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Chair: Mr. Biang (Gabon)

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The meeting was called to order at 10.10 a.m.

Agenda item 86: The rule of law at the national and international levels (A/73/253)

1. **The Assistant Secretary-General for Strategic Coordination**, introducing the report of the Secretary-General on strengthening and coordinating United Nations rule of law activities (A/73/253), said that the report contained many examples of efforts made by Member States, often with United Nations support, to meet international human rights standards and to ensure that justice and security were fair and accessible to all. Such efforts were to be commended, especially when States faced conflict situations or other challenges. Nonetheless, several troubling global trends were continuing to erode decades of progress in the fields of accountability, transparency and the rule of law.

2. The independence of the judiciary continued to be undermined. Judges and prosecutors were being appointed using irregular or politicized selection processes and limitations were being placed on the ability of courts to review the constitutionality of executive decisions; in addition, law enforcement agencies and security forces were being granted greater authority, without being adequately held accountable for their actions, which could lead to the excessive use of force and human rights abuses, including the increased use of legally unfounded digital surveillance. Although such measures were often undertaken as part of counter-terrorism efforts in the name of national security, they could be counterproductive when not rooted in the rule of law and respect for human rights.

3. Although some Member States had taken steps to hold perpetrators of the most serious international crimes accountable in domestic courts, progress had been slow, often compounded by a lack of political will and inadequate resources. Widespread impunity still existed for such crimes committed by both State and non-State actors. Underlying circumstances, such as mass displacement and lack of safe spaces at home and in the community, had allowed the perpetration of violence against women and there had been instances of deliberate incitement to gender-based violence, including by senior State officials. A regressive stance on the part of some Member States had undercut advances made in women's rights. Moreover, despite years of policy development and advocacy, conflict-related sexual violence continued to be inadequately investigated and prosecuted. Corrupt practices continued to undermine the integrity and impartiality of justice systems and the transparency of legislative processes. Some Governments showed a lack of real commitment to addressing corruption in public

administration as a priority. Lastly, attempts had been made to undermine international instruments and international justice mechanisms that were essential to harmonizing international relations, resolving inter-State disputes, promoting a rules-based, rather than a power-based, international legal order and reducing impunity for the most serious international crimes.

4. The United Nations rule of law assistance delivered to Member States at both the national and international levels sought to reverse those trends and help States to address the root causes of conflict. Examples of such assistance, which was always provided at the request of the State concerned, had been included in the report. During the reporting period, the United Nations had assisted Afghanistan, Haiti, Sri Lanka and Somalia in their efforts to strengthen capable, accountable and independent justice and security institutions. It had also supported important transitional justice initiatives to strengthen national justice systems and to investigate and prosecute international crimes in countries such as Colombia, Tunisia, the Gambia and the Democratic Republic of the Congo. The United Nations had supported security and armed violence reduction measures in Nigeria, Pakistan and Bosnia and Herzegovina, and its support had contributed to a decline in violence in El Salvador. In Jordan and Lebanon, countries that had welcomed large numbers of refugees, the United Nations had sought to address tensions between the refugee and host communities by helping the host countries to improve access to justice for all sectors of society, including refugees. The International Commission against Impunity in Guatemala had continued to provide critical support to the Office of the Public Prosecutor of Guatemala, helping to expose corruption and to propose legal reforms in support of national mechanisms. The United Nations had contributed to efforts around the globe to prevent and address sexual and gender-based violence, including in Iraq following its liberation from Islamic State in Iraq and the Levant (ISIL). In Latin America, the United Nations was helping to address femicide, while in South-East Asia, it had assisted judges seeking to address child exploitation cases and to support victims of human trafficking.

5. During the period under review, the United Nations had also contributed to the development, codification and promotion of international legal frameworks on the environment and on transnational organized crime. In that regard, there had been developments in connection with international criminal tribunals, mechanisms had been established to document and investigate atrocity crimes in the Syrian

Arab Republic and Iraq, and a number of Member States had brought cases before the International Court of Justice as a means of resolving inter-State disputes peacefully.

6. Rule of law assistance provided by the United Nations was in line with the reforms undertaken by the Secretary-General and contributed to the achievement of Sustainable Development Goal 16 on peace, justice and strong institutions and other targets related to the rule of law. The United Nations had significantly improved coordination of the support services it provided to help Member States deliver on their commitments in connection with the 2030 Agenda for Sustainable Development. For example, the global focal point arrangement for the police, justice and corrections areas in the rule of law in post-conflict and other crisis situations was continuing to provide coordinated, cohesive, system-wide support to host countries on justice and security matters. The Inter-Agency Coordination Group against Trafficking in Persons was taking a more coordinated and complementary approach to implementing programmes. Strategic reviews of peace operations had led to a greater focus on supporting justice and security sector reform to advance political processes and peace agreements.

7. The Rule of Law Unit in the Executive Office of the Secretary-General had continued to engage with Committee members, had shared updates on global efforts to promote the rule of law and had received invaluable feedback on ways in which the United Nations could improve its assistance to Member States; it would continue such engagement in the future. He asked the Committee to consider recommending that a focus on any of the subtopics suggested by the Secretary-General be included in the provisional agenda of the seventy-fourth session of the General Assembly. He thanked those Member States that had consistently provided political and financial support to the Organization's rule of law assistance work and invited all Member States to join such efforts.

8. **Mr. Al Habib** (Islamic Republic of Iran), speaking on behalf of the Movement of Non-Aligned Countries, said that respect for the rule of law at the national and international levels was essential to maintaining international peace and security and achieving socioeconomic development. It was vital to maintain a balance between the national and international dimensions of the rule of law. The Non-Aligned Movement remained of the view that the latter dimension needed greater attention on the part of the United Nations. Efforts to foster international relations based on the rule of law should be guided by the principle of sovereign equality of States, which meant,

inter alia, that all States should be able to participate equally in law-making processes at the international level. All States should comply with their obligations under treaties and customary international law. Selective application of international law must be avoided and the legitimate and legal rights of States under it must be respected. The prohibition of the threat or use of force in international relations and peaceful settlement of disputes were the cornerstones of the rule of law at the international level. It was therefore essential for Member States to remain committed to a rules-based regime in the conduct of their respective relations with other Member States.

9. The Movement strongly encouraged Member States to identify and pursue measures that would contribute to peace and prosperity in the world and to a just and equitable world order based on the Charter of the United Nations and international law. The Movement also encouraged States to settle disputes peacefully, using the mechanisms and tools established under international law. It called upon the General Assembly and the Security Council to make use, whenever appropriate, of their right under Article 96 of the Charter to request advisory opinions on legal questions from the International Court of Justice. Human rights, the rule of law and democracy were interdependent and mutually reinforcing, and all States should fulfil their obligations to promote universal respect for and protection of human rights and fundamental freedoms for all. With a view to achieving full respect for international law, Member States should renew their commitment to uphold, preserve and promote the purposes and principles of the Charter and international law.

10. The Non-Aligned Movement remained concerned about the use of unilateral measures, which had a negative impact on the rule of law and international relations. No State or group of States had the authority to deprive other States of their legal rights for political reasons. The Movement condemned any attempt to destabilize the democratic and constitutional order in any of its members. Member States should respect the functions and powers of the principal organs of the United Nations, particularly the General Assembly, and maintain the balance among them. Close cooperation and coordination among the principal organs was essential if the Organization was to remain relevant and capable of dealing with threats and challenges. The Movement remained concerned about the continuing encroachment by the Security Council on the functions and powers of the General Assembly and the Economic and Social Council. The General Assembly should play

a leading role in promoting and coordinating efforts to strengthen the rule of law.

