be revisited. UN reform is not complete unless it encompasses operational and practical measures to enhance the standing of the General Assembly.

The paragraphs on Security Council reform cover all relevant aspects. However, we are disappointed that the draft document does not contain an annex elaborating on the working methods of the Security Council as reflected in para. 85. Such an annex is indispensable for comprehensive Security Council reform and for meeting the goal of establishing a sound institutional balance. We hope that the revised version of the draft outcome document will contain such an annex.

V. Strengthening the United Nations

78. We agree that, in order to efficiently perform their respective mandates as provided under the Charter, all ~~main~~ **principal** organs should **complement rather than not duplicate their each other's** work ~~with other bodies but rather develop good~~ **and enhance** cooperation. ~~to the common endeavor of building a more effective United Nations.~~

82. We ~~stress the need to demonstrate the political will in the~~ **commit to strive for more** effective implementation of the ~~resolutions adopted by the General Assembly~~ **resolutions and to develop better monitoring mechanisms to that end.**

Mr. President

We welcome the approach that you have taken in the outcome document by including relevant substantive elements of a **Human Rights Council** (HRC), supplemented by a timeframe in which the General Assembly should elaborate and decide on further modalities and details. There is merit, however, in clarifying some of the elements, while setting a clear timeframe for the conclusion of the ensuing negotiations in the General Assembly not only on the modalities of a subsidiary organ but also with regard to the establishment of a principal organ thereafter. Liechtenstein will submit a position paper on the different aspects of the HRC. I will limit my remarks to the essential points of our position.

The outcome document has to ensure that the mandates of the HRC and the Third Committee of the General Assembly complement and do not duplicate each other. The objective of the complementary approaches must be to enhance and secure implementation of human rights standards worldwide.

As a consequence of the establishment of a HRC, the agenda of the Third Committee needs to be adjusted. The Third Committee should have a strong focus on social and humanitarian issues, since the latter ones are currently dispersed over several main Committees as well as the Plenary. The intergovernmental work on humanitarian issues would thus also benefit from the establishment of the HRC.

The Third Committee would continue to deal with two human rights items: first, the Report of the OHCHR (as mandated in Res. 48/141), and second, the report of the HRC. The discussions of the reports would preferably be held in an interactive format in the presence of the High Commissioner on Human Rights and the chairperson of the HRC respectively. This format would be suitable also for the consideration of a suggested thematic global report submitted by the High Commissioner for Human Rights.

In addition, all the work carried out by the HRC in the area of standard-setting should be submitted for consideration and approval to the Third Committee, given the essential importance of the competence of a body of universal membership in the area of standard-setting. Such issues could either be included under the item "Report of the Human Rights Council" or included as separate sub-items on an ad hoc-basis.

The Vienna Declaration and Programme of Action recognize that human rights issues are a legitimate concern of the international community as a whole. All UN Member States must therefore have an opportunity to contribute to the human rights work carried out by the HRC – whether they are members or not. The questions of size of the HRC, modalities for election and re-election and observer status are therefore inextricably linked and have to be considered together, and this should be reflected in the outcome document.

The members of the HRC should be elected by the General Assembly by a two-thirds majority cast in a secret ballot, taking into account equitable geographical distribution as well as pledges States putting forward their candidature have made as to which measures they intend to take to continuously promote and protect human rights. The level of a two-third majority reflects the importance attached to the HRC and is in accordance with Article 18.2 of the Charter which stipulates that decisions on important questions shall be made by a two-thirds majority of those present and voting. Having a lower threshold for the Human Rights Council than for ECOSOC would not be an accurate reflection of the importance the organization attaches to the human rights area.

The HRC should have the competence to submit, through the General Assembly, situations to the Security Council in cases where such situations might constitute a threat to international peace and security or warrant a referral of that situation by the Security Council to the International Criminal Court.

It is our view that with this proposal the institutional reform in the human rights area can fulfill the following requirements:

- A. Elevating human rights work to a higher institutional level
- B. Making the human rights work more credible and more accessible to the public
- C. Preserving the positive features of the current system
- D. Ensuring that the new system allows for consideration of human rights issues – in particular such that require the urgent attention of the international community – year-round and as a matter of course
- E. Eliminating duplication under the current system

Human Rights Council

87. Recognizing the need to give greater priority to human rights in the work of the United Nations, we decide to elevate the Commission on Human Rights (CHR) into a standing Human Rights Council, as a subsidiary organ of the General Assembly based in Geneva, ~~pending a decision that the General Assembly might take on~~ **with a view to establishing a main Charter body of the UN by 2010 to reflecting** the centrality of human rights in the UN system.

88. We therefore decide that:

- The membership of the Council shall be ~~directly~~ elected by the General Assembly, by a two-thirds majority on the basis of equitable geographic ~~representation~~ **distribution** (*UN Charter language*), and be comparable in size to the CHR;
- **All Member States shall be able to actively contribute to the work carried out by the Council.**
- The Council shall fulfill its responsibility on the basis of the principle that all human rights are universal, indivisible, interdependent, and interrelated, and must be treated **globally** in a fair and equal manner, **on the same footing and with the same emphasis.** (*VDPA language, OP 5*).
- **The work of the Council and of the Third Committee of the General Assembly shall complement each other, and duplication and overlap of their agendas shall be avoided.**
- We mandate the General Assembly to elaborate, ~~further in order to adopt~~ during the 60th session, the modalities, functions, procedures and working methods as well as the composition of the proposed Human Rights Council.

The part dealing with the **Secretariat** might, to our mind, well be the most under-discussed area and the one that needs most work in the outcome document. While we think that most relevant topics are touched upon in the draft, we also see a clear need for more precise and more action-oriented language. This area is of critical importance if we wish to truly reach our respective constituencies and make them understand that we are not willing to go back to business as usual after the recent scandals and crises. We must show our determination to create a culture of accountability that permeates the system and relates not only to the Secretariat, but also to the intergovernmental bodies that carry out management functions. This fact should also be reflected in the title which in the current draft is both little attractive and slightly misleading. The Vitznau meeting, parts of which you attended, Mr. President, devoted considerable attention to this section and came to the conclusion that a full redraft might be the best way to approach this section. We have had an opportunity to give our drafting suggestions to the group working on this topic at the Vitznau meeting and look forward to seeing the final outcome of that meeting fed into the New York process.

I thank you.