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Chair: Mr. Jaiteh (Vice-Chair) (Gambia)

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In the absence of Mr. Mlynár (Slovakia), Mr. Jaiteh (Gambia), Vice-Chair, took the Chair.

The meeting was called to order at 10.05 a.m.

Agenda item 83: The rule of law at the national and international levels (continued) (A/74/139)

1. **Mr. Bhandari** (Nepal) said that his Government attached great importance to the rule of law, which was essential for promoting peace and development. The main features of the country's Constitution included adherence to the rule of law, protection of human rights and fundamental freedoms, democratic governance and the independence of the judiciary. Discrimination on the basis of race, gender, language, religion, culture or political beliefs was against the law. Legislation had been enacted to strengthen the rule of law and ensure accountability in both civil and criminal cases. Nepal was a party to 24 international human rights instruments, which it had incorporated into its national legal order. His Government had a policy of zero tolerance concerning corruption, and sought to promote transparency and accountability.

2. At the international level, Nepal was an advocate for the principle of sovereign equality of States and a democratic, inclusive and fair international order. In recent years, the rise in terrorism, violent extremism, transnational organized crime and hate speech had undermined efforts to promote the rule of law. To establish the rule of law at the international level, a balance must be found between the enjoyment of rights and the fulfilment of obligations by all in good faith. The rule of law should not be used as a cover for foreign domination. Every State, regardless of its size or level of development, must abide by customary international law. It was hard to defend and sustain democracies within national borders if the global community of nations was dominated by undemocratic mechanisms.

3. Promoting the rule of law was one of the targets of Sustainable Development Goal 16, on peace, justice and strong institutions, but it was also essential for achieving the other Goals, as the rule of law ensured equal opportunities for all. In order to establish the rule of law, it was essential for Governments to adopt measures that reflected local realities and to empower ordinary people.

4. **Mr. Nyanid** (Cameroon) said that, at the national level, there could be no democracy without the rule of law, and at the international level, the rule of law was the foundation for a peaceful, prosperous and fair world, as envisaged by the Charter of the United Nations. The international community must therefore work together

to promote the rule of law, with a view to supporting economic growth and sustainable development, eradicating poverty and hunger, and protecting human rights and fundamental freedoms.

5. In that connection, his delegation was committed to promoting and respecting the rule of law at the national and international levels. In Cameroon, all persons were equal before the law and all had a constitutional right of access to justice. A legal aid mechanism had been developed to ensure that all citizens, including the poorest, had access to the legal system. The Constitutional Council, established in 2018, was responsible for overseeing constitutional matters and the functioning of the country's institutions. Besides the traditional institutions, various other entities worked to promote the rule of law in Cameroon, including the National Commission on Human Rights and Freedoms, the National Commission for the Promotion of Bilingualism and Multiculturalism, the National Youth Council and the Cameroon Network of Human Rights Organizations.

6. Despite the economic difficulties it faced, Cameroon was reforming its civil registration system, modernizing its prisons, combating corruption, countering terrorism and providing emergency humanitarian assistance to thousands of refugees. Increased support from the United Nations and other partners would help his Government to further consolidate the rule of law in the country. His Government had faith in the judicial systems of countries that hosted Cameroonian nationals and others whose daily actions contributed to the chaos in its territory; it hoped that those who were responsible for atrocities would be brought to justice. For its part, the Government would continue to honour its international commitments made in the context of bilateral agreements on judicial cooperation concluded with a number of States. It also made it a point of honour to respect international law and to promote the use of mechanisms for peaceful dispute settlement.

7. The existing international order was undoubtedly under pressure, with attempts to develop a *sui generis* law which was no longer based on universally accepted principles but on perceived national interests, national security and sometimes geopolitical and strategic considerations. His Government found that nascent configuration a cause for concern and hoped that chaos would be avoided with a return to the mechanisms that had been used to build and structure the existing Westphalian order. Although the world was changing, its stability and security would be ensured if States continued to work within the legal framework established by the Charter of the United Nations and

other relevant instruments. The international community should strive to create a more equitable international legal order, free from interference and cronyism, in which the interests of all States were taken into account, the principle of sovereign equality was respected, and rich and poor States were treated alike by international institutions.