11. At the same time, the international community should not supplant national authorities in their task of establishing or strengthening the rule of law at the country level. National ownership of rule of law activities was important, as was strengthening Member States' ability to fulfil their international obligations, including through enhanced technical assistance and capacity-building. United Nations funds and programmes should provide such assistance, however, solely at the request of Governments and strictly within their respective mandates. Account should be taken of the customs and the political and socioeconomic features of each country, and the imposition of pre-established models should be avoided.

12. Appropriate mechanisms should be established to enable Member States to keep abreast of the work of the Rule of Law Unit and to ensure regular interaction between the Unit and the General Assembly. The lack of an agreed definition of the rule of law should be taken into account in the preparation of reports and in the collection, classification and evaluation of data on issues directly or indirectly related to the rule of law. The data-gathering activities of United Nations bodies should not lead to unilateral formulation of rule of law indicators or ranking of countries. Any indicators should be agreed upon by Member States in an open and transparent manner.

13. Cognizant of the importance of the rule of law within the United Nations, the Non-Aligned Movement appreciated the role of the Organization's administration of justice system and supported initiatives to hold United Nations personnel accountable for any instances of misconduct while serving in an official capacity.

14. The Movement reiterated its position welcoming the adoption of General Assembly resolution [67/19](#), which accorded to Palestine non-member observer State status in the United Nations and reflected the international community's long-standing, principled support for the inalienable rights of the Palestinian people, including self-determination, independence and a two-State solution based on the pre-1967 borders. The Movement reaffirmed its support of the application by the State of Palestine for admission to full membership in the United Nations, which had been pending before the Security Council since 2011.

15. While the Movement underlined the importance of freedom of opinion and expression, as provided under article 19 of the Universal Declaration of Human Rights, it wished to emphasize that morality, public order and

the rights and freedoms of others must be recognized and respected in the exercise of that freedom, in accordance with article 29 of the same Declaration. Freedom of expression was not absolute; it should be exercised with responsibility and in accordance with the relevant international human rights law and instruments.

16. It was regrettable that Member States had been unable to agree on a subtopic for the Committee's debate under the current agenda item. The Movement welcomed the subtopics suggested by the Secretary-General in his report and looked forward to discussing them, and any other relevant proposals, with a view to reaching consensus on a subtopic for the Committee's debate under the agenda item at the seventy-fourth session of the General Assembly.

17. **Mr. Jaiteh** (Gambia), speaking on behalf of the Group of African States, said it was regrettable that Member States had been unable to agree on a subtopic for the Committee's debate under the current agenda item. The Group looked forward to discussing the suggestions made in the report and reaching a consensus on a subtopic for the Committee's debate under the relevant agenda item at the seventy-fourth session of the General Assembly.

18. The dissemination of international law was one of the best means of strengthening the rule of law at the international level. Bilateral and multilateral cooperation could provide a vehicle for such dissemination, and technology could also be useful. The dissemination of international law could help to strengthen international peace and security and promote friendly relations and cooperation among States. Indeed, States had an obligation under the 1949 Geneva Conventions and the 1997 Additional Protocols thereto to disseminate international humanitarian law.

19. At the regional level, the African Union Commission on International Law played a valuable role in disseminating international law. The Commission was an advisory body established as part of efforts to accelerate socioeconomic development in Africa through the promotion of research in all fields. It encouraged the teaching, study, publication and dissemination of literature on international law, in particular the laws of the African Union, with a view to promoting acceptance and respect for the principles of international law, the peaceful resolution of conflicts, and respect for the Union and recourse to its organs. The work of the Asian-African Legal Consultative Organization offered a good example of bilateral cooperation in disseminating information and exchanging views and experiences relating to international law in order to strengthen the rule of law.

20. At the multilateral level, the United Nations played an important role in disseminating and promoting international law, and the Group called upon the Secretariat to explore ways of further enhancing that role in order to strengthen the rule of law. The United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law contributed actively to improving knowledge of international law through the International Law Fellowship Programme, the regional courses in international law, the Audiovisual Library and the preparation and dissemination of publications and other information relating to international law. The Programme had played an important role in advancing the teaching, study and application of international law, particularly in developing countries, where it had helped to build capacity in that field. The Group strongly supported the Programme and wished to express its appreciation for the yearly regional courses in international law for the African region, which had benefited numerous African scholars and civil servants.

21. **Mr. Ke** (Cambodia), speaking on behalf of the Association of Southeast Asian Nations (ASEAN), said that the report gave a useful overview of achievements and challenges in strengthening the rule of law at the national and international levels, and highlighted the activities undertaken by the United Nations in that regard. Since its founding, ASEAN had been an inclusive, rules-based community governed by the rule of law. The ASEAN Charter embodied the fundamental principles of the rule of law, including respect for peace and security, good governance and the promotion and protection of human rights. The ASEAN Human Rights Declaration and the ASEAN Political-Security Community Blueprint, instruments that facilitated cooperation among the ASEAN member States, helped to further strengthen the rule of law at the national and international levels.

22. Promotion of the rule of law at the national and international levels must be carried out in accordance with the purposes and principles of the Charter of the United Nations. The principles of sovereign equality and territorial integrity of States and non-interference in their domestic affairs should be accorded the utmost respect, and national legal, political, religious, social and economic perspectives should be placed at the centre of all rule of law activities. For the rule of law at the national and international levels to be strengthened, selectivity and double standards in the application of international law must be avoided. Furthermore, greater consistency and efficiency were necessary to achieve greater engagement on the part of all partners.

23. The United Nations should provide greater technical and capacity-building assistance, at the request of Member States, to support the implementation of rule of law programmes and activities and ensure that the efforts of all parties were coordinated effectively and transparently. The workshops held regularly by the Treaty Section of the Office of Legal Affairs and the activities of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law were particularly valuable. The Committee's debates under the current agenda item provided States with an opportunity to learn from one another by sharing best practices. It was therefore regrettable that delegations had been unable to agree on a subtopic for discussion at the current session. Noting that the Secretary-General had proposed a number of subtopics in his report for future discussion, he encouraged all delegations to work constructively to come to an agreement on a subtopic for consideration at the following session.

24. ASEAN had long been committed to ensuring stability and security in its region and had adopted a number of treaties to that end, including the Treaty of Amity and Cooperation in Southeast Asia (1976), the Treaty on the Southeast Asia Nuclear Weapon-Free Zone (1995), the Declaration on the Conduct of Parties in the South China Sea (2002) and the Declaration of the East Asia Summit on the Principles for Mutually Beneficial Relations (2011). In addition, the Association's member States continued to work with China towards the early conclusion of a code of conduct in the South China Sea.

25. With the advent of new technologies, ASEAN was in favour of improving the working methods of the United Nations and reviewing the regulations giving effect to Article 102 of the Charter. ASEAN welcomed the timely inclusion of the new agenda item entitled "Strengthening and promoting the international treaty framework". It hoped that discussions under that agenda item would lead to concrete action allowing the General Assembly to update the regulations, as appropriate.

26. Open and transparent dialogue contributed greatly to building respect for the rule of law at the national and international levels. ASEAN member States were therefore pleased that the International Law Commission had held part of its seventieth session in New York, which had allowed for fruitful interactions between the Commission's members and New York-based delegations. As the Commission made important contributions to the progressive development of international law and its codification, ASEAN hoped that it would continue to hold part of its sessions in New York in the future.

