

10 October 2012



General Assembly

GA/L/3435

Department of Public Information • News and Media Division • New York

Sixty-seventh General Assembly
Sixth Committee
4th & 5th Meetings (AM & PM)

LEGAL COMMITTEE DELEGATES COMMEND RECENT HIGH-LEVEL MEETING,

DECLARATION AS DEBATE BEGINS ON RULE OF LAW

Many Speakers Urge States to Ratify Rome Statute, Accept Compulsory Jurisdiction of International Court of Justice

The United Nations had brought neutrality and global profundity to the progression of international law, which resulted in the first High-level Meeting on the subject and a declaration that exhibited the will of States, Deputy Secretary-General Jan Eliasson told the Sixth Committee as it began its debate on the rule of law at the international and national levels.

Although the scale of participation, the quality of interventions and the level of commitment of the world's leaders at the High-level Meeting on the Rule of Law were all impressive, said the representative of Canada, also speaking for Australia and New Zealand, such statements of principle were only one aspect of the overall issue. Such proclamations did not "by themselves police the streets, prosecute crime or enhance the integrity of a judicial system". Member States should ratify international agreements and implement international legal norms and standards in the domestic sphere.

The Sixth Committee's current session could be a venue for figuring out ways to realize commitments made at the High-level Meeting, said Viet Nam's delegate, speaking for the Association of Southeast Asian Nations. The international community's rule of law work, in that regard, must be based on national ownership, sovereign equality of States, peaceful settlement of disputes, adherence to a rules-based regime and respect for territorial integrity.

Stressing similar international law principles, Chile's representative, speaking for the Community of Latin American and Caribbean States, urged States to refrain from applying unilateral measures that contravened international law and impeded economic and social development. Because strengthening the rule of law was not a problem exclusive to certain countries or regions, the United Nations assistance should be broad in scope, addressing economic growth, sustainable development and poverty eradication. The rule of law and development, he emphasized, were strongly interrelated and mutually reinforcing.

The rule of law was alive and well in South Africa, said the country's delegate. Its constitutional order was rooted in democratic values that held public officials accountable and insisted on equality. That legislative framework, coupled with a strong judiciary, had enabled his country to overcome challenges as they arose. However, where domestic systems were unable to ensure justice and promote accountability, the international community had to step in.

Justice, whether delivered domestically or internationally, was necessary, the representative of Estonia said. This was illustrated by the trust the International Criminal Court had increasingly gained from the 121 countries that were party to the Rome Statute. Further, for the rule of law to be effective, all national voices needed to be heard, including those of civil society. The information revolution, she said, had increased the trust of citizens towards States and had allowed Estonia to become a democratic and rule-based society.

The representative of the Philippines, recalling the birth of the United Nations in 1945, said the fact that the United Nations stood and remained relevant to this day was probably the greatest achievement of the rule of law at the international level. The rule of law was ingrained in the very goodness of human nature and in the human desire for orderly and predictable behaviour. "Without the

rule of law, there would be no social order, government or civilization to speak of [...] no relations between and among countries, there would be no United Nations," he said in conclusion.

Also speaking were the representatives of Egypt (also for the African Group), Iran, Finland, Switzerland, Senegal, Austria, Liechtenstein, Ethiopia, Saudi Arabia, Kenya, Belarus, Lao People's Democratic Republic, Democratic Republic of Congo, United States, Costa Rica, El Salvador, Republic of Korea, Kuwait, Kazakhstan, Mexico, Guinea, Pakistan, Japan, India, Chile (in a national capacity), Malaysia, Morocco, Tunisia, Thailand, Sudan, Serbia, Kyrgyzstan, Cuba, United Republic of Tanzania, Myanmar, Ukraine, Bangladesh, Mongolia and Mozambique. A representative of the Delegation of the European Union also spoke.

The Committee will meet again tomorrow, Thursday, 11 October, at 10 a.m., to resume its discussion on the rule of law at the national and international levels and to consider the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization.

Background

The Sixth Committee (Legal) began its deliberations today on the rule of law at the national and international levels.

For its consideration, the Committee had before it two reports of the Secretary-General, the first being the Secretary-General's annual report on Strengthening and coordinating United Nations rule of law activities (document [A/67/290](#)), and the second, Delivering justice: programme of action to strengthen the rule of law at the national and international levels (document [A/66/749](#)). The annual report complements the Secretary-General's proposals, contained in his second report.

The annual report recalls that during the reporting period, the United Nations provided rule of law assistance to approximately 150 Member States in every region of the world. Three or more United Nations entities engaged in rule of law activities in at least 70 countries, and five or more in over 25 countries. The United Nations increasingly offered technical support jointly with others, including to the 17 peace operations with rule of law mandates.

The annual report notes that the Rule of Law Coordination and Resource Group promoted better coordinated and more effective assistance by streamlining policy and guidance, expanding partnerships and supporting intergovernmental dialogue. Member States were also assisted to develop and implement international norms and standards, particularly in the areas of children's rights, the provision of legal aid, international trade law, stateless persons and sustainable development.

Despite progress, the annual report says that political will to ensure consistent compliance with existing international obligations remained weak. Treaty-based mechanisms should be strengthened and consistently implemented, and good practices should be shared across various fields of normative activity.

The annual report then highlights, among the many milestones achieved during the reporting period, the Special Court for Sierra Leone's conviction of Charles Taylor, the former President of Liberia. The first conviction of a former Head of State by an international criminal tribunal since Nuremberg sent a clear message that leaders could and would be held accountable for serious international crimes.

With regard to non-judicial dispute resolution and accountability mechanisms, the annual report describes the fact-finding missions and commissions of inquiry in Libya, Syria and the Occupied Palestinian Territory. Utilizing recommendations from such mechanisms could be maximized through supportive and practical initiatives, such as the Human Rights Council's decision in Syria to establish the Special Rapporteur's mandate to monitor human rights in the country. Because many modern challenges involved cross-border dynamics, regional approaches to strengthening the rule of law had emerged.

The annual report also notes that, at the national level, the Organization had assisted with constitution-making in Bosnia and Herzegovina, Ghana, Guinea-Bissau, Libya, Tunisia, Yemen and Zimbabwe, among others. National legal frameworks were strengthened and legal foundations for the governance, oversight and accountability of justice and security institutions were established, ensuring those institutions were well structured and financed, professional and accountable. Further, assistance was given to transitional justice processes in countries including Burundi, Cambodia, Colombia, Côte d'Ivoire, Democratic Republic of the Congo, those of the former Yugoslavia, Guatemala, Guinea, Kenya, Liberia, Libya, Nepal, Sierra Leone, Timor-Leste, Togo and Uganda.

The annual report goes on to say that during the past 12 months the United Nations promoted a culture of legal empowerment among individuals and civil society. Mobile courts were increasingly used to access the geographically remote and disenfranchised populations and to facilitate women's access to justice, including female refugees and internally displaced persons. Linkages between rule of law, poverty reduction and environmental sustainability were also strengthened.

It was increasingly important, the annual report states, for the Organization to respond in real time to operational rule of law needs. To respond to emerging challenges, the Department of Peacekeeping Operations and United Nations Development Programme had assumed joint responsibility for rule of law in post-conflict and other crisis situations. The Rule of Law Coordination and Resource Group had also taken on additional works streams, such as mapping the United Nations' experience and capacities in constitution-making and reviewing programming and funding in relation to women's access to justice in conflict and post-conflict situations.

The demand for rule of law assistance, the annual report says, had continuously grown throughout the year, but determining the effectiveness of such assistance remained a challenge. The Organization was partnering with Governments to collect relevant data and establish more evidence-based interventions.

In conclusion, the annual report notes that long-term commitment would be required to maintain momentum in strengthening the rule of law. The outcomes of the High-level Meeting on the Rule of Law should provide further guidance in that realm.

An annex to the report contains the views of reporting States — El Salvador, Guyana and Kuwait.

The second report of the Secretary-General, "Delivering justice: programme of action to strengthen the rule of law at the national and international levels", says that responsibility for strengthening the rule of law relied on Member States and their citizens, and that the United Nations was ideally placed to support their efforts and to provide integrated and effective assistance. To galvanize collective efforts to strengthen the rule of law at the national and international levels, the report proposed that the Assembly adopt a programme of action for the rule of law, agree to a process to develop clear goals and adopt other key mechanisms to enhance dialogue on the rule of law. It also urged Member States to make individual pledges related to the rule of law.

Continuing, the report says that the global system was under unprecedented stress from interconnected and complex transformations in human and physical geography, and as such, environmental degradation, rapid urbanization, conflict, severe income inequalities and exclusion of vulnerable groups pose major challenges to human development and security. Robust principles were needed to underpin the management of the international community's future and, in that regard, the rule of law was a core principle of governance that ensured justice and fairness.