8. **Mr. Oña Garcés** (Ecuador) said that the rule of law was essential for ensuring peaceful coexistence among peoples and States. All individuals living in Ecuador, whether they were nationals or not, had the same rights and obligations. All were equal before the law and all had access to an efficient and transparent system of justice. Ecuador defended the sovereign equality of States, as enshrined in the Charter of the United Nations; it was a party to all the core international human rights instruments; and not only defended human rights at the international level, but also applied them in practice in its foreign policy, as evidenced *inter alia* by its asylum and refugee policy.

9. The rule of law would have to evolve in response to a changing world and new economic, social and environmental challenges. Achieving the goals of the 2030 Agenda for Sustainable Development, in particular Sustainable Development Goal 16, and ensuring equality, inclusivity and strong institutions, would be a good start.

10. Ecuador fully supported the various international courts and tribunals. It had recently ratified the amendments on the crime of aggression to the Rome Statute of the International Criminal Court and hosted a regional seminar on opportunities for cooperation in the framework of the Rome Statute. It was important to strengthen regional mechanisms for the protection of democracy, which could also help States to agree on political and social solutions to humanitarian and political crises affecting whole regions.

11. At the national level, the Government was working with civil society, the private sector, international organizations and academic institutions to foster peace, justice and civic participation, and to combat corruption. As noted in the report of the Secretary-General (A/74/139), the Organization had helped Ecuador to develop national strategies to counter corruption and impunity. His Government was committed to building a fairer society, with a strong justice system, better public access to information and improved accountability mechanisms and oversight bodies.

12. Lastly, his delegation placed special importance on the development of the rule of law at the national and international levels. In that connection, it believed strongly in the work of the Sixth Committee of the

General Assembly, the highest legislative organ of the United Nations and the only international forum with jurisdiction to lead the process of developing and strengthening the rule of law.

13. **Mr. Aidid** (Malaysia) said that his delegation fully supported the rule of law at the national and international levels. Since becoming a Member of the United Nations, Malaysia had played an active role in furthering the purposes of the Organization, as set out in Article 1 of its Charter. Malaysia had served as a non-permanent member of the Security Council and as a member of the Human Rights Council and the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law. Malaysia, which had benefited from the regional courses in international law and the Audiovisual Library, would continue to support the important work of the Programme of Assistance.

14. Malaysia remained committed to multilateralism, as embodied in the United Nations, which was the most appropriate intergovernmental platform for promoting rules-based interaction among States. Malaysia continued to support the peaceful settlement of disputes, whether through negotiation, mediation, arbitration, judicial settlement or other diplomatic means, based on its experience with its own peaceful transition to independence. The deployment of Malaysian troops to United Nations peacekeeping operations around the world was further evidence of the country's commitment to upholding peace, security and respect for international law.

15. His delegation attached great importance to the progressive development of international law and its codification through the work of the International Law Commission. It followed the Commission's deliberations closely and provided inputs during the Committee's consideration of the report of the Commission on the work of its annual session. The active and meaningful participation of States was essential for developing the rule of law at the international level.

16. Given that democracy was one of the core values of the United Nations, the veto powers of the permanent members of the Security Council should be reviewed. Those powers allowed a handful of States to overrule the views and wishes of the majority. Malaysia had consistently voiced concerns that use of the veto hampered the fulfilment of the Organization's aims and purposes, namely, maintaining international peace and security by preventing wars between nations, in

accordance with the principles of justice and international law.

17. **Mr. Proskuryakov** (Russian Federation) said that, in his report, the Secretary-General had sought to capture all aspects of United Nations activities to promote the strengthening of the rule of law. It was not entirely clear, however, why he had addressed the abolition of the death penalty, the fight against cybercrime and the impact of climate change on peace and security. All those issues were comprehensively and effectively discussed in various dedicated forums, especially since they could only be addressed in a superficial manner in the report. The Committee was thus not the most appropriate forum for the serious consideration that those matters undoubtedly deserved. Moreover, their discussion in the Committee was a classic case of a duplication of effort.

18. United Nations assistance to States – for example, with building their Constitutions or improving their legislation – must be provided solely at the request of those States and with due regard for their national strategies and priorities. A comprehensive analysis of the cultural, historical, legal, religious and other particularities of the unique models for the rule of law of each State must be part and parcel of efforts by the United Nations to strengthen the rule of law at the national level. At the same time, the choice of State structure and governance model was an internal matter for States and inseparable from the principles of equality of States, State sovereignty and non-interference in internal affairs.