27. **Mr. Chaboureau** (Observer for the European Union), speaking also on behalf of the candidate countries Albania, Montenegro and the former Yugoslav Republic of Macedonia; the stabilization and association process country Bosnia and Herzegovina; and, in addition, Georgia, the Republic of Moldova and Ukraine, said that the United Nations was to be commended for continuing to meet the needs of Member States in such areas as ensuring the effectiveness of justice and security institutions; seeking accountability for serious crimes under international law; supporting transitional justice initiatives; facilitating access to justice for marginalized groups; working to ensure security and justice for women and girls; combating corruption; and endeavouring to strengthen national institutions to reduce violence and crime and fight terrorism. The Organization's assistance in building national capacity to strengthen the rule of law was crucial for addressing worrying global trends. Such assistance sought to improve security and reduce armed violence; bring justice for human rights violations and abuses in communities recovering from conflicts and crises; curb the excessive use of force and human rights abuses by militias and security forces; strengthen the protection and inclusion of internally displaced persons and refugees; end violence against women and mitigate contributing factors such as mass displacement and incitement to gender-based violence; address corrupt practices affecting the integrity and impartiality of justice systems and the transparency of legislative processes; and counter attacks on the independence of the judiciary.

28. The European Union gave a high priority to gender equality. It called on States to establish legal and legislative frameworks that prevented and addressed all forms of discrimination against women and assured their full and equal access to justice and participation in governance institutions in order to ensure that they fully enjoyed the benefits of the rule of law. The European Union supported the use by States of international justice mechanisms, including by accepting the compulsory jurisdiction of the International Court of Justice or through other international tribunals, to resolve inter-State disputes and to promote a rules-based international legal order. International treaties and binding decisions were essential to harmony in international relations and should be interpreted and implemented in good faith to address emerging threats to political and economic stability and transnational and international crimes.

29. Respect for international law and the rule of law was the basis of the global order, with the United Nations at its core, and was inextricably linked to the

protection of human rights and fundamental freedoms. Respect for human rights was therefore also an important part of rule of law assistance. It was the responsibility of Member States and of international organizations to uphold and respect international law, including international human rights law and international humanitarian law. The European Union and its member States encouraged any Member States that continued to impose and carry out death sentences to establish a moratorium with a view to abolishing the death penalty.

30. Member States had the primary responsibility for investigating and prosecuting serious crimes under international law. When national legal systems failed, however, owing to a lack of political will or the capacity to genuinely act, justice was delayed and conflicts were prolonged. The United Nations should continue its efforts at the national and international levels to strengthen accountability for international crimes, notwithstanding the challenge of mobilizing resources for international accountability mechanisms. The European Union strongly supported the work of the International Criminal Court and other international criminal tribunals.

31. The European Union welcomed the commencement of the work of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, and other efforts by the United Nations to preserve evidence and bring perpetrators to justice. Noting the view of the Secretary-General that voluntary funding was not always appropriate for international accountability mechanisms, the European Union supported efforts by the United Nations to identify alternative arrangements for funding the International, Impartial and Independent Mechanism, including through the United Nations regular budget. The European Union also supported independent commissions of inquiry and fact-finding missions in response to widespread human rights violations, and measures to bring perpetrators to justice. It welcomed the establishment by the Human Rights Council of an independent mechanism to collect, consolidate, preserve and analyse evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011.

32. The rule of law assistance provided by the United Nations was playing an increasingly critical role in efforts to address the root causes of conflict. Although more political will and resources were needed to respond to emerging global threats, the United Nations

also needed to evolve and improve its preparedness, including by establishing peacekeeping missions with more focused and achievable mandates that matched the available resources. Comprehensive strategies for transitioning from peace operations to development assistance, which addressed funding gaps faced by United Nations country teams and provided for greater support following mission drawdown, would help Member States to achieve sustainable development and lasting peace.

33. The European Union welcomed the progress made in attaining system-wide strategic coordination and coherence with regard to rule of law engagement, particularly through the use of the global focal point arrangement for police, justice and corrections. The Executive Office of the Secretary-General should continue to bring together partners with an impact on peace and security, human rights and development from across the United Nations. The European Union encouraged further reflection on and evaluation of the Organization's effectiveness in supporting rule of law efforts at the national and international levels. It also continued to support measures to enhance the impact on the ground and coordination efforts to improve the efficiency of United Nations rule of law support at the national level.

34. The rule of law was essential for achieving sustained and inclusive economic growth, eradicating poverty, addressing environmental degradation and ensuring that all human rights and fundamental freedoms were realized. The European Union strongly supported efforts that contributed to the achievement of the Sustainable Development Goals and encouraged Member States to report on their activities in that regard at the 2019 high-level political forum on sustainable development, at which the implementation of Goal 16, among others, would be reviewed.

35. It was regrettable that it had not been possible for the Committee to hold its traditional in-depth discussion on a subtopic during the current session. Among the practical measures being taken by the European Union to strengthen the regional implementation of the rule of law aspects of the 2030 Agenda were the annual preparation of a scoreboard presenting the perception of judicial independence and other comparative data for each country, in order to encourage member States to improve the effectiveness of their judicial systems; the rule of law framework of the European Commission aimed at addressing emerging threats to the rule of law within European Union member States and helping members to learn from each other; the mainstreaming of the Sustainable Development Goals in the European policy framework; the elaboration of the New European

Consensus on Development by the European Commission, the European Parliament and the European Council; and the adoption of the Global Strategy for Foreign and Security Policy of the European Union, which set out a vision for its integrated, credible and responsive engagement with the world.

36. All States had the responsibility to strengthen the rule of law. Democracy, human rights and the rule of law were mutually reinforcing and should be addressed as an integrated whole. The European Union therefore believed in the importance of partnership in strengthening the rule of law. It encouraged the United Nations to continue to support its Member States in measuring progress on rule of law aspects and in engaging the private sector and civil society in those efforts.

37. **Mr. Petersen** (Denmark), speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), said that the implementation of the rule of law elements of the 2030 Agenda would benefit Member States in their efforts to establish a rules-based international legal order, thus helping to resolve and prevent intra-State and inter-State conflicts. Democracy, human rights and the rule of law were mutually reinforcing and must be addressed as an integrated whole.

38. Achieving Sustainable Development Goal 16, with its emphasis on providing access to justice for all at the national and international levels, was especially important. People who experienced discrimination, disempowerment and financial constraints that limited their access to legal services faced the most significant barriers to accessing justice. Such access to justice was a guarantee against exclusion, inequality and instability and was important for securing stability. A justice system that did not work, or worked poorly, decreased the credibility of a Government in the eyes of its citizens and might allow parallel or alternative justice schemes to be established, thereby eroding the conditions needed for sustainable development. The high-level political forum on sustainable development to be held in 2019 would provide an opportunity to review Goal 16 and highlight its importance in addressing injustice, corruption, political exclusion and other drivers of conflict, which was essential for realizing peaceful, just and inclusive societies.

39. The primary responsibility of each State was to protect its entire population. Sovereignty and responsibility went hand in hand in that respect. A State's unwillingness or inability to protect its people was a blatant failure in its duty to uphold its responsibility to protect. The limited international

attention given to crimes against ethnic and religious minorities and the tendency to ignore and underreport hate crimes had resulted in escalating violence against minorities. The final report recently issued by the independent international fact-finding mission on Myanmar documented how elusive justice could be for victims in a country where impunity was deeply entrenched in the political and legal systems. International action was urgently needed to promote accountability and support the rule of law in Myanmar. The recent establishment by the Human Rights Council of an independent mechanism to collect evidence of the most serious international crimes committed in Myanmar since 2011 and to prepare files in order to facilitate and expedite fair and independent criminal proceedings had been a positive development in that regard.