In the report, the Secretary-General states that the rule of law was central to his vision for the Organization over the coming five years, and must guide the collective response to a fast-changing world. The United Nations defined the rule of law as a principle of governance in which all persons, institutions and entities, public and private, including the State itself, were accountable to laws that were publicly promulgated, equally enforced and independently adjudicated, and which were consistent with international human rights norms and standards.

Further, the report says, the rule of law required measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency.

"At the national level," the Secretary-General states, "the rule of law is at the heart of the social contract between the State and individuals under its jurisdiction." The rule of law also ensured that justice permeates society at every level. It guaranteed the protection of the full range of human rights, bringing to citizens and non-citizens alike legitimate avenues of recourse in cases of abuses of power and allowing for peaceful and fair resolution of disputes. Strengthening the rule of law fostered an environment that facilitated sustainable human development and the protection and empowerment of women, children and vulnerable groups, such as internally displaced persons, stateless persons, refugees and migrants.

Looking ahead, the Secretary-General says that it was crucial for Member States to agree on key goals in relation to the rule of law, with corresponding targets, so that they and the United Nations had clear objectives towards which to work.

The report lists the Secretary-General's proposals for commitments to be made by Member States and the United Nations, aimed at addressing the current challenges in strengthening the rule of law at the international and national levels. They take the form of a programme of action aimed at creating a common agenda for all Member States and the United Nations so that future discussions in this broad area can be more effectively structured and collective action better targeted. They are gathered under a number of key headings, including, increasing compliance with international law; strengthening United Nations treaty bodies; strengthening the International Court of Justice and its role in international relations; improving national-level service delivery; national data collection; and implementing a normative framework in human rights and social development spheres, among others.

Introduction to Report

JAN ELIASSON, Deputy Secretary-General of the United Nations, accompanied by Patricia O'Brien, Secretary-General for Legal Affairs and United Nations Legal Counsel, introduced the Secretary-General's annual report on strengthening and coordination of United Nations rules of law activities. Recalling the High-level Meeting on the Rule of Law held in September this year, he said he and Secretary-General Ban Ki-Moon were impressed by the strong participation of States and the "comprehensive yet concise" declaration that resulted. He was confident that the rule of law supported all three pillars of the United Nations: peace and security, development and human rights. The United Nations would continue to work with States to help them meet their pledges in that regard.

The Organization's engagement at the international level, he said, was rooted in an effective multilateral system based on the Charter, and the rule of law was essential to addressing threats and challenges. Noting the importance of the International Court of Justice, he pointed out that the Secretary-General had begun a campaign to encourage States to accede to the Court. The conviction of Charles Taylor was milestone in "ushering in an age of accountability" and reminding the world that impunity could not prevail. Also historically significant was the case of Thomas Lubanga, which for the first time, considered reparation for victims. As well, ad hoc criminal tribunals and courts were an essential part of the justice system, assisting when States could not conduct their own investigations and prosecutions.

Further on that topic, he said the United Nations would continue to assist States in delivering justice and adhering to the rule of law through endeavours such as constitution-making and dealing with atrocities. The United Nations had provided rule of law assistance in over 150 Member States in the contexts of development, conflict and post-conflict situations, and peace-building operations. In Somalia, for example, following constitution-making assistance from the United Nations, the country had introduced a draft of its constitution in July. With United Nations support, Timor-Leste had established its first land registry system.

Continuing, he said that the United Nations had brought "neutrality and the weight of the international community" to rule of law work, as well as convening power. However, he reminded the Committee that the rule of law could continue to be strengthened in all three United Nations' pillars and that Member States should propose ways of doing so. Toward peace and security, the United Nations could prevent countries from falling back into conflict. Further, concerning development, the rule of law had direct linkages with the post-2015 development agenda. Regarding that agenda, he called for the guarantee of the sanctity of contracts and legal systems for commerce to be put into place, among others. To further fundamental rights, human rights obligations had to be promulgated and ratified through parliaments. Everybody's enjoyment of human rights could only be guaranteed through the strong rule of law.

Concluding, he recalled that since the 2005 World Summit the United Nations had made much progress in the realm of rule of law, particularly through institutions such as the Rule of Law Coordination and Resource Group. Field operations had been strengthened to carry out the rule of law, and he was pleased that the topic was featured more and more in the Committee's work. The United Nations was a "natural home" for this vital work.

Statements

Mootaz Ahmadein Khalil ([Egypt](#)), speaking for the African Group, said that over the years African leaders had, in successive summits, taken decisions and adopted instruments, including human rights treaties, that reaffirmed their commitment to the promotion, observation and protection of the rule of law. African States acknowledged that the promotion of the rule of law was also conducive to good governance in the African continent and that it was a tool for the fulfilment of a better world for all.

Continuing, he said that an international legal order, which reflected international humanitarian laws, economic laws, and international laws for peace and security, among others, should be infused with fairness and equity. If international law was to promote friendly relations among States, there

should be no double standard and must include various reforms, such as reform of the Security Council, international financial institutions and other United Nations institutions.

He went on to say that capacity building, including enhanced technical assistance, was key to the promotion of the rule of law at the national level and to the strengthening of the national capacity of Member States. He underscored that capacity building and rule of law activities should be anchored in the concepts of effectiveness and national ownership. There must also be mutual respect between providers and recipients of assistance and a consideration of the customs and realities of each State. Donors, recipients and other entities involved must be encouraged to work in a coordinated and cooperative manner. Stressing the need to address other challenges and gaps, he said the African Group looked forward to continuing discussions in the Committee to exchange views.

GILES NORMAN (Canada), speaking also for New Zealand and Australia, noted that the scale of participation, the quality of interventions and the level of commitment of the world's leaders at the General Assembly's High-level Meeting on the Rule of Law in September of this year were all impressive. However, he stressed that such statements of principle were only one aspect of the overall issue, which, "do not by themselves police the streets, prosecute crime or enhance the integrity of a judicial system, [...] guarantee human rights or help the world eliminate the scourge of international terrorism." The real challenge laid in the concrete implementation of those recognized principles and of the existing legal framework.

He said he welcomed the work by Member States to ratify international agreements and implement international legal norms and standards in the domestic sphere, adding that Canada, New Zealand and Australia were strong supporters of the rule of law at the national and international levels. In the domestic arena, they had each instituted strong and independent police and judicial authorities to ensure that no individual could act outside the purview of the law. Such open systems could only exist in the presence of the rule of law, which allowed individuals to live and express themselves without fear. Furthermore, the interrelated core values of rule of law, freedom, democracy and human rights were reflected in their respective countries' foreign policies and international development assistance.

He went on to say that they also recognized the need to provide effective and coordinated assistance to support capacity building. Each of their countries had been active in providing assistance in building capacity to strengthen the rule of law in their respective regions and elsewhere. In Australia, rule of law issues formed a central part of its development assistance and aid. It worked with its partner countries, through its support of relevant programs, to put police back on the streets, to strengthen courts, to improve access to justice for marginalised groups, and to enable Governments to ensure the rights of their citizens. This year, Australia would provide over \$300 million to strengthen the rule of law in developing countries, and by 2016 would have trained 14,000 law and justice officials.

Continuing, he said New Zealand, as well, was a critical enabler of sustainable development. Drawing on its judicial expertise, community policing, peace building and democratic governance, New Zealand promoted the rule of law through several initiatives and commitments in the Pacific, Timor Leste, Indonesia and Afghanistan. New Zealand's assistance supported their partners' efforts to build effective law enforcement agencies, ensure access to effective legal representation, and create independent and professionally competent judiciaries. New Zealand also provided support to civil society to strengthen open and transparent government processes.

As for Canada, he said his country supported several rule of law-related projects in the Middle East, the Americas and Africa, including, among others national truth and justice processes, legal aid, land restitution, capacity building and training and technical assistance to officials. Canada was also maintaining its support for the strengthening of legal institutions in Afghanistan. With a deployment of 45 civilian police officers, his country was helping Afghanistan institute the rule of law through leadership and management capacity-building, skills training, ministerial reform and the development of a community policing philosophy.

He went on to say that Canada, New Zealand and Australia acknowledged the important role played by international courts, tribunals, treaty bodies and truth and reconciliation commissions in promoting the implementation of international law, holding perpetrators to account and identifying and addressing the root causes of breakdowns in the rule of law. In that regard, it had been a significant year for the international judicial system with the International Criminal Court's first conviction against Thomas Lubanga and the International Criminal Tribunal for the Former Yugoslavia began the trial of Ratko Mladic.

He underscored the value of "hybrid" or "mixed" courts, such as the Special Court for Sierra Leone, the Special Tribunal for Lebanon and the Extraordinary Chambers in the Courts of Cambodia. Noting the conviction of Liberia's Charles Taylor by the Special Court for Sierra Leone, he said that by combining international support for the prosecution of serious international crimes with support from the

national judicial system, those bodies held perpetrators to account while developing national legal systems and promoting the rule of law.

Concluding, he called on all States that had yet done so to consider accepting the compulsory jurisdiction of the International Court of Justice, to ratify the Rome Statute and to cooperate fully with the International Criminal Court's efforts to prosecute serious and international crimes, noting that the primary responsibility for enhancing the rule of law rested with States, leaders and all individuals.