19. His delegation had consistently called for the United Nations to focus on the rule of law at the international level in particular. In the report, however, the relevant section was devoted almost entirely to international justice mechanisms, notably the International Criminal Court, a marginal body for the United Nations whose work had given rise to well-founded criticism from the international community. The report also dealt, for reasons that were not clear, with the illegitimate “Mechanism” to investigate crimes in Syria and a similar structure set up for Myanmar. The establishment of the “Mechanism” had been accompanied by blatant violations of international law and of the Charter of the United Nations. His delegation therefore urged the Secretary-General and Member States to refrain from providing any support to it.

20. While his delegation supported the work of bodies such as the International Law Commission and the United Nations Commission on International Trade Law, their activities were already discussed in other forums. The same was true of the various mechanisms

for the peaceful settlement of disputes; the utility of detailing in the report the decisions they handed down was therefore questionable. At least one delegation was seeking to use the discussion to highlight its biased and politicized views of various judicial and arbitral proceedings under way, which was scarcely conducive to constructive dialogue.

21. The role of the Global Focal Point for the Rule of Law still needed to be defined by Member States. Moreover, it remained to be seen whether that entity – the product of a purely administrative decision by the Organization to collocate staff from certain departments – would provide any added value.

22. Worthy of note was the section of the report on sharing best practices and ideas to promote respect for international law, a topic that the Committee could pursue the following year. It could be useful, at that time, to exchange and review practices with respect to the application of agreements between the United Nations and host countries.

23. The Russian Federation paid close attention to the rule of law and stood ready to work with all interested parties to promote the rule of law at the national and international levels.

24. **Mr. Bručić-Matic** (Croatia) said that the rule of law ensured the equality of all citizens before the law and protected them against the arbitrary use of power. Efficient institutions that inspired public confidence and an independent, impartial judiciary were of the utmost importance. Croatia was committed to the peaceful settlement of disputes, in accordance with international law. The principles of international law were paramount in achieving peace and security at the international level.

25. All international courts and tribunals must meet the highest legal and moral standards. If they were not completely independent and impartial, their decisions would be legally void, their legitimacy and authority would be undermined, and States would be discouraged from considering third-party dispute settlement.

26. Croatia strongly supported the full and unequivocal implementation of international humanitarian law and international criminal law, as well as all efforts aimed at ending impunity. It was particularly important to scrupulously interpret and rigorously apply international humanitarian law and international criminal law in proceedings before international bodies. Croatia would do its part to ensure that wrongdoers were held accountable. Attempts to circumvent the principles of international humanitarian law and international criminal law or to establish

quasi-judicial bodies that took a selective approach to prosecuting perpetrators represented a threat to peace and stability and would not bring justice to victims and their families.

27. Croatia strongly supported the work of the International Criminal Court, which was the most important instrument for combating impunity for the most serious international crimes. It also welcomed the work of the International Residual Mechanism for Criminal Tribunals and the other international criminal courts and called upon all States to cooperate with them, in accordance with their obligations under the relevant Security Council resolutions.

28. **Mr. Millogo** (Burkina Faso) said that there could be no lasting peace or political stability unless States placed the law at the centre of their actions. Strengthening and upholding the rule of law should therefore be a priority at the national and international levels.

29. At the national level, the rule of law should be based on an independent, accessible and effective justice system that protected the rights of all citizens, in particular the most vulnerable groups, and on combating corruption and impunity, which weakened governance. The decision of the citizens of Burkina Faso to build a State that respected individual rights and democratic standards was reflected in the ratification of the main international human rights instruments and in the consolidation of the domestic legal framework. Following wide-ranging consultations with the people of Burkina Faso, a new Constitution that reflected the changing social and political circumstances in the country had been drafted and would be voted on in a referendum shortly. Budgetary allocations had also been increased for the legal aid fund, to promote access to justice for the poorest. The defence and security forces respected human rights and international humanitarian law in their operations, even when countering terrorism, and specialized judicial units had been created to deal with terrorism offences. The Government continued to organize training for members of defence and security forces.