40. The Nordic countries firmly supported the efforts of the international community to ensure that those responsible for genocide, crimes against humanity, ethnic cleansing or war crimes were brought to justice. For that reason, they were strong proponents of the International Criminal Court as a court of last resort that complemented national courts. States themselves had primary jurisdiction to investigate and prosecute allegations of serious international crimes and to bring justice to victims and the affected communities. The Court must therefore continue to work independently on the basis of the jurisdiction conferred upon it in the Rome Statute.

41. The three pillars of the United Nations – peace, sustainable development and human rights – were interdependent and formed the basis for resilient and cohesive societies rooted in inclusion, justice and the rule of law. States had the primary responsibility for upholding human rights, which were also at the heart of the United Nations and its Human Rights Up Front initiative. It was essential for the United Nations and its partners around the globe to stand up for those rights and to focus on strengthening the rule of law and better preventing human rights crises.

42. **Ms. Boucher** (Canada), speaking also on behalf of Australia and New Zealand, said that the rule of law was a universal principle of the United Nations and not the product of any single legal system or tradition. The rule of law was essential for the realization of sustained economic growth, sustainable development, the eradication of poverty, the protection of human rights and fundamental freedoms and the maintenance of international peace and security. Strong and stable democratic institutions were key to ensuring respect for the rule of law.

43. In that connection, an important challenge was to strengthen the rule of international law, which was the foundation of a stable rules-based international order in which sovereign independence and the equality of States were protected. Respect for the rule of law was also inextricably tied to ending impunity, especially for the most serious international crimes. The work of independent, professional and recognized international courts and tribunals that held to account those responsible for such crimes as genocide, war crimes and crimes against humanity was a cornerstone of the rules-based international order. Thus, the three countries continued to support the work of the International Court of Justice in the peaceful settlement of international disputes. Furthermore, they were parties to the Rome Statute and long-standing supporters of the International Criminal Court and its efforts to hold the perpetrators of the most serious international crimes to account. Ad hoc and other specially established international criminal tribunals and international arbitration mechanisms, such as the International, Impartial and Independent Mechanism for the Syrian Arab Republic, also supported the rule of law by promoting national reconciliation, providing justice to victims and contributing to building a lasting and inclusive peace. In that connection, Australia, Canada and New Zealand welcomed the recent decision of the Conference of the States Parties to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, in which the States parties had condemned in the strongest terms the use of chemical weapons in Iraq, Malaysia, the Syrian Arab Republic and the United Kingdom since 2012, and had also given the Organisation for the Prohibition of Chemical Weapons a mandate to attribute responsibility for the use of chemical weapons in the Syrian Arab Republic, with a view to facilitating universal attribution of all chemical weapons attacks. The three countries welcomed the adoption by the Human Rights Council of a resolution establishing an independent mechanism to collect evidence of the most serious international crimes committed in Myanmar since 2011.

44. A second, equally critical, challenge was to strengthen the rule of domestic law within the constitutional and legal framework of individual States. Having a system in place that established and administered the law on the basis of transparent assessments, equality before the law, open access to an independent and impartial court, and the independent and non-arbitrary application of legal rules to individual cases was critical to domestic stability, prosperity and social consensus. Meeting both challenges was equally important, as stable domestic law frameworks were

critical to the governance of a State's international relations, peacekeeping and development aid efforts.

45. As had been recognized in the 2030 Agenda, good governance, the rule of law and transparent, effective and accountable institutions were important for sustainable development. The three countries had been working within international institutions and taking part in capacity-building activities to make good on their commitment to achieve Sustainable Development Goal 16 by promoting just, peaceful and inclusive societies. Their support for national capacity-building efforts included assistance to fragile countries in strengthening legislation, the provision of experts to improve the efficiency and accountability of legal systems, contributions to increasing access to justice through bilateral governance programmes, and regional work with police, courts, corrections systems, legal aid agencies, justice departments and informal justice providers. Those efforts had helped to develop regional capacity for combating transnational crime, increased access to justice tailored to national and local circumstances and strengthened judicial independence. Together, they were helping to build a stronger and more stable rule of law for the benefit of all.

46. Valuable work was being done in the United Nations system to promote and advance the rule of law. Member States must recognize the considerable contribution of the International Law Commission to the codification and development of international law. The three countries also appreciated the work of the Rule of Law Coordination and Resource Group and the Rule of Law Unit in coordinating the exchange of information about rule of law activities within the United Nations system and assuring the coherence of rule of law policy and programming. They urged all Member States to support the work of those institutions.

47. **Ms. Kalb** (Austria) said that the United Nations had achieved important results in strengthening the rule of law by supporting the rule of law initiatives of Member States. Challenges remained, however, relating to independence of the judiciary, overreach of law enforcement in the name of counter-terrorism, regressive stances on gender equality and violence against women, and a lack of political will and resources in support of national efforts to ensure accountability. As the coordinator of the Group of Friends of the Rule of Law, her delegation was pleased that the Secretary-General had continued to give the rule of law a high priority in the context of system-wide policy coordination. In that connection, it was regrettable that the Committee had not been in a position to take part in an open dialogue, as called for by the Secretary-General, on how to improve the effectiveness, sustainability and

coherence of United Nations rule of law assistance activities across the three pillars of the Organization. Her delegation reiterated its request that the Secretary-General recommend specific measures for accomplishing that objective. It agreed that the United Nations must do more to support Member States in implementing the elements of the 2030 Agenda related to the rule of law, particularly in view of the fact that progress on Sustainable Development Goal 16 would be reviewed at the high-level political forum on sustainable development to be held in 2019. The rule of law had a clear impact in terms of eliminating poverty, reducing inequalities, supporting gender equality, protecting the environment and creating just, inclusive and strong institutions.

48. The international community must strengthen accountability for the most serious crimes at the national and international levels and allocate more resources to achieving that goal. Ensuring accountability and ending impunity for violations of international human rights and humanitarian law was central to the reconstruction of post-conflict societies and to lasting peace. Austria strongly supported the International Criminal Court and welcomed the recent activation of its jurisdiction over the crime of aggression. Her Government had contributed financially to the International, Impartial and Independent Mechanism for the Syrian Arab Republic and welcomed the recent establishment by the Human Rights Council of a similar mechanism for Myanmar. It also supported commissions of inquiry and fact-finding missions and had recently pledged additional financial support to international justice mechanisms.

49. More resources were needed to support effective rule of law assistance within peacekeeping operations and during transitions to United Nations country teams. The Secretary-General's focus on prevention and on independent reviews of peacekeeping operations would help to strengthen the justice and rule of law components of those operations. Austria commended the global focal point arrangement for improving the coordination and cohesion of United Nations rule of law assistance in the field.

50. A rules-based international system with clear and predictable rules was an essential precondition for lasting peace, security, economic development and social progress. All Member States should actively promote an international order based on international law, with the United Nations at its core, which meant ratifying and implementing international human rights treaties and other relevant international agreements and settling disputes by peaceful means. In that connection, she noted that the International Law Commission played an important role in codifying and progressively

developing international law. As in the case of the articles on responsibility of States for internationally wrongful acts and the United Nations Convention on Jurisdictional Immunities of States and Their Property, its work was often cited and applied by national and international courts even before it reached the status of a binding multilateral treaty, especially where it reflected customary international law.