LE HOAI TRUNG ([Viet Nam](#)), speaking for the Association of South-East Asian Nations (ASEAN), said his group expected the current session of the Committee to address ways to realize the commitments that had been made at the High-level Meeting on the Rule of Law in September of this year. To that end, he emphasized that any efforts of the international community in implementing the rule of law must be based on principles of national ownership, sovereign equality of States, peaceful settlement of disputes, adherence to a rules-based regime and respect for territorial integrity.

He said ASEAN was intensifying efforts that aimed, through the implementation of the ASEAN Charter, at building a rules-based, people-centred, and fully integrated organization. Recalling the 20th ASEAN Summit Meeting in Cambodia in April of this year, he noted the progress made, particularly on the development and adoption of various rules and procedures for its operations, such as the Agreement on the Privileges and Immunities of ASEAN and the Protocol to the ASEAN Charter on Dispute Settlement Mechanism, among others. ASEAN Member States, with the groups' various commissions, had also increased their efforts in human rights, including drafting the ASEAN Human Rights Declaration to be adopted at its next summit in November of this year.

Continuing, he said that rule of law was also an effective tool to promote sustainable economic development. With that in mind, the ASEAN Comprehensive Investment Agreement, which recently entered into force, contained comprehensive and improved provisions at par with international best practices on investment liberalization, protection, facilitation and promotion. The Agreement aimed to create a free and open investment environment for the group to promote further cooperation in that field with other partners. Committed to the pursuit of greater stability and security in the region, he noted that ASEAN senior officials had taken another step forward to agreeing on the basic elements of a Regional Code of Conduct in the South China Sea, which aimed to promote the peaceful settlement of disputes for peace and regional stability.

HOSSEIN GHARIBI (Iran), speaking for the Non-Aligned Movement, described the recent convening of the High-level Meeting on the Rule of Law as "a milestone" and "an important step" in discussions on the topic. It was essential to foster international relations based on the rule of law, particularly in regards to the principle of sovereign equality of States, prohibiting the threat or use of force, and settling disputes through peaceful means. Member States should use dispute settlement mechanisms and tools established under international law, such as arbitration and the International Tribunal for the Law of the Sea, among others. The Assembly and the Security Council should seek advisory opinions on any legal question from the International Court of Justice, whenever appropriate.

Noting that the purposes and principles of the United Nations Charter and the principles of international law "are paramount to peace and security, rule of law, economic development and social progress and human rights for all," he urged Member States to renew their pledge. He, however, remained concerned with the application of unilateral measures and their negative impact on the rule of international law and international relations. "No State or group of States has the authority to deprive other States of their legal rights for political considerations," he said. The Movement was also concerned that the Security Council continuously encroached the functions and powers of the General Assembly and the Economic and Social Council by taking up issues which fell within the competence of the latter organs.

He reiterated support for the Palestinian application for United Nations membership, based on their right to self-determination and independence, convinced that "realization of this objective will be a major step towards securing freedom, dignity, stability and peace for the Palestinian people and reflect the international community's true commitment to uphold the rule of law at the international level and foster international legitimacy". Underlying the importance of freedom of opinion and expression under the Universal Declaration of Human Rights, he emphasized that those exercising such freedom must recognize and respect morality, public order and the rights and freedoms of others. "As freedom of expression is not absolute, its exercise should be carried with responsibilities in accordance with the relevant international human rights law and instruments," he noted in conclusion.

GILLES MARHIC, Minister Counsellor, Delegation of the [European Union](#), welcomed the General Assembly's adoption of the Declaration at the recent High-level Meeting on the Rule of Law. It positively put forward a comprehensive vision of the rule of law, reflecting its linkages with the three main pillars of the United Nations, as well as affirming equality before the law, the right of access to

justice and a full commitment to human rights and fundamental freedoms for all. The Declaration also reaffirmed the international community's commitment to fight impunity and the role of the International Criminal Court, as well as the role of the rule of law for conflict prevention and in post-conflict settings.

The European Union, he said, had made substantive pledges in each of the areas the Declaration covered, backed up by concrete measures, a list of which had been presented. Welcoming pledges made by other Member States, he encouraged further participation in that regard. In addition, he stated his support for further Assembly-level discussion reflecting on the linkages between the rule of law and sustainable development in the post-2015 international development agenda and looked forward to the Secretary-General's proposals to further develop such linkages with wide stakeholder participation at the 68th session.

Heralding the Secretary-General's report on strengthening and coordinating the Organization's rule of law activities, he went on to say that the European Union firmly supported the International Criminal Court and he called on all States that had not done so to ratify or accede to the Rome Statute. He also emphasized the importance of sanctions as a tool in the international fight against terrorism, noting that full respect for the rule of law and due process were necessary to uphold their legitimacy.

Stating the European Union's commitment to building societies resilient to conflict, he emphasized the need to improve strategic and effective assistance in conflict and post-conflict situations by ensuring greater quality, coordination and coherence of the engagement of the Organization and its Member States. The events of the Arab Spring were an historic opportunity to build greater respect for human rights, democracy, dignity and prosperity and efficient rule of law systems in the Southern Mediterranean, he said. In response to those events, the European Union had developed a new strategy for "a changing European neighbourhood".

JANE ANTTILA (Finland), speaking for the Nordic countries, described the recent High-level Meeting as a "milestone", stating it had reaffirmed the rule of law's cross-cutting nature and its critical importance for all the main areas of the work of the United Nations. The resulting Declaration, which was "forward-looking" had emphasized, among other things, that the right to equal access belonged to all, including vulnerable groups. The Declaration would also guide future work in transforming the comprehensive agenda on the rule of law into action.

Continuing she said that it was encouraging that a number of Member States had responded to the Secretary-General's appeal and had made voluntary pledges based on their national priorities and needs, noting that Denmark and Finland pledged to enhance women's access to justice, with a focus to tackle violence against women. Finland, along with South Africa and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) also planned to host a high-level event on Women's Access to Justice.

Lauding the developments described in the Secretary-General's report, she observed that the fight against impunity had made significant progress. The Nordic countries were committed to promoting the universal ratification and effective implementation of the Rome Statute and she urged full cooperation with the International Criminal Court, stressing that "there must be, and there is, accountability for the most serious international crimes". She also expressed support for all the work of the Trust Fund for Victims and for efforts made towards establishing reparations for victims.

She turned next to the case of Syria, in which the Independent International Commission of Inquiry had cited gross violations of international human rights and humanitarian law. In that context, reports of sexual violence were particularly worrying and she called for the implementation of recommendations of the relevant non-judicial bodies in order to maximize their utility.

NIKOLAS STÜRCHLER (Switzerland) said that the High-level Meeting, the first time a meeting on this subject had been held at the General Assembly, had enabled the international community to strengthen its commitment to the rule of law. The resulting Declaration was a reference document that provided a foundation on which to build future activities, and that acknowledged the rule of law applied to all States as well as international organizations, including the United Nations and principal organs.

He applauded the Secretary-General's efforts and that of the Rule of Law Unit to strengthen rule of law architecture at the United Nations. It was of great importance that linkages between rule of law and the Organization's three pillars be further developed. To improve coordination, all United Nations activities that foster the rule of law should be documented and all existing arrangements to carry out the rule of law should be noted. He also commended the combining of forces of the Department of Peacekeeping Operations and the United Nations Development Programme, as well as the greater emphasis on rule of law in strategic planning. However, because the United Nations could not achieve its goals "working in isolation" he urged that partnerships with all stakeholders be developed, including the World Bank.

Among other things, he expressed support for the Secretary-General's campaign to increase Member States' acceptance of the International Court of Justice's jurisdiction. Despite the fact that the Court's authority and activity was fully recognized, it had not exploited its potential because it could only exercise jurisdiction with those that had allowed it to do so. Pointing out that only one third of States had accepted its jurisdiction as compulsory, he called on the Sixth Committee to consider further ways to convince States to accept the International Criminal Court jurisdiction as compulsory.

ABDOU SALAM DIALLO ([Senegal](#)) said promoting the rule of law at national and international levels was at the heart of the United Nations mandate and should rally all Member States' efforts. The recent high-level debate marked great headway in consolidation and bolstering the rule of law. Further, the rule of law was the only guarantee of sustainable development, democracy, good governance and human rights. States' capacities must be built, particularly in developing countries, to foster true implementation of the principle for social and economic development.

Regarding peacebuilding, he said countries in and emerging from conflict experienced shortfalls in institutions and vital resources, which "sapped" their abilities to adhere to the rule of law. Assistance in that regard was crucial. Upholding the rule of law was the only way to ensure peace between States. Frequent violations of international law and the lack of political will to systematically abide by the principle were serious obstacles. An action plan at the international level for effective establishment of the rule of law could only be effective if it took into account the views of all Member States and stakeholders.