30. At the international level, the rule of law should be the cornerstone of international relations. Robust efforts were needed to create an effective multilateral system that was founded on respect for the principles of the Charter and international law and served all States. Burkina Faso believed strongly that compliance with international law was the basis of peaceful coexistence between States; it therefore worked tirelessly to implement the international legal instruments to which it was a party.

31. The rule of law was also a cross-cutting matter. Burkina Faso welcomed the United Nations assistance in Africa in strengthening judicial and security structures, reducing armed violence, tackling poverty and climate change, ensuring access to justice for vulnerable groups and promoting good governance, democratic principles and respect for human rights and civil liberties. The United Nations regional and refresher courses in international law also helped strengthen the rule of law.

32. Despite the progress made, a number of challenges remained, including the rise in hate speech, intolerance, discrimination and attacks on places of worship. His delegation welcomed the launch of the Plan of Action to Safeguard Religious Sites and urged all States to implement it. Burkina Faso was committed to the rule of law and called for States to cooperate and share their experiences in order to promote and uphold international law at all levels.

33. **Ms. Ali** (United Arab Emirates) said that her country, since its foundation, had striven to incorporate rule of law principles into its Constitution and into its law-making, in order to safeguard basic rights. At the national level, her Government was adopting preventive policies in the belief that development was not merely a matter of economics but required, first and foremost, investment in people based on tolerance, mutual acceptance and equality for all. The vision of her country, expressed in its National Agenda 2021, was to build a sound, safe and crime-free society and to strive for a fairer and effective justice system safeguarding the rights of individuals and institutions. For the fifth consecutive year, the United Arab Emirates had been at the forefront of the countries in the Middle East and North Africa ranked on the World Justice Project Rule of Law Index, thanks to efforts to combat corruption, improve security and law enforcement and apply criminal justice more consistently.

34. The United Arab Emirates had to fortify itself against extremist and sectarian elements, protect its institutions and maintain stability in order to ward off the threat of disintegration and collapse that faced other countries in its region. Terrorist groups inspired by radical ideologies had emerged as the greatest challenge to the world order. Some countries were breaching the rule of law by financing terrorism and providing terrorist groups with a safe haven. Deeper international cooperation was needed in order to exchange information and hold those countries to account.

35. The rule of law was key to her country's efforts to foster peace, security and stability in the region and around the world, prevent conflicts and consolidate

human rights. Laws must be tightened and cooperation intensified to combat money-laundering, corruption, human trafficking and transnational crime. Strengthened partnerships with regional and international organizations were also vital to making progress on the rule of law.

36. **Mr. Dang Dinh Quy** (Viet Nam) said that many regions of the world continued to be affected by conflict, tensions and political, economic and social inequalities, in part because international law had not been observed in good faith. New challenges were also emerging, including terrorism, climate change, digital technologies and artificial intelligence, for which an adequate institutional framework was required. Upholding and promoting the rule of law at the national and international levels was critical to maintaining peace and security, achieving sustainable development and protecting human rights.

37. The promotion of the rule of law at the international level must be based on the fundamental principles of international law, particularly those enshrined in the Charter of the United Nations. All disputes must be resolved by peaceful means, in accordance with international law. The International Court of Justice and other international judicial institutions had a fundamental role to play in the peaceful settlement of disputes, including through their advisory opinions.

38. Together with other members of the Association of Southeast Asian Nations, Viet Nam was striving to transform South-East Asia into a peaceful, stable and prosperous region. It urged the parties involved in the South China Sea (also known as the East Sea) to respect international law, in particular the United Nations Convention on the Law of the Sea. In the context of complex developments in the East Sea, including serious incidents that had infringed upon its sovereign rights and jurisdiction in its maritime zones as defined by the Convention, Viet Nam called upon all parties concerned to exercise self-restraint, to refrain from unilateral acts that might escalate tensions at sea, to settle disputes by peaceful means in accordance with international law, to fully respect diplomatic and legal processes, to implement the Declaration on the Conduct of Parties in the South China Sea in its entirety, and to expedite the conclusion of an effective and legally binding code of conduct.

39. His delegation strongly supported the central role of the United Nations in strengthening the rule of law at the international and national levels, and especially in providing assistance to developing States in formulating

and implementing national legislation and international agreements.