51. More work was needed to ensure compliance with international law, including international human rights and humanitarian law, to strengthen peaceful mechanisms for dispute settlement. All States should accept the compulsory jurisdiction of the International Court of Justice. Her Government fully supported the work of the human rights treaty bodies, the universal periodic review in the framework of the Human Rights Council, regional mechanisms and other efforts such as the intergovernmental process on strengthening respect for international humanitarian law being conducted within the framework of the International Committee of the Red Cross.

52. Austria had been among the first States to ratify the Treaty on the Prohibition of Nuclear Weapons. In view of the catastrophic consequences of nuclear weapons, a nuclear-weapon-free world and the maintenance of the global non-proliferation regime were her Government's foreign policy priorities. The Treaty complemented existing disarmament obligations under the Treaty on the Non-Proliferation of Nuclear Weapons and was an important step towards ensuring human security and promoting the protection of civilians.

53. Lastly, she stressed that efforts to promote the rule of law were not abstract but served to protect the rights and interests of individuals, a goal to which her Government would continue to give the utmost priority.

54. **Mr. Almansouri** (Qatar) said that a commitment to the rule of law at the national and international levels helped to prevent conflict and create an environment in which social problems could be confronted. The international community had recognized that the rule of law could not prevail unless dignity and human rights were protected. Conversely, promoting the rule of law would help to strengthen political, economic, social and cultural rights. In accordance with the Charter of the United Nations, relations between States should be governed by the rule of law and the principles of equality, mutual respect and adherence to international law. The behaviour of countries should be consistent with international law and with all the obligations that it entailed. Monitoring mechanisms were necessary in order to ensure that countries fulfilled those obligations.

55. Respect for the sovereignty of States was the cornerstone of international relations based on the rule of law. Any endeavour to impose policies on States for purposes inconsistent with international law was a flagrant violation of international law, human rights and the principles of State equality, sovereignty and territorial integrity. It also undermined the mandate of the United Nations as set forth in the Charter and directly endangered international peace and security.

56. Qatar was committed to the principles of the rule of law and continued to demonstrate its commitment at both the national and the international levels. At the national level, his Government was careful to respect the rule of law as an essential means of promoting good governance and achieving equality and justice for all citizens and residents of the country. It attached particular importance to strengthening the relevant State institutions and putting in place a domestic legal framework that was consistent with international standards. Domestic legislation was being revised to ensure that it was in line with the international conventions to which Qatar was a party and with the Constitution's provisions on the separation of powers and respect for fundamental rights and freedoms.

57. At the international level, Qatar would continue to cooperate with the international community in fostering the rule of law by contributing to the peaceful settlement of disputes at the international and regional levels, in keeping with international law and the Charter of the United Nations. At the regional level, it would continue to do its utmost to support the work of the Rule of Law and Anti-Corruption Centre in Doha, which was playing an important role in efforts to combat corruption and promote the rule of law.

58. **Ms. Duncan Villalobos** (Costa Rica) said that sound national and international institutions, acting in a consistent way, were a precondition for the success of efforts to advance peace and security, human rights and sustainable development. As expressed by the Secretary-General in his report (A/73/253), United Nations rule of law assistance was critical to reverse trends relating to the undermining of the independence of the judiciary, restore the specific functions of justice institutions and improve the delivery of justice services to populations. Her delegation therefore called on States to take advantage of the technical capacity available from the United Nations system to reach that goal.

59. It was crucial to promote and observe the rule of law in order to progress towards peace, stability, democracy and respect for human rights. Respect for democratic institutions and the strengthening of such institutions was vital to achieve development. Her

country's experience and international evidence had shown that countries in which the rule of law prevailed were able to ensure better living conditions for their citizens. Sustainable development could be achieved only if there were sound, legitimate institutions through which the Sustainable Development Goals could be met.

60. Democracy must be understood as much more than the regular holding of free elections. It entailed full political participation; the rotation of power; gender equity; freedom of association, petition and expression; legal certainty; independence and separation of powers; transparency; accountability; access to justice; due process in criminal cases; and the absence of impunity. Ensuring access to justice for all, especially for vulnerable population groups, was the duty of all States. Patterns of social and economic exclusion, however, militated against true access to justice; they were a driver of radicalization and a fertile ground for the most serious crimes under international law. Sustainable development was the surest way of preventing internal conflicts.

61. Her Government agreed with the Secretary-General that improving women's access to justice should be a priority, in order to address chronic inequalities experienced by many women and girls in their daily lives. It also shared his assessment of the circumstances underlying violence against women that needed to be addressed at the national level. At the international level, respect for the rule of law meant complying with the international legal framework. In the past year, Costa Rica had deposited three international legal instruments. It was committed to the peaceful settlement of disputes using the legal machinery offered by international law and dialogue between the parties to the conflict. The International Court of Justice played a crucial role in the peaceful settlement of disputes between States, and in the development of international law and the strengthening of the rule of law. All States should fully abide by its decisions in good faith.

62. Her Government noted with satisfaction that the International Criminal Court was gradually bringing to justice those responsible for the worst violations of international law and crimes against humanity. It also welcomed the activation as of 17 July 2018 of the Court's jurisdiction over the crime of aggression, approved by the Assembly of States Parties to the Rome Statute in December 2017.

63. Her delegation again called on all States that had not yet done so to ratify the Rome Statute and the amendments thereto and urged those that had decided to withdraw from the Rome Statute to reconsider their decision. States parties should remain mindful that their

main responsibility lay with the victims of mass atrocities and that they should comply with their obligations under the Statute by cooperating with the Court and implementing all its judicial decisions without delay.

64. **Mr. Alavi** (Liechtenstein) said that it had become crucial to stand up for the rules-based order that the international community had worked so hard to establish and that was currently under attack. Challenges to peace and security called for a strengthening of the international legal order. The recent activation of the jurisdiction of the International Criminal Court over the crime of aggression was therefore a landmark development which, by criminalizing the most serious forms of the illegal use of force and thus creating individual criminal accountability for aggressive war-making, reinforced the Charter of the United Nations. Liechtenstein was one of the 36 States that had ratified the Kampala amendments on the crime of aggression and it would continue to work with all the States parties towards the universal ratification of the Rome Statute as amended. It was the responsibility of the international community to defend the vision represented by the Rome Statute and, 20 years after its adoption, to work together to make the Court a stronger institution.

65. The International Criminal Court was the central institution in the fight to ensure justice for the most serious crimes under international law, but it was not the only one. National judiciaries retained primary jurisdiction, according to the principle of complementarity. Until the Rome Statute had achieved universality and the Security Council was able to play its role under that Statute, alternative paths to accountability must be found where necessary. The International, Impartial and Independent Mechanism for the Syrian Arab Republic illustrated the potential for the General Assembly to play a productive role in that area. Less than two years after it had commenced operation, the Mechanism was fully operational and was having a concrete impact, as reflected in the investigations and prosecutions under way in a variety of national courts and the information shared by States. Accountability for crimes committed in Syria was thus within reach. Likewise, the establishment by the Human Rights Council of a similar mechanism for Myanmar sent a clear message that justice must be ensured, as well as pointing to the strong political acceptance enjoyed by the Mechanism for the Syrian Arab Republic. Moreover, the case of Myanmar, where the International Criminal Court had established limited jurisdiction, would significantly test the extent to which such accountability mechanisms could coexist and cooperate with the Court.