CATHERINE QUIDEN US ([Austria](#)) said that a rules-based international system with clear and predictable rules that applied equally to all Member States was an essential precondition for lasting peace, economic development and social progress. Her country stood ready to contribute actively to any follow-up of the recent high-level meeting on the topic. Calling the International Development Law Organization a pioneer in promoting law as a pillar of economic growth, she said that businesses were more likely to thrive where laws were clearly defined, well known and applied neutrally. For its efforts in that regard at the national and international levels, she also commended the United Nations Commission on International Trade Law (UNCITRAL).

Corruption, she went on to say, must be addressed as a priority. It was an enemy to development in all countries, no matter what their economic level, as it scared away investors, added to inequality and cost all of society dearly. To fight it, education was key, she added, inviting States to join the 35 that had already ratified the agreement establishing the International Anti-Corruption Academy in Austria, which also provided technical assistance. She stressed that efforts to promote the rule of law did not pursue an abstract goal, but aimed to protect the rights and interests of individuals. In its role as coordinator of the Group of Friends of the Rule of Law, her country would continue to give utmost priority to the subject.

STEFAN BARRIGA ([Liechtenstein](#)) acknowledged the past year's impressive achievements and milestones in the fight against impunity, including, among others, the judgement against Liberia's former President Charles Taylor, the completion of the Extraordinary Chambers in Cambodia, and the International Court of Justice's insistence that the former President of Chad, Hissène Habré, be either prosecuted or extradited. However, he pointed out that a lot more needed to be done to ensure that justice reached all those that needed it.

He pointed out that, with 121 States Parties, the Rome Statute's protective effect now reached almost two-thirds of the United Nations membership. He noted, though, the criticism by some regarding the International Criminal Court taking up investigations regarding non-States Parties, based on the referral powers of the Security Council. That criticism was usually directed against the manner in which the Council selected situations, and resulted, unfairly, in his view, in the Court being blamed for the implications. Yet, he remained encouraged that that very criticism usually asked for more justice, not less. There was indeed a consensus that there had to be no impunity anywhere in the world for those bearing the greatest responsibility for international crimes. He believed the way to get there, and to reduce selectivity, was for more States to ratify the Rome Statute so that the Court did not need the help of the Security Council in establishing jurisdiction where crimes occurred.

In that context, he reiterated the importance of strengthened national justice systems to enable them to effectively deal with international crimes at the national level. He said the Declaration from the recent High-level Meeting recognized "the rule of law applied to...international organizations, including the United Nations and its principle organs". That was an important statement that confirmed that the United Nations had to fully live up to its own human rights standards when dealing with the rights of individuals, and he urged Member States to "step up our game" and explore ways in which they could better develop linkages between the rule of law and the three pillars of United Nations activities.

YIBZA AYNEKULLU ([Ethiopia](#)) said the rule of law, as the basis for peaceful co-existence and for insuring the safety and security of the planet, was essential for "normal life" to function and should therefore govern inter-State relation in all spheres of life. "We from the Horn of Africa are more aware than most", he said, on how the lack of compliance with international law principles was at the roots of inter-State misunderstanding and discord. There was no doubt that strict adherence to the rule of law could lay the basis for preventing conflict and making it possible for peoples and countries to focus on fighting poverty.

Continuing, he said that although it was not difficult to profess commitment to rule of law and legal obligations, what was critical was ensuring their implementation. The Ethiopian constitution unequivocally established equality among Ethiopians by guaranteeing their rights to develop their own languages and cultures. Ethiopians lived in a way that they could administer themselves within a federal system, which allowed power to devolve to the lowest administrative level.

Ethiopia was also working to transform its justice system, allowing the judiciary and law enforcement to be more responsive to the needs of those whom they served. The Ethiopian Human Rights Commission and the institution of the ombudsman were set up to respond to citizens' complaints. These were some of the mechanisms by which the Government was made accountable to its public. At the end of the day, he said in conclusion, what was critical was national ownership of all of these activities.

DINYA MADANI ([Saudi Arabia](#)) said that perhaps today's debate demonstrated there was no one uniform model for the rule of law and that there was a need for continuing dialogue in that field. Recalling that her country was founded on the principles of Islam and the Doctrine of God, which included messages of peace and love, she stressed that all shared a common goal – to create a world without differences and where all could live in peace. The concepts in the Doctrine of God were based on justice and equality, which insisted on the equality between men and women. Further, State authorities must abide by the law.

Continuing, she said that Islamic law in essence agreed with the rule of law. There had been lies that some tried to propagate -- that Islam oppressed freedom or women -- but such lies masked the truth and spread hatred. There was no difference between God's Doctrine and the rule of law on the basis of race, sex or language. Religion, which held the poor and rich equally, needed to respect all rights, adding that human rights in Islam included political, civil, economic and social rights, among others. Despite an ever changing world, she believed there was opportunity to reach agreement

Concluding, she said her country wanted to be an effective member of the Organization. Its commitment could be seen through its legislation, and its adherence to General Assembly and Security Council resolutions. Her country would, she said, continue to exert every effort to spread justice and peace and she concluded by confirming the need for every nation's sovereignty

LIIS LIPRE-JÄRMA ([Estonia](#)) recalled that the high-level rule of law meeting and declaration illustrated agreement on fundamental values, including widespread support for cooperation with the International Criminal Court. That Court had increasingly gained the trust of States, exhibited by the 121 countries that had ratified the Rome Statute, and she called on all countries to do the same. Further, it was the primary duty of every State to exercise jurisdiction over those who had committed serious crimes, including reparations. National capacities needed to address those crimes, and justice and development organizations needed to work together to build those capacities.

Continuing, she said that justice, whether delivered domestically or internationally, was necessary. Impunity was a fertile ground for conflict and it bred instability. The 2011 World Development Report had referred to justice as a core tool used to avert violence. Informal justice mechanisms, as well, should not preclude access to formal justice systems. Serious crimes, including gender-based violence, were to be dealt with through the formal system.

For the rule of law to be effective, she called for all national voices to be heard, including those of civil society. The information revolution, in particular, had allowed Estonia to become a democratic and rule-based society. Modern technology had increased her country's ability to exert its fundamental rights and freedoms, as well as to establish an inclusive government. In that regard, information technology solutions could increase the trust of citizens toward States, and she offered to share her Government's skills on the matter with other countries. In closing, she commended the Secretariat for its paperless approach in the Sixth Committee. The Sixth Committee should lead by example on this matter.

MOOTAZ AHMADEIN KHALIL ([Egypt](#)), speaking in his national capacity, recalled that Member States had unanimously recognized the need for adherence to the rule of law at the United Nations World Summit in 2005 and, again, during the first high-level meeting on the matter, held in September of

this year. Consultations on the outcome document of that meeting had revealed positions that had been taken into consideration during further deliberations on the rule of law. Different views remained on the rule of law, and reaching a shared understanding was important. The tendency by some to focus on national rule of law, but ignore its importance at the international level also had to be more balanced in favour of both aspects.

He went on to say that the importance of the rule of law, along with accountability and transparency, had driven the Arab revolutions. Justice, freedom and equality were the first demands of the revolution that had occurred in his country. The new Egyptian government was committed to establishing rule of law, empowering institutions, respecting and protecting human rights and fundamental freedoms.

Nevertheless, he said, challenges in that regard remained both in his region and in the world. Regarding weapons of mass destruction, he called for completion of necessary measures to convene the conference that would focus on establishing a zone free of such weapons in the Middle East. He also called for the end of the Israeli occupation of the Palestinian Occupied Territories, including Jerusalem, and Syrian Golan, and he expressed support for the Palestinian request for full membership in the United Nations.

BEATRICE WANJUHI MWAURA ([Kenya](#)) said her country supported an international order that was firmly grounded on the rule of law, stating her belief that the principle was the bedrock of peaceful co-existence and sustainable development in any society. Stressing that the rule of law required the presence of an impartial and independent judiciary, she said her country's judiciary was undergoing fundamental and positive reforms, which included increased transparency and public participation in the process of staffing the judiciary, improved terms of service for judicial officers towards attracting a high calibre work force and increased recruitment of both judicial and administrative staff.

Continuing, she also said that its judiciary was now independently funded, enabling it to undertake structural reforms, including the streamlining of court processes. Judicial reforms were being complemented by additional reforms in the justice sector, including among others, the establishment of an independent officer of the Director of Public Prosecutions and the Commission on Administration of Justice, with the view that those reforms would lead to an efficient, effective and coherent justice sector that was accessible to all.

She went on to say that, in order to achieve sustainable development, laws must be strengthened and compliance ensured. Toward that end, there had been increased activity across all sectors of Kenya's economy and greater participation of its citizens in the development and governance. Further, her country's constitution declared equity to be an underlying principle of governance. The provisions on devolved governance institutionalized that principle. Among other objectives, devolution would ensure equitable sharing of national and local resources, promote social and economic development and easy access to public services throughout the country.