40. **Mr. Ly** (Senegal), noting that his full statement would be made available on the PaperSmart portal, said that, for the law to be applicable to all, justice must be administered independently and impartially. It was therefore important to ensure legal certainty, a protection that guaranteed that the law was not be applied in an arbitrary manner and that judges were independent and acted with integrity. The rule of law was coming under pressure from new challenges such as climate change, forced displacement, hate speech and the impact of new technologies.

41. His delegation expressed appreciation to the Secretary-General for the support provided to Member States over the past year in promoting the rule of law at the national and international levels and reiterated its support for the Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law. It fully supported the report of the Secretary-General, because the rule of law continued to be a priority for the public authorities, associations and citizens of his country.

42. At the national level, his Government had launched a plan of action to expand access to the courts and improve their quality and efficiency, protect the rights of children, promote gender equality and women's empowerment, and strengthen women's leadership and entrepreneurial skills in pursuit of inclusive growth. Measures taken to implement the plan included the establishment of a legal aid system, whose budget increased annually; the opening of legal advice offices and a centre for the strengthening of the rule of law and the fight against corruption; and the setting-up of an independent authority to combat fraud and corruption.

43. Senegal was also committed to the rule of law at the international level. An international order based on the rule of law was a prerequisite for creating a more just and equitable world and guaranteeing peaceful relations between States and the peaceful settlement of disputes. The strengthening of the rule of law would also contribute to the consolidation of the three pillars of the United Nations.

44. Senegal believed that the International Criminal Court exercised complementary jurisdiction in the fight against impunity, called for the Court's Rome Statute to be universally applicable and reiterated its support for all international peaceful dispute settlement mechanisms, including the International Court of Justice. His delegation welcomed the significant progress made in strengthening the rule of law at the

international level thanks to the adoption of Security Council resolution 2447 (2018). It likewise welcomed the launch of the United Nations Strategy and Plan of Action on Hate Speech and the efforts of the United Nations High Representative for the Alliance of Civilizations to safeguard religious sites.

45. Lastly, his delegation reiterated its support of the efforts to promote the rule of law at the international level through the elaboration of international instruments as well as the establishment of international accountability mechanisms.

46. **Mr. Ngofa** (Nigeria) said that the rule of law was linked or related to every aspect of human endeavour and development. Adherence to the rule of law was necessary to regulate the behaviour of States and hold them to higher ideals and standards for the attainment of peace and development, as embodied in the Charter of the United Nations. All the international and national instruments, norms and principles that governed the rule of law had proved beneficial to peaceful coexistence. Just as respect for and observance of the rule of law were enshrined in the Charter, there were corresponding regional and subregional instruments in Africa embedded in the Constitutive Act of the African Union and the protocols of the Economic Community of West African States.

47. The rule of law was also a fundamental element of Nigerian jurisprudence. It was considered a prerequisite for the administration of justice and a basis for peaceful coexistence and the prevention of armed conflict. The 1999 Nigerian Constitution provided the basis for a rule of law approach to governance at the national level. It prohibited discrimination on any grounds, including gender. The country's policy on gender issues bore witness to its adherence to the rule of law. The policy focused on women's empowerment and the elimination of harmful discriminatory practices. There had been tremendous progress towards parity in primary school education, for example.

48. Nigeria had also demonstrated strong political will to fulfil its international obligations through the domestication of relevant international instruments and recommended practices. A number of laws had been enacted, including the Administration of Criminal Justice Act and the Mutual Legal Assistance in Criminal Matters Act.

49. The Nigerian judicial system had continued to play a pivotal role in advancing the rights of the people through effective oversight of both the executive and the legislative branches of government and had created an enabling environment for peace and stability to thrive.

Several national anti-corruption agencies were working to ensure that due process was always observed.

50. At the international level, Nigeria had consistently pursued a foreign policy anchored in the promotion of global security and the protection of the dignity of all persons. It recognized the important role of the International Court of Justice, the International Criminal Court and other international tribunals in the peaceful resolution of international disputes. His country's support for peacekeeping since its independence in 1960 demonstrated its commitment to international peace and security and the rule of law.