66. Activities to ensure justice were more economical than the military interventions of peacekeeping missions. More importantly, they were investments in sustainable peace. Holding perpetrators accountable facilitated the reconciliation of societies, fostered stability and prevented cycles of violence. The financial sustainability of international accountability mechanisms should therefore be improved. Such mechanisms should be funded from the regular budget of the United Nations, as had been decided in the case of the mechanism for Myanmar. His delegation would continue to work with like-minded States and the Secretary-General to ensure regular budget funding for the Mechanism for the Syrian Arab Republic. Bearing in mind that the rule of law was an accelerator towards the realization of the 2030 Agenda, especially with respect to preventing conflict, sustaining peace and advancing the universal protection of human rights, it commended the United Nations for its efforts to make its rule of law assistance to Member States more effective and coherent, and supported greater collective efforts to promote the rule of law in order to achieve the Sustainable Development Goals.

67. **Ms. Onanga** (Gabon) said that current world problems such as climate change, mass displacement, migration, conflict and poverty, together with the political changes they brought about, highlighted the universality of the rule of law both as a principle governing the life of nations and as an aspiration of peoples for dignity, greater justice and more coherent and durable institutions. There was, however, no single model for strengthening the rule of law: its promotion depended on a shared vision and political will. Dialogue was therefore required to ensure national ownership.

68. Gabon was deeply attached to the rule of law, both at the domestic level and in relations with other countries and its international partners, as reflected in its Constitution and in its Government's determination to foster social peace and justice at the national level. Strengthening the rule of law was a priority for her Government as part of its strategic plan for 2025. Gabon was continuing to strengthen a number of institutions through far-reaching reforms in the justice system, aimed primarily at revitalizing the judiciary and ensuring its independence, in particular by allocating additional budget resources and providing better training. Awareness-raising programmes were also being carried out to enable people to understand the judicial system better and improve their access to justice.

69. In developing countries, the law must serve to ensure security and social peace while guarding against extremism and intolerance. The Gabonese Parliament

had put in place a robust legislative framework to punish intolerance, tribalism and racism, which weakened the social fabric, sapped social cohesion and undermined efforts to strengthen the rule of law.

70. To combat corruption and money-laundering, a framework document had been prepared with the technical and financial support of the United Nations Development Programme. An anti-corruption operation had been launched in March 2017 against individuals suspected of financial malpractice.

71. At the international level, Gabon firmly supported the principles of the Charter of the United Nations. It was steadfast in its commitment to developing harmonious relations with its neighbours and, where appropriate, promoting the peaceful settlement of disputes between nations. The sovereign equality of States, the right of self-determination of peoples, territorial integrity and non-interference in the domestic affairs of other nations were its basic guiding principles. In an increasingly interdependent world where technological advances had given added momentum to the exchange of ideas, the movement of persons and the transfer of tangible and virtual goods, there was unprecedented pressure to depart from those principles. It was therefore important to reaffirm the obligation of States and international institutions to respect them in order to ensure more harmonious relations among States, irrespective of their size or power.

72. **Mr. Sawada** (Japan) said that the essence of the rule of law lay in the supremacy of law over arbitrary power and in ensuring that power was exercised to protect and benefit the people. The International Court of Justice, the International Tribunal for the Law of the Sea and the International Criminal Court were vital to ensuring the rule of law and the peaceful settlement of disputes, and Japan continued to provide both human and financial resources to support them. The International Criminal Court, in particular, had made steady progress in investigating and prosecuting the most serious crimes of international concern and Japan remained committed to supporting its efforts to combat impunity.

73. His delegation greatly appreciated the work of the United Nations in promoting the rule of law and strengthening its universality. In particular, the General Assembly played a vital role in ensuring the progressive development and codification of international law. His delegation had been pleased to support the events held to mark the seventieth anniversary of the International Law Commission earlier in the year and had welcomed the opportunity for members of the Sixth Committee to

observe the Commission's discussions during the part of its session held in New York.

74. Japan had undertaken a broad range of rule of law support activities, both domestically and internationally. It worked closely with the Asian-African Legal Consultative Organization to promote discussion among its member States on current international law topics and was currently hosting its annual session in Tokyo. Reflecting its commitment to the Sustainable Development Goals, particularly Goal 16, in 2020 Japan was to host the fourteenth United Nations Congress on Crime Prevention and Criminal Justice. The rule of law was also closely woven into its international assistance efforts: capacity-building for justice and rule of law institutions featured prominently in the aid efforts of the Japan International Cooperation Agency and was aimed at helping to advance the rule of law all over the world.

75. **Ms. Bavdaž Kuret** (Slovenia) said that the rule of law was essential to international peace and security, sustainable development, respect for human rights and accountability for international crimes. Much of the work of the United Nations in strengthening the rule of law at the national level accorded with her country's priorities, for example, the enhancement of human security in conflict-affected countries, the reduction of armed violence around the world and the promotion of security and justice for women and girls. Slovenia was currently promoting women's empowerment in the Western Balkans, Middle East and Africa.

76. Respect for international legal rules and compliance with international legal obligations were the very foundation of international relations based on the rule of law. Such obligations included decisions and awards by international courts and tribunals, one of which was the final award issued in 2017 by the Permanent Court of Arbitration in the case between Slovenia and Croatia. Failure to respect those decisions was a failure of respect for the rule of law. Slovenia abided by such decisions even if they presented a considerable financial burden and did not necessarily accord with its views or desired outcome. As a long-standing supporter of the International Criminal Court, it encouraged all States that had not done so to consider joining the Court; it had renewed its political support for the Court's independence by endorsing the statement issued in that connection by a group of States at the initiative of Liechtenstein.

77. The rule of law was the best guarantee of freedom, dignity and prosperity for all people. It was an essential prerequisite for successful cooperation between nations, the peaceful settlement of disputes, and stability, predictability and progress in international and bilateral

relations. Slovenia accordingly stood ready to contribute to strengthening and promoting the rule of law at the national and international levels.

78. **Mr. Omer Dahab Fadl Mohamed** (Sudan) said that respect for the rule of law at the international and national levels was indispensable for the maintenance of international peace and security and for socioeconomic development. His Government attached paramount importance to the rule of law and continually reviewed domestic legislation to ensure that it was consistent with international conventions and standards. In his report (A/73/253), the Secretary-General rightly pointed out that in the previous year, profound political and security challenges had been seen in all parts of the world, sometimes eroding decades of progress made in securing accountability, transparency and the rule of law. However, the main focus of the report was the national level; the international level was mentioned only briefly. The United Nations was to be commended for supporting Member States on all continents, including the Sudan, to develop domestic capacities to strengthen the rule of law, in alignment with their needs and priorities and consistent with United Nations policy to promote gender equality and human rights and to achieve peaceful and inclusive societies.

79. In paragraph 80 of the report, reference was made to the death penalty, which continued to be a contested issue. His country's position, like that of other countries and societies, remained unchanged: the death penalty was a matter of national sovereignty. It had cultural roots, and no culture could impose its will on another. The issue had prompted disagreements whenever it had been raised, and the current context was not the appropriate forum to settle it.

80. The principles enshrined in the Charter of the United Nations provided the foundation for friendly relations based on dialogue, mutual understanding and State sovereignty. The peaceful settlement of disputes was the best way to uphold international peace and security, strengthen relations among States, avoid conflict and enhance the rule of law at the national and international levels. In order to ensure that States engaged with that process, a clear and transparent system should be in place, allowing States to fully scrutinize the activities of the Secretariat. The rule of law at the national and international levels was fundamentally a matter for States and no attempt should be made to impose a one-size-fits-all model.