Concluding, she said transnational organized crimes undermined the rule of law and had far-reaching negative effects on national security and development. Collective efforts based on the principle of shared responsibility must be employed. For its part, she said her country would continue to participate in the fight against transnational organized crimes, while encouraging the United Nations and the international community to continue working together in that regard.

YURY NIKOLAICHUK ([Belarus](#)), pleased with the High-level Meeting and outcome document, called on Member States to act exclusively on the basis of the United Nations Charter and international law rather than arbitrary interpretations of such. Strict compliance with the rule of law would strengthen trust, ensure legality of state activities and strengthen State sovereignty. Demanding that States not apply double standards in rule of law matters, he said that countries "must uphold all obligations all of the time," as well as different States, when necessary, holding different levels of obligation.

In addition, he urged the strengthening of inter-linkages between the rule of law and development goals. Specifically, there should be agreement on scaling new and renewable energy sources to ensure sustainable development of the global economy. Concluding, he called for an effective system for delivering technical assistance to States to be developed, based on requests responded to in a timely manner.

THIPHASONE SENGSOORINHA ([Lao People's Democratic Republic](#)) said, as a multi-ethnic nation, his country saw the value of being governed by the rule of law. Since the adoption of its Constitution in 1998, its Government had extensively undertaken various measures to promote the principle. To date, more than 90 laws and regulations had been adopted, including the passing of a large number of sub-laws such as presidential decrees and ordinances, prime ministers' decrees,

ministerial and provincial regulations and other legal acts, all which formed part of the national legal framework for enhancing the rule of law.

His Government, he went on to say, had in 2009 adopted a Legal Sector Master Plan that aimed, among other things, to improve legal institutions and system, and to promote public awareness of legal rights and public participation, as well as increase the effective implementation of international instruments to which his country was a State Party.

In order to meet its international obligations in promoting the rule of law, he said his country had already become a party to and ratified more than 100 multilateral treaties, almost 200 regional treaties and more than 300 bilateral treaties. A number of key treaties and conventions were also being considered at the national level for accession and ratification in the years to come – a reflection of his country's genuine willingness and strong commitment toward the advancement of national and international rule of law.

LIBRAN N. CABACTULAN (Philippines), recalling the birth of the United Nations in 1945, said the fact that the United Nations stood and remained relevant to this day, was probably the greatest achievement of the rule of law at the international level. His country approached the rule of law from Article 1 of the Charter, which was the very rationale for the 1982 Manila Declaration on the Peaceful Settlement of International Disputes. Noting that the Declaration was commemorating its 30th anniversary in November of this year, he requested Member States' support for the draft resolution, endorsed by the Special Committee on the United Nations Charter, which commemorated that anniversary.

He went on to say that the rule of law was an instrument of justice and development, particularly at the national level. That was especially true now with global economic challenges and financial instability. The United Nations played a key role in supporting and encouraging the rule of law at the national level, but it could further contribute to the development of international law by supporting capacity building, including the exchange of best practices at the national level.

He underscored that the rule of law was ingrained in the very goodness of human nature and in the human desire for orderly and predictable behaviour, but wondered why sometimes such nature was suppressed, resulting in tragic consequences throughout history. "Without the rule of law, there would be no social order, government or civilization to speak of [...] no relations between and among countries, there would be no United Nations," he said in conclusion.

FRANCIS LUGUNDA LUBAMBA (Democratic Republic of the Congo) said that in a society without rule of law, the law of the "jungle" would preside and peace would be seriously disrupted. Respect for the rule of law constituted peaceful co-existence between nations. Those rules were necessary to guarantee individual freedom and respect for human rights. Further, the rule of law included giving citizens the right to an administration of justice system. Such a system was the solid foundation for good governance, and vice versa. One could not exist without the other when working to create lasting peace and development, particularly in his region where those things were deeply needed.

He said that in the Democratic Republic of the Congo, which had ratified almost all international treaties related to human rights, there was a National Plan for the Promotion and Protection of Human rights, which had been revised in 2009. The country had also made numerous recent reforms in matters of justice, human rights, countering corruption and impunity, women's rights and children's rights.

However, he pointed out that there were limits to the rule of law, notably in cases where negative forces, such as armed conflict and violence, rendered populations vulnerable. This was the case in the eastern part of his country, where people were "cast aside from the institutional framework and government reforms". He said that he would be appreciative of States' efforts to champion peace and freedom and to halt all gross violations against people, particularly women and children.

TED DINTERSMITH (United States) said his country's support for the rule of law was evident in its participation in ongoing United Nations initiatives - such as the provision of civilian advisors for police, justice and corrections reform to United Nations missions – as well as in national initiatives aimed at enhancing legal aid and women's access to justice, and in various bilateral programmes. He said his country stood ready to discuss how best to follow up on the recent high-level event in ways that took into account the cross-cutting nature of the rule of law and were inclusive of the broad range of legitimate stakeholders, which should include United Nations components and civil society players, such as national bar associations, businesses, non-governmental organizations and academics.

Stressing the essential role of good governance, including the rule of law, in ensuring inclusive and sustainable development, he said the rule of law in developing countries must be strengthened so as not to risk undoing the progress made toward achievement of the Millennium Goals. Full access to formal justice systems allowed people to live without fear of arbitrary deprivation, displacement or dispossession. Yet impoverished persons and other vulnerable populations, including women and children, and those with disabilities were most susceptible to having their rights infringed upon and were often least aware of their rights. Those individuals who needed justice the most were also the most likely to slip through the cracks of their country's justice system. That was why issues related to governance, including rule of law, were important components of and should be infused throughout the discourse on development and poverty and eradication.

Also, without the assurances that access to the rule of law provided, entrepreneurs could not find credit to grow their small businesses and investors would become less confident that their job-producing investment would be protected. He said that lack of legal security hurt job creation, development and growth in the countries that needed it most. Indeed, the World Bank's 2013 World Development Report recognized the rule of law as "fundamental" to job creation and growth. The critical links between rule of law and development were all the more clear in fragile and conflict-affected states. Where the need for development and development assistance was most acute, so too was the need for the rule of law most urgent.

EDUARDO ULIBARRI (Costa Rica) said that today's dialogue had come in the aftermath of a landmark event – the first High-level Meeting on the Rule of Law. Without fear of exaggeration, he said, the Declaration that resulted from that meeting had demarcated the solid commitment of all States to the consolidation of rule of law nationally and internationally. Because the nature of the rule of law was cross-cutting, it extended to all spheres of work carried out by the United Nations under its three pillars.

Speaking for a country whose foundation was one of equality, justice and peace in both domestic affairs and foreign relations, he said that the institutional architecture of States must protect citizens from the power of government. Since 1973, Costa Rica had acceded to the jurisdiction of the International Court of Justice. Observing the Court's decisions fully and with no exception was the responsibility of all States.

He went on to say that combating impunity was a core component of the rule of law in Costa Rica. In his view, the International Criminal Court was one of the most significant achievements of a multilateral system since creation of the United Nations. In that regard, Costa Rica would work to bring about universality of the Rome Statute.

CARLA TERESA ARIAS OROZCO (El Salvador) said the recently adopted Declaration on the rule of law was a novelty for the international community, as it was the first document that expressly enshrined Member States' commitment, when addressing political, social and economic transformations, to be guided by the rule of law in order to strengthen national and international order.

Recognizing that the rule of law remained a challenge for all States, she said the principle needed to be considered in light of the particular requirements of each State, while also being a reference and basis for all acts by any State.

Recalling the relevant General Assembly Resolution, which requested Member States to prepare sub-topics on the rule of law, she proposed further discussion on the rule of law principles, judiciary independence, rule of law in its relation to democracy, and the rule of law and security, among others.

KIM SAENG (Republic of Korea) first called special attention to paragraph 4 of the Assembly's Declaration on the rule of law regarding the settlement of disputes. That paragraph reflected the basic principles of the international community, with respect to Member States, to select a forum for dispute settlement. He also welcomed the parts of the text that recognized the role and contribution of judicial organs, as well as that which noted the presence of various factors leading to the jurisdiction of the International Court of Justice. The Court's jurisdiction, for example, was applied through agreements and interpretation from other bilateral or multilateral treaties.

Regarding the future consultative body for promoting the rule of law, he said his country was flexible as to its modality and was willing to work toward consensus on the matter. His country had achieved "mature democracy", economic development and an enhancement of human rights in less than half a century. This would not have been possible without a resolute commitment to foster and reinforce the rule of law, both at home and abroad. He expressed willingness to share his country's experiences in that regard.

JOSÉ ANTONIO GONZALEZ (Chile), speaking for the Community of Latin American and Caribbean States (CELAC), recognized the importance of rule and law for friendly and equitable relations and for building just and fair societies, as acknowledged in the High-level Meeting's Declaration. Reaffirming his group's commitment to the principles espoused in that text, he noted that there was still room for improvement to avoid duplication and increase efficiency in rule of law activities.

Respect for the rule of law at the international level implied compliance with the existing international legal framework, he continued, in which the rule of law applied to all States equally and to international organizations. In that regard, States were obligated to settle their international disputes by peaceful means, such as negotiation, enquiry, good offices, mediation, conciliation, arbitration and judicial settlement. Efforts should be made to continue the revitalization of the General Assembly, to strengthen the Economic and Social Council and reform the Security Council to improve good governance at the international level.

Noting reforms in the governance structures, quotas and voting rights of the Bretton Woods institutions, he said those changes had better reflected current realities and had enhanced the voice of developing countries. However, those institutions could be further reformed. National ownership of rule of law activities was important, and the link between the rule of law at international and national levels showed that those were not parallel and separate concepts.

He called on States to refrain from promulgating and applying any unilateral economic, financial or trade measures that contravened international law and which impeded economic and social development. Strengthening the rule of law was not a "problem" exclusive to certain countries or regions but a global aspiration to be governed by agreed values, principles and norms. United Nations assistance in the area should be broad in scope, addressing economic growth, sustainable development and poverty eradication. The rule of law and development, he emphasized, were strongly interrelated and mutually reinforcing.

MEDHI ALAJMI (Kuwait) pointed out that in his report, the Secretary-General considered the rule of law as a principle for governance, wherein the people and institutions were equal before the law and could seek judgement from an independent judiciary. It was necessary to work toward what was contained in that report. Concerning the situation in his own country, he said Kuwait enjoyed a constitutional democratic system, to which everyone was subject and which guaranteed that there was no discrimination between individuals in their rights, duties or enjoyment of freedom and equality.

Next month, Kuwait would celebrate the fiftieth anniversary of its Constitution, considered one of the country's most outstanding accomplishments towards consolidating democracy and the rule of law. More broadly, he said that the formulation of soundly established constitutions led to peaceful political transformation, helped in peace building and preventing the eruption of conflicts. That was the case during the Arab Spring movements, which had affirmed that authority belonged to the people, and that no authority was above the law. The countries swept by such movements had made constitutional reforms a priority to guarantee the rights of people and the supremacy of the law.

Turning to the situation in the Middle East, he said that for more than 60 years, the Israeli-Palestinian conflict had been one of the most prominent cases of violation of international law. Yet the United Nations had not found a solution, and the situation had become further complicated as Israel had persisted in its expansion and settlement policies as well as its aggression against the Palestinian people. He expressed support for a peaceful solution to the conflict, as well for the Palestinian Authority to gain full membership in the United Nations. As for Syria, he said the international community was responsible for the killing of civilians there. The United Nations should promptly issue international resolutions to "stop the bleeding that was costing the lives of innocent people," while assuring there was no immunity for perpetrators. International judicial mechanisms should be used to peacefully settle conflicts, he added.

BYRGANYM AITIMOVA (Kazakhstan) said the High-level Meeting on the Rule of Law had underscored the unanimous position of all Member States in the strict observance of the Organization's norms and principles, as well as in all aspects of State functions. Likewise, she expressed support of the United Nations being assigned the role of coordinator to ensure continuity of the objectives and principles of the United Nations Charter.

Speaking on her country's national progress, she expressed pride that, after 20 years of independence, Kazakhstan was becoming a successful State with a democratic political and legal system, stable economy and high level of welfare. Its constitution served as the legal foundation for the stable development of the country.

She went on to say that her country's political system took into account national interests in the context of global trends. The President's strategy, aimed to ensure prosperity, security and the well-being of all citizens. Further, Kazakhstan strove to achieve and comply with international standards of human rights and had judicial and law enforcement systems, which were constantly in reform.

Kazakhstan, she said, had also created national structures, procedures and regulations that supported human rights. It periodically reported on its efforts on human rights with the International Covenant on Civil and Political Rights. Redress, in cases of denial of rights, was carried out closely with Government and nongovernmental agencies as well as international organizations. There were also programs that ensured the right to development for vulnerable groups, including women and people with disabilities.

PEDRO ECHEVERRÍA (Mexico), noting that the rule of law was a particularly important topic for the Sixth Committee at this time, said that the High Level Meeting addressed the very issue that was, "at the heart of our Organization's agenda". The rule of law was essential to development and peaceful co-existence.

Calling on national governments to implement the provisions of international instruments that guaranteed fundamental principles, he stated that defining the principles of the rule of law was a task broad in nature and one that would provide "decisive impulse" in economic and social development. The Sixth Committee was the best bolster for providing links between international law, other aspects of law and the three pillars of the United Nations' work. Concluding, he expressed support for the future work of governments on this matter.

MAMADI TOURÉ (Guinea) said that, after 50 years of dictatorship in his country, the Government of its first democratically-elected president had made the promotion of the rule of law the basis of its policies. In the fight against impunity, an investigation had been initiated regarding the killing and public rape of peaceful protestors in 2009. Although there had been initial doubts of whether justice would be served, the indictment of high-ranking officers in the army demonstrated the ability of his country's Government to prosecute those individuals responsible for such crimes.

Turning to the issue of rampant financial corruption, he said his Government had conducted an audit of services responsible for management of state resources, which revealed misappropriation of public funds. It aimed to bring such alleged criminals to the tribunals as soon as possible.. The Government also had authorized public demonstration of opposition as long as it was sufficiently safe and would ensure that no chaos ensued or freedom and rights of others undermined. The Government had also organized a debate on justice to identify what was ailing the judiciary and to recommend solutions.

Noting that the rule of law must prevail internationally, he stressed a crucial need for reform of the United Nations towards a more equitable and effective Organization. Further, recent social upheavals, which had often led to changes of regime, demonstrated that the world had become a global village. With use of the internet and TV, people were no longer at the mercy of dictators. It was the international community's duty to back those people in that "noble and universal quest", while ensuring that the responsibility to protect be exercised in a non-selective manner.

ABDUL HAMEED (Pakistan), associating himself with the Non-Aligned Movement, supported the continuation of reform in the procedures of the Security Council in order to ensure due process in the implementation of sanctions regimes. Pakistan appreciated the introduction of the institution of Ombudsperson in the work of the 1989 (Al-Qaida) Committee, he said, expressing hope that country-specific regimes would receive the same treatment in terms of due process as that received by the Al-Qaida Sanctions regime.

As one of the leading and most consistent personnel-contributors over the last few decades, Pakistan was proud of its contribution to that endeavour, he said, adding that his country was also an active player in United Nations post-conflict peace building efforts. He called for strengthening the International Court of Justice by using it for the peaceful settlement of disputes, noting that its advisory opinions could guide the Security Council and the General Assembly in many difficult situations.

Emphasizing the need for consistency between national laws and international obligations, so as to make the rule of law complementary on both levels, he said those nations that affirmed the rule of law as a priority must also respect it beyond their borders. The rule of law played a pivotal role in divided post-conflict societies, which needed help in building national institutions, particularly judicial capacity-building. Strengthening national ownership of reform initiatives could only improve the rule of law at the national level, he said.

KENGO OTSUKA ([Japan](#)) attached great importance to the role of international courts and tribunals in strengthening the rule of law at the global level. Japan's consistent acceptance of the compulsory jurisdiction of the International Court of Justice since 1958 illustrated this belief, he said, urging all States to do the same if they had not yet done so. Japan had been, "a staunch supporter" of such judicial institutions, providing judges and substantial financial contributions to the World Court, as well as the International Tribunal for the Law of the Sea, the International Criminal Court and the International Criminal Tribunal for the Former Yugoslavia. He urged Member States to accede to the United Nations Convention on the Law of the Sea and to the Rome Statute if they had not done so.

Commending the work of the International Law Commission in codifying and progressively developing international law, he noted that the United Nations had adopted many codification treaties based on that body's work, including such important conventions as those on Diplomatic and Consular Relations and the Vienna Convention on the Law of Treaties. Regional frameworks had also played a crucial role in promoting the rule of law at the global level, with the Asian-African Legal Consultative Organization among such examples. Advancing the rule of law at the national level required international cooperation, he said, and assistance for developing countries in that regard was especially important. In that vein, Japan had been supporting the development of legal systems and human resources in other countries, especially in Asia-Pacific nations.

DHARMENDRA YADAV ([India](#)) said the outcome document of the recent High-level Meeting on the Rule of Law stressed the importance of continuing the Security Council reform effort. It was essential to make the body broadly representative, efficient and transparent as soon as possible. India was also of the view that advancing the rule of law at the national level was vital to the protection of democracy, economic growth, sustainable development and ensuring gender justice. It was also important for efforts to eradicate poverty and hunger and protect human rights and fundamental freedoms. Law-making activity at the national level was exclusively the domain of the national legislature.

Regarding sub-topics in the Secretary-General's report entitled "Strengthening and coordinating United Nations rule of law activities," he preferred to take up fewer topics to enable concentrated discussion. Reiterating the importance of strengthening national capacity, especially in developing and least developed countries, he pointed out that assistance in the area of rule of law should be in line with the priorities of the recipient States to ensure proper utilization and the benefit of assistance.