81. It was essential to maintain a balance between the international and national dimensions of the rule of law. The Organization should focus more on the international dimension, which should be governed by the Charter

and the principles set forth therein. In accordance with the principle of sovereign equality among States, States should have equal opportunities to formulate international law. All States must comply with their obligations under international conventions and customary international law. International law should not be applied selectively, and the rule of law at the international level should be based on the principles of the prohibition of the threat or use of force and the peaceful settlement of disputes. States must remain committed to rules-based international relations.

82. His delegation also called upon Member States to settle disputes by peaceful means through the mechanisms and instruments established by international law, including the International Court of Justice and the various regional and international arbitration mechanisms. Likewise, in order to create a transparent and legal framework for balanced international relations, the General Assembly and the Security Council should exercise their prerogative under Article 96 of the Charter to seek advisory opinions from the Court on legal questions.

83. In order to demonstrate its commitment to the rule of law, the international community must avoid politicizing international justice or using it to achieve extraneous political goals. The International Criminal Court, in particular, was being used in that way to target individuals. It had become clear that the Court's approach was based on selectivity and double standards. The Court thus posed a serious threat to international justice and to the values around which the international community ought to unite. The relationship between the United Nations and the Court was a matter of particular concern. Paragraph 55 of the report stated that the Organization had assisted the Court through the sharing of information and evidence. However, the two bodies were not parts of a single organization; nor should the relationship between them be hierarchical. It was also very worrying that certain parties were attempting to impose the Court and its activities on the international community, notwithstanding the provisions of the Negotiated Relationship Agreement between the International Criminal Court and the United Nations. Actions under international law should be taken with due regard for relations among the subjects of international law, namely Member States. The international community should therefore refrain from granting power to entities that had a dubious mandate and whose compliance with the most important principle of international law, namely equality, was open to question. Unfortunately, the International Criminal Court was a flagrant example of failure to comply with legal principles, as it attributed legal responsibility for

unlawful acts to individuals on the basis of their nationality, regardless of their involvement. The rule of law was often discussed as though it were synonymous with the Court; but it could not be tied down to such a flawed institution.

84. In conclusion, his delegation wished to underline the importance of respect by all Member States for the respective prerogatives and mandates of the various United Nations organs, especially the General Assembly. He hoped that the Committee's draft resolution concerning the rule of law would be adopted by consensus and would transparently reflect the Committee's deliberations.

85. **Mr. Al Arsan** (Syrian Arab Republic) said that his delegation agreed with the Secretary-General that supporting Member States to achieve equal access to justice for all and respect for the rule of law was a complex and long-term endeavour. It was also convinced the rule of law was a paramount goal to which all parties without exception should aspire. However, words alone could not bring security, stability and prosperity for all peoples of the world while leaving no one behind, as had, at least in theory, been the aspiration of the drafters of the 2030 Agenda.

86. The rule of law was indivisible. Members of the Committee could not escape their duty to ensure respect for the provisions of international law and the principles enshrined in the Charter, in particular the principles of sovereignty, non-interference in the internal affairs of States and peaceful settlement of disputes, as well as the obligation to work to end occupation, combat terrorism, consolidate international peace and security, and curb unilateral coercive economic measures.

87. His delegation had many reservations regarding the contents of the report. At the very least, it made it easier to expose the fact that the challenges to the strengthening of the rule of law at the international level stemmed from selective practices, double standards and political and financial inducements offered by the Governments of certain influential States known as donors. Those Governments believed that they were mandated and entitled to interpret and apply the principles of international law and the Charter, to politicize concepts of a legal and humanitarian nature and to pick and choose from the 2030 Agenda. It was worrying that United Nations officials were promoting and defending those States. Under such circumstances, it was unlikely that billions of people would enjoy peace, security and prosperity, with no one left behind, by 2030.

88. The report included numerous examples of United Nations support for capacity-building by Governments

in the areas of accountability at the national level for serious crimes under international law, transitional justice initiatives, and strengthening national institutions to prevent violence and combat terrorism and crime. In those contexts, the authors of the report described the cooperative relations between the competent United Nations entities and the Governments of the concerned States. However, in the sections concerning the Syrian Arab Republic, the authors deliberately failed to mention the role of the Syrian Government or its cooperation with the United Nations, raising genuine concerns as to whether they showed the professionalism, impartiality and balance that ought to characterize the Organization's relations with every Member State.

89. In paragraph 63 of the report, the authors insisted on promoting the so-called International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011. However, that so-called International, Impartial and Independent Mechanism had been established on the basis of a General Assembly resolution that had been adopted without consensus. By considering the issue, the General Assembly had contravened Article 12 of the Charter and encroached on the exclusive prerogatives of the Security Council. Articles 10, 11, 12 and 22 of the Charter made it quite clear that the General Assembly had no mandate to conduct judicial prosecutions or criminal investigations, or to provide support for any criminal investigation. Moreover, the resolution had been pushed through without any consultations or negotiations with the Government of the Syrian Arab Republic, which was the concerned State. The "Head" of the so-called Mechanism had thus far imposed conditions that would give her a pretext to refrain from cooperating with the Syrian Government, which would, of course, never recognize the so-called Mechanism, its purported mandate or any of its actions. A steadily growing number of Member States shared that legal and political stance. They were coming to realize that the so-called Mechanism was unlawful and politicized, with no legal standing to enter into agreements with States or other entities. It followed that the United Nations should not accept any donations for the so-called Mechanism or grant it any funds from the regular budget.

90. In the case of the establishment of a team to investigate the terrorist organization Islamic State in Iraq and the Levant (ISIL), as mentioned in paragraph 64 of the report, the procedure set forth in the Charter had been correctly followed. The Security Council, acting in accordance with its mandate, had

adopted resolution 2379 (2017), by which it had requested the Secretary-General to establish an investigative team, headed by a special adviser, to support domestic efforts to hold ISIL accountable by collecting, preserving and storing evidence in Iraq, but not outside the country. That resolution had been adopted by consensus after several months of difficult negotiations with the Government of Iraq. The establishment of the so-called Mechanism, on the other hand, had been a legal and moral scandal that would come back to haunt the parties involved.

91. The United Nations still could, and indeed must, preserve its impartiality and credibility when facilitating the political process in Syria. Regrettably, certain United Nations entities had chosen to submit to political and financial pressures and inducements provided by the Governments of the States behind the establishment and financing of the so-called Mechanism. Their pretext was to achieve justice in Syria. However, some of those same Governments had funded, armed and supported armed terrorist groups in Syria, including the Nusra Front. Others freely admitted that they intended to hinder the return of Syrian refugees and displaced persons to their homes and deny funding for reconstruction in Syria. The legal and judicial institutions of the Government of the Syrian Arab Republic had full capacity to achieve justice and accountability. They would inevitably need technical support, but that should be provided without politicized and detrimental foreign interference. The so-called Mechanism would not last. Its spurious mandate must not be allowed to set a dangerous precedent for interference in the internal affairs of States.