OCTAVIO ERRÁZURIZ ([Chile](#)) said the promotion and respect for the rule of law at the international level involved States' gradual and universal acceptance and compliance with international legal norms. He emphasized respect for international treaties, in that regard, particularly compliance with frontier treaties. The General Assembly should encourage States to conclude, ratify and/or accede to multilateral instruments, which governed matters of interest to the international community as a whole. He further acknowledged the work of the International Court of Justice in dealing with contentious cases and in the exercise of its advisory functions, as well as that body's contribution to international law with its valuable jurisprudence.

He acknowledged the work done by special tribunals, such as the International Tribunal for the Law of the Sea, the regional human rights tribunals, the ad hoc international criminal tribunals and the International Criminal Court, calling the last, "the most advanced expression of the development of international criminal justice," and "one of the most important initiatives of our time [...] a milestone on the road to the abolition of impunity". Further, international law could only function properly when effective domestic-level legal frameworks were in place, nurtured by representative democracy, accompanied by the establishment of national organs and the subordination of all authorities to judiciaries.

On the Assembly's recent High-level Meeting on the Rule of Law, he said the outcome Declaration should have taken a more action-oriented approach, similar to that proposed by the Secretary-General in his report. Endorsing the statement of the Secretary-General, he said that Sixth Committee discussions on the issue should aim at defined purposes. The High-level Meeting was but the beginning stage of reinforcement, he said.

JASPAL SINGH ([Malaysia](#)), aligning with the statements made on behalf of the Non-Aligned Movement and ASEAN, said that the rule of law was deeply entrenched in his country's Federal Constitution. New laws were promulgated, existing laws amended and laws deemed obsolete or not in the best interest of the people were repealed. Recognizing the importance of the rule of law at the national level in contributing towards greater respect for the international rule of law, he said that the relationship worked both ways. As the primary international organization in the enforcement of international law, security, economic development, social progress and human rights, the United Nations should lead by example.

In that context, he expressed concern at the lack of progress in revitalizing the General Assembly and reforming the Security Council. In particular he noted that the use of the veto by permanent Council members went against the principle of the rule of law. Regarding peace and security in the Middle East and North Africa, he said that freedom of expression must be exercised with responsibility in accordance with article 29 of the Universal Declaration of Human Rights, or it could lead to unwarranted consequences in a multicultural, multiracial society like Malaysia's. Double standards and selectivity, such as pointing out alleged atrocities in one State while ignoring those in others, should be avoided when it came to gross violations of international humanitarian and human rights law. The rule of law must apply to all States equally.

ISMAIL CHEKKORI (Morocco) pointed out that the debate today was taking place just days after the High-level Meeting on the Rule of Law. During that event, his delegation had confirmed its commitment to continue the consolidation of the rule of law, in respect to human development and continued dialogue on the topic at the national, regional and international levels. That meeting had been an opportune moment both for affirming States' commitment to advancing the rule of law and for an objective assessment of actions and efforts taken by the United Nations and individual nations.

He said that Member States had elaborated a multilateral consensus to uphold cooperation and to further progress an international community where the rule of law prevailed. The United Nations' organizations and specialized institutions had developed mechanisms and programmes to support Member States' capacities to consecrate the rule of law, particularly further opportunities to enter into dialogue and deepen understanding of political and economic priorities, among others.

As for Morocco's Government, he described a system that put forth conditions, which allowed citizens to freely conduct their affairs. Years ago, Morocco had chosen, in full response to the aspirations of its citizens, to uphold the law and institutions through an integrated, gradual and participatory approach. Such an approach had included the facilitation of major reform workshops. A new constitution reaffirmed his country's commitment to establish a democratic State based on the rule of law. In closing, he said that he looked forward to continuing consultations in the Committee to strengthen the "positive dynamism" created by the High-level Meeting and to deepen discussion on means to follow up on recommendations made in the final Declaration.

NOUR ZARROUK BOUMIZA (Tunisia) expressed support for the Secretary-General's proposal in his report, which called for an international judicial system, based on her country's belief in the important role of such mechanisms to guarantee the implementation of international law. She reaffirmed Tunisia's commitment to align judiciary reform with international rules and norms as indicated by her country's pledges and its ratification of a number of important international instruments.

She went on to renew her country's call for the creation of an international constitution tribunal or court as a new mechanism that would allow components of national or international communities or societies to resort to them, either to consider an existing constitution or law that violated international law, or to address perceived unfair elections. She said such tribunal would have to review international laws and disputed elections and judge the illegality of false actions.

MS. NIYOMNAITHAN (Thailand), associating herself with the Non-Aligned Movement and ASEAN, said the reports "Delivering justice" and "Strengthening and coordinating United Nations rule of law activities" illustrated the valuable role of the United Nations in supporting efforts to spread the rule of law at all levels. They also highlighted the next steps to be taken in developing a more comprehensive United Nations approach in support of national priorities.

Welcoming the successful outcome of the High-level Meeting on the Rule of Law, she cautioned, however, that the Declaration's adoption had not been the end of the work. Rather it was a basis upon, which members of the international community could start developing actions to promote and strengthen the rule of law. Highlighting the importance of gender sensitivity and a rights-based approach to criminal justice, she said equality before the law was a key concept underpinning the rule of law. To translate that fundamental idea into practice, criminal justice systems must take the issue of gender sensitivity into account, she emphasized, pointing out that police investigations, from witness interviews to prosecution, were all too often male-dominated. As a result, women were subjected to both subtle and overt discrimination.

HASSAN ALI HASSAN ALI (Sudan), welcoming the Assembly's recent High-level Meeting on the Rule of Law, called for continued efforts to put that rule in effect at international and national levels while taking into account Charter provisions, particularly with regard to State sovereignty and non-interference. Nevertheless, he expressed reservations, as others had in the debate today, about the Declaration.

In Sudan, he said the competent political and legal bodies were engaged in strenuous work and broad consultations with all segments of society toward drafting a permanent constitution. That new constitution would affirm the rule of law, independence of the judiciary and protection and respect for human rights, among others. His country was also aware of the need to domesticate the norms of international documents. Sudan had integrated into its domestic legislation the bulk of the conventions to which it was party, giving special consideration to vulnerable segments of the population.

Affirming the full right to State sovereignty in justice and the peaceful settlement of disputes, he expressed his support also for the International Court of Justice. Additionally, he called attention to the unilateral action taken by some States against others, which had violated international law. Speaking on United Nations reform, he said the Security Council should improve its decision-making, become more democratic and steer clear of approaches that deepened conflict.

KATARINA LALIC SMAJEVIC ([Serbia](#)) said that given the importance of accountability to the rule of law, combating impunity became an obligation. Her country recognized a shared mutual obligation with the International Criminal Tribunal for the Former Yugoslavia, noting that their goals were identical and feasible. Recalling that the Declaration called for the promotion of national practices, she said her country had shared with other countries and stakeholders its experience and results with the International Criminal Tribunal for the Former Yugoslavia.

She went on to say that she, “attached great importance” to justice as a component of the rule of law for peace and security – an element that was particularly important in her country’s region when addressing matters of reconciliation and “facing the past”. Noting the “organ harvesting” contained in the report of the rapporteur of the Council of Europe, she expected that ongoing war crime allegations would be conducted impartially in order to bring perpetrators to justice.

She also said that uncovering the truth regarding those horrible crimes must remain a top priority. Serbia continued to be committed to working with the relevant institutions for the prosecution of perpetrators of the most serious international crimes. Achievements, however, should not lead the international community to believe that the fight for a strong criminal justice had been won. It was, she stressed, a continuous process wherein there was “no final victory”.

NURBEK KASYMOV ([Kyrgyzstan](#)) recalled that during the Rio+20 Summit, the link had been drawn between the rule of law and sustainable development. In addition, Member States had recognized the importance of acceding to all international conventions and applying them. In his view, the compulsory application of laws and agreements by all Member States was necessary for sustainable development, economic growth and the well-being of all peoples. Kyrgyzstan had acceded to a number of international treaties, including some 40 instruments focused on human rights.

Of great importance to his country was the assurance that the average citizen could participate in political life and understand the aims of Kyrgyzstan’s laws. Such understanding ensured the legitimacy of those laws. All bills directly impacting citizens and concerning the management of business activities would be discussed by civil society through a site organized by law-making bodies and also through parliamentary discussions.

On other elements related to progression of the rule of law, he described the International Court of Justice as one of the key mechanisms for the peaceful settlement of international disputes and welcomed the work of the United Nations programme for teaching, study and wider dissemination of international law. The role of International Law Commission toward the codification and progressive development of international law was also of utmost importance. The Human Rights Council played a substantial role in monitoring the rule of law. Lastly, he encouraged the United Nations to be at the core of providing effective aid to countries and rolling out programmes for sustainable development.

LESTER DELGADO SÁNCHEZ ([Cuba](#)) said that to achieve true rule of law, the international order needed to be changed, and he stressed that such change must start with reform of the Organization, which needed to solve, with the participation of the entire international community, pressing global problems with transparency and democracy. As implied in the recent Declaration, true rule of law put organizations at the service of people and not for the ongoing enrichment of a few.