92. His delegation had hoped that, in proposing subtopics for the current agenda item, the Secretariat would act in an impartial and transparent manner and take into consideration the proposals received from a significant number of States. Yet it had ignored the issue of the negative effects of the imposition of unilateral coercive economic measures on the rule of law and the realization of the Sustainable Development Goals. After his visit to the Syrian Arab Republic from 13 to 17 May 2018, the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights had expressed profound concern at the effects of such measures imposed on the country, which were difficult to reconcile with the claim that they existed to protect the Syrian population or promote a democratic transition.

93. **Mr. Young-hyo Park** (Republic of Korea) said that international law was the cornerstone of the international order and the bedrock for the lawful governance of global affairs. The rule of law was part of the universal core values of the United Nations and

reinforced its three pillars. Enhancement of the rule of law at the national and international levels was also essential for the implementation of the 2030 Agenda. His delegation wished to underscore the importance of inclusiveness; the rule of law should not serve as a means to exclude any country or region but rather to further dialogue, engagement and cooperation. The long-standing valuable cooperation between the Committee and the International Law Commission had contributed to the development of the rule of law and played a major role in norm-setting in a number of fields. In-depth discussion in the Committee, reflecting the systems, traditions, practices and perspectives of each nation and region, would make international law more effective and contribute directly to the advancement of the rule of law at the national and international levels. Continued efforts were needed to improve the Committee's working methods and enhance its efficiency, for example by defining the appropriate scope and timeline of its work to enable it to thoroughly review and constructively discuss the outcomes of the work of the International Law Commission.

94. His Government was joining collective international efforts to end impunity for perpetrators of the most serious crimes through domestic legislation. Following its active participation in the elaboration of the Rome Statute, the Republic of Korea had enacted in 2007 the Punishment of Crimes under the Jurisdiction of the International Criminal Court Act, which fully reflected the principle of complementarity enshrined in the Rome Statute.

95. His delegation looked forward to the in-depth review of Sustainable Development Goal 16, and in particular the target of promoting the rule of law at the national and international levels and ensuring equal access to justice for all, at the 2019 high-level political forum on sustainable development. To promote the rule of law, it was vital for Member States to share best practices and lessons learned with other States that might lack resources and capacity. The Republic of Korea, for its part, was committed to strengthening the rule of law at the international level through a variety of programmes and activities. In 2016, his Government had launched the Seoul Academy of International Law, which provided training in theories and practices relating to current international legal issues for those engaged in the field. His Government was also actively involved in projects to build the judicial capacity of other countries by sharing its judicial expertise and experience with them.

96. **Mr. Escalante Hasbún** (El Salvador) said that his country was grateful for the support it had received from the United Nations for the promotion of the rule of law

at the national level, and in particular for the implementation of measures to bolster democracy and development, strengthen the lawfulness and legitimacy of the political system and establish institutions grounded in the separation of powers and respect for human rights. Since the signing of the Chapultepec Accord in 1992, El Salvador had been engaged in consensus-based democracy-building and the development of new institutions in full respect for human rights. The Salvadoran Constitution recognized the human person as the origin and purpose of the activity of the State, whose organization and operation were underpinned by the principles of representative democracy, legal certainty, lawfulness and probity in the exercise of public service. Public servants were representatives of the people and, as such, directly responsible for compliance with the Constitution and other laws, irrespective of the capacity in which they served. Accordingly, various institutions had taken steps to guarantee the integrity of public servants in the performance of their duties, such as the investigations into the financial assets of public officials and former public officials conducted by the Probity Section of the Supreme Court. Such investigations were an effective tool to combat corruption, having led to civil and even criminal proceedings being instituted against former presidents and public officials. In addition, El Salvador had a Government Ethics Tribunal, which was empowered to sanction all public officials, regardless of their capacity, for violations of rules of conduct, whether committed within or outside the national territory.

97. Transparency and access to public information were preconditions for effective citizen participation, which in turn contributed to a fully effective rule of law. The Access to Public Information Act allowed the population to seek information from all branches of public administration. El Salvador had also strengthened citizen participation across the political spectrum by establishing advisory boards, citizen assemblies and other channels for the representation of broad swathes of society, with a view to developing comprehensive solutions in line with the proposals and needs expressed. For example, citizens were involved through the Legislative Assembly in the process of selection and evaluation of candidates for the judiciary.

98. Strengthening the rule of law at the national and international levels required a focus on all aspects of human security. Democratic security – of vital importance for the development of citizenship – was of special concern to his Government, which had given priority to the implementation of the Safe El Salvador Plan, formulated by the National Council for Citizen Security and Coexistence. Another area of particular

attention was the integration of children and adolescents, who had a strategic role to play in development; guaranteeing their political, social, economic and cultural rights would also strengthen the foundations of the rule of law. Mechanisms facilitating access to justice for children and adolescents played a significant role and, in that regard, the National Judicial Facilitators Service brought community leaders, the judiciary, the Attorney-General's Office and the national civilian police together to promote a culture of peace and strengthen alternative dispute prevention and resolution mechanisms, with a particular focus on the most vulnerable population groups, including children and adolescents.

99. Mindful that future generations would be responsible for maintaining the democratic pillars of Salvadoran society and must therefore be given the opportunity to maximize their chances of well-being, his delegation suggested a subtopic concerning youth and the rule of law for future discussion by the Committee, so as to explore appropriate measures to ensure the strengthening of democracy and the protection of human rights among children and adolescents. His Government would continue to make every effort to study the rule of law, particularly with regard to the implementation of practices and standards that would ensure legal certainty at the national and international levels.

100. **Mr. Cuellar Torres** (Colombia) said that his delegation appreciated the acknowledgment in the Secretary-General's report (A/73/253) of the effort his country had made to establish the Special Jurisdiction for Peace to investigate and prosecute those who had participated in the Colombian armed conflict; it welcomed the Organization's assistance as it worked to improve security and reduce armed violence in urban areas with high rates of criminality.

101. In the complex process of establishing a sustainable and lasting peace following the signing of the peace agreement, Colombia gave central importance to the right to justice, not only for victims but also for all citizens. It was a democratic, participatory and pluralist social State under the rule of law, founded on respect for human dignity, work, solidarity and the prevailing general interest, as stated in its Constitution. Solid, independent institutions constantly concerned with effectively ensuring liberties and keeping power in check were key to strengthening democracy and restoring citizens' trust in democracy.

102. While Colombia had a strong tradition of respecting and developing the rule of law, thereby offering an international benchmark for legal practice in many fields, its people still sought the effective

protection of that rule of law for every individual, including the many who had long suffered the scourge of violence and inequality. It was time to put an end to the coexistence of two Colombias side by side. His Government was committed to moving towards the existence of a single country guided by the rule of law. Respect for the rule of law was essential for the achievement of a sustainable peace. Despite the magnitude of the challenges faced in the complex post-conflict period, the Colombian authorities would continue to work together with civil society, and with the support of the international community, to promote the rule of law, restore peace and ensure that victims were able to exercise their rights to truth, justice and reparation. The justice system must never reward those who had committed the worst crimes. Machinery to ensure the effective rule of law must therefore incorporate the necessary safeguards, even if that necessitated changes to current provisions. In that connection, his delegation welcomed the support that the United Nations could provide in strengthening the rule of law.

103. The Organization should give precedence to cooperation with States in its rule of law assistance work. To that end, efforts should be made to improve communication between the General Assembly, the Economic and Social Council and the Security Council. The credibility of the various measures adopted by those bodies hinged on their effectiveness in restoring international peace and security. To meet the complex and multidimensional challenges facing the international community, efforts were needed to ensure that the measures taken would be sustainable and effective in the long term.

The meeting rose at 1.05 p.m.