He went on to say that his country was committed to broad deep-seated Security Council reform making it a transparent and democratic organ that reflected the genuine interests of the international community. That body and its permanent members in NATO openly violated international law and the decisions of the Council itself, with a view to imposing a political agenda and military domination around the world. The international community must refrain from use of force, he said, adding that it was against territorial integrity and the principle of non interference.

He also said that his country rejected any attempt to politicize the subject of the rule of law. True rule of law required an unequivocal rejection of any kind of unilateral action, including extra territorial promulgation of laws or international law, or tribunal. Recalling the economic, commercial and financial embargo on his country for more than 50 years, he urged the United States to comply with the provisions of paragraph 9 of the High Level Declaration and with the innumerable resolutions that the Assembly had adopted on the same theme.

TUVAKO NATHANIEL MANONGI ([United Republic of Tanzania](#)) was pleased that the Sixth Committee had provided a useful platform for States' shared discussions on the rule of law. Urging the Committee to keep the debate alive and to provide greater engagement on the topic, he said the principle was essential for promoting social and economic development and for building a democratic, secure and stable society. The United Nations played a pivotal role in promoting the rule of law and was well placed to strengthen rule of law capacity. The Rule of Law Unit, in particular, had advanced engagement of member states in rule of law.

He also reminded the Committee that, at the national level, the rule of law was at the heart of social contract between the State and citizens, calling the constitution the *magna carta* which ensured guidance and implementation of the rule of law. His country was committed to its international obligations and complied with numerous multilateral treaties to which it was party.

Turning to matters of justice, he attached great importance to ending impunity and prosecuting those who had committed serious crimes. In that regard, he reaffirmed support for the International Criminal Court and the tribunals, which had been pivotal in establishing the rule of law and protecting human rights. As the international community sought to strengthen the rule of law, he concluded, the governing structures of United Nations needed to treat all its members in a fair and equal manner.

KYAW MYO HTUT ([Myanmar](#)) described how international laws and mechanisms, including international courts and tribunals, could bring disputes to peaceful resolution. A case in point was the recent maritime delimitation between Myanmar and Bangladesh, he said, explaining that the issue was "peacefully and even-handedly" settled under international laws through the wisdom of the International Tribunal of the Law of the Sea.

In the domestic reforms undertaken by the Government, the rule of law alongside peace and stability, "occupied a place of higher priority," he stressed. It was in that context that the Rule of Law and Stability Committee was established, with Nobel Laureate Daw Aung San Suu Kyi, now a member of the Parliament, at its helm. Myanmar's political reform was also accompanied by legal sector reform with an aim to ensure the rule of law. Many existing laws had been reviewed and new legislation had been enacted to reflect the provisions of the State Constitution and today's prevailing realities. Trade union activities were being allowed, as had peaceful demonstration. Freedom of assembly was guaranteed and media censorship by the Government had been abolished.

Although the Government was cognizant of the need to conform all national laws to international norms and legal instruments, lack of adequate human capacity and legal expertise had made such a task a major challenge for a country in rapid transition, he said. In that regard, the international community's support was necessary in capacity-building and technical issues.

OLEKSANDR PAVLICHENKO ([Ukraine](#)) said his country valued the United Nations' efforts in promoting the rule of law, noting the successful implementation in his region of a number of rule of law-related projects by the United Nations Development Programme. To strengthen the rule of law at the international level, priorities should include increasing the effectiveness of the international judicial and quasi-judicial institutions, and providing a new impulse to global nuclear disarmament.

He went on to reaffirm his country's determination to fulfil the commitments undertaken within the international initiative of "Open Government Partnership". Additionally, he said his Government's commitments contained in the concrete National Action Plan were aimed at ensuring the effective methods of public administration, involvement of civil society into the process of defining and implantation of governmental policy, and ensuring equal access to justice for all.

Ukraine, he said, was moving steadily along the path of reforms aimed at strengthening the rule of law at the national level, adding that rule of law as a principle was contained in its Constitution. Its Government had made a number of steps to strengthen that principle in different domestic areas, including public administration reform, judicial reform and large scale anti-corruption programs, among others.

DIRE DAVID TLADI ([South Africa](#)) said the rule of law was alive and well in South Africa, with a constitution order which, rooted in democratic values, held public officials accountable, insisted on the equality of all and enshrined human rights protections. While, like all democracies, his country faced

challenges, the constitutional and legislative framework, coupled with a strong judiciary, had proven the ability to overcome those challenges.

He went on to say that, in the fight against impunity, while the primary responsibility for ensuring justice and promoting accountability rested with national systems, where domestic systems were unable or unwilling, the international community had to step in. The international, mixed and ad-hoc tribunals had made a significant contribution in that regard. Pointing out that it was the tenth anniversary of the Rome Statute's entry into force, he noted the challenges that had arose, mainly related to the Security Council, but commented that there had also been achievements, including the handing down of the first judgement in the Lubanga case and the adoption of an amendment to operationalise the crime of aggression.

At the international level, he said, the rule of law was not just about the number of international instruments that were adopted, ratified or even implemented, but just as much about the normative content. "We need to ask ourselves, therefore, whether we are contributing to a fair, just and equitable international order based on respect for and adherence to international law", he stated. In that regard, he said in conclusion, the international governance system should recognize the worth of all of its members equally. A Security Council in which Africa did not have representation in the permanent category could hardly be reflected of such equal worth.

ABULKALAM ABDUL MOMEN (Bangladesh) said that in order to have a just order based on the rule of law, it was vital that developing countries have a greater voice and representation in major global institutions, such as the United Nations Security Council, the International Court of Justice, and the Bretton Woods Institutions. This would aid in ensuring the principle of equity. Multilateral institutions, as well, needed to assist developing countries in their capacity-building efforts for efficient implementation of the rule of law

He went on to say that his country was actively promoting the rule of law and justice in all spheres of life, in particular through administrative, judicial and electoral reforms. Several independent commissions had been formed to uphold international standards of human rights in Bangladesh, whose Government had been elected through a free, fair, all-inclusive and credible election. Further, legal services had been made affordable to its vulnerable and marginalized groups.

He said further evidence of his country's commitment to the rule of law was Bangladesh's role as one of the top contributors to United Nations peacekeeping operations. As well, his country was a party to almost all international conventions on disarmament, nuclear non-proliferation, human rights and humanitarian law, among others.

OD OCH (Mongolia) said his country was a party to more than 240 multilateral conventions, including international core human rights treaties and conventions, and most recently the Second Optional Protocol to the International Covenant on Civil and Political Rights. "By ratifying the Second Optional Protocol we are undertaking step-by-step measures to amend the existing legislation with the aim of abolishing the death penalty in law and practice," he said.

He said that since adopting its Constitution in 1992, the country had been actively carrying out extensive legal reforms aimed at bringing the body of national laws into line with international standards. That modification had enacted new standards related to reforming the national judiciary system, fighting corruption, ensuring good governance, reforming public service and creating favourable conditions for business enterprises.

The Government also hoped to meet international norms and standards set by human rights bodies, he continued. To accomplish that, it held regular informal legal training in order to improve for the public's legal knowledge. Education was also vital, he said, adding that "by educating people we are empowering them, and by empowering people we can maintain international peace and security and strengthen the rule of law". Mongolia defined "promotion of democracy education" as its top priority because knowledge-based public participation in political and economic life was fundamental to a durable democracy. The country also set forth the important objectives of fostering interaction with civil society, strengthening regional cooperation, supporting countries in transition and fighting for zero tolerance of corruption.

ANTÓNIO GUMENDE (Mozambique) said the current debate was a commendable step to materialize the commitment - made at the 2005 World Summit and the recent High-level Meeting - to an international order based on the rule of law. He was of the view that the rule of law was interrelated and mutually reinforcing with development, human rights and democracy. Corruption, on the other hand, eroded public confidence, accountability, legitimacy and transparency. The rule of law was essential to addressing and preventing corruption.

His country's new constitution, adopted in 2004, reaffirmed, developed and deepened the fundamental guiding principles of Mozambique by enshrining a democratic rule of law founded on freedom of expression, free political participation, affiliation and respect of citizen's fundamental rights and freedoms. The constitution had also introduced a new legal entity – the ombudsman. Since adopting the new constitution, his country had embarked on various legal and judicial reforms. Those reforms intended to enhance coordination among different institutions involved in the administration of justice. Public hearings had preceded judicial reforms, which allowed those in civil society to search for solutions to ensure better coordination of judicial institutions.

He went on to say that African leaders had adopted the African Peer Review Mechanism, a voluntary scheme to enable African countries to strengthen their democratic rule and governance structures by sharing and disseminating codes of best practice, good governance, transparency and accountability. Despite various constraints, largely inadequate financial and institutional capacity, the number of countries acceding to the mechanism was growing, as was confidence in it.

* * * * *

For information media • not an official record