51. Nigeria appreciated the sustained efforts of the United Nations to promote the rule of law and transitional justice in conflict and post-conflict societies. Addressing the global rule-of-law deficit should be considered an imperative for all. Member States should collectively work to attain a world where the rule of law, accountability and social justice were the foundation for sustainable development and lasting peace.

52. **Mr. Mikeladze** (Georgia) said that achieving progress on peace and development depended on the creation of inclusive societies where the rule of law and human rights were respected. Georgia was an active member of various global initiatives aimed at achieving Sustainable Development Goal 16, in particular target 16.3, on promoting the rule of law at the national and international levels and ensuring equal access to justice for all.

53. Georgia had continued to promote human rights, the rule of law and good governance. As part of its efforts to strengthen the rule of law, it had enhanced the institutional independence of its prosecution agencies, created an office for the protection of personal data and undertaken comprehensive legal and structural reforms of its penitentiary system. In addition, a human rights department had been established within the Ministry of Internal Affairs with a view to ensuring the timely investigation of such crimes as domestic violence, violence against women, sexual violence, hate crime and human trafficking.

54. Reiterating his delegation's support for international law, a rules-based international order and the principles enshrined in the Charter of the United Nations, he noted that Georgia recognized the compulsory jurisdiction of the International Court of Justice and reaffirmed its important role in the peaceful settlement of disputes. Georgia was also committed to strengthening the International Criminal Court and had concluded an agreement with the Court on the enforcement of sentences. Cooperation with the Court,

through the principle of complementarity, was indispensable for improving its effectiveness and efficiency. The Court's investigation into the crimes committed in Georgia during the Russian aggression of 2008 would serve as a litmus test for the Court's ability to uphold the values of the Rome Statute. Georgia would continue to work with the Court to ensure that the alleged crimes were investigated thoroughly and the perpetrators brought to justice.

55. 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 was carrying out vital work. His delegation strongly supported the inclusion of funding for the Mechanism in the regular budget of the United Nations. The protection of human rights and respect for the rule of law required a strong legal framework and highly functioning institutions that held both individuals and Governments to account.

56. **Mr. Musayev** (Azerbaijan) said that all States must comply with their international obligations, particularly those relating to respect for the sovereignty and territorial integrity of States and the inviolability of their internationally recognized borders. The established principle that the use of force for the acquisition of territory was inadmissible, and the ensuing obligation not to recognize as lawful a situation created by a serious breach of international law, nor render aid or assistance in maintaining that situation, was a cornerstone of the rules-based international order and must be enforced unconditionally and without exception. Conflict settlement frameworks and mechanisms must not be exploited to entrench situations resulting from the unlawful use of force, war crimes, crimes against humanity, acts of genocide and ethnic cleansing.

57. The effective functioning of the rules-based international order depended on the implementation of resolutions adopted by the principal organs of the United Nations. It was unacceptable that armed aggression against sovereign States and the resulting occupation of their territories continued, notwithstanding Security Council resolutions. The faithful implementation of international treaties was one of the prerequisites for harmonious international relations and for individual and collective efforts to confront the threats and challenges to peace, security and stability.

58. As the principal judicial organ of the United Nations, the International Court of Justice played an

important role in promoting the rule of law and encouraging the settlement of international disputes by peaceful means. The Court's judgments and advisory opinions were valuable, especially in situations where actions in contravention of the Charter of the United Nations and international law were accompanied by apparent misinterpretation of legal norms and principles.

59. Greater efforts must be made at all levels to end impunity for violations of international law, including international humanitarian law and international human rights law. Unfortunately, in some situations of armed conflict, including those of a protracted nature, issues of accountability had not received due attention. As a result, wrongs of the recent past, left unpunished and unrecognized, continued to impede progress in achieving peace and reconciliation. The United Nations must continue to advocate responses that addressed the rights, needs and expectations of victims.

60. **Mr. Napoco** (Guinea-Bissau) said that his delegation was grateful for the reference made to Guinea-Bissau in the Secretary-General's report (A/74/139), recognizing the country's efforts to promote the rule of law both nationally and internationally. The rule of law was enshrined in the Constitution and in other laws of Guinea-Bissau, which was a party to most of the international instruments aimed at promoting the rule of law. Guinea-Bissau had made progress in strengthening the rule of law and building a freer and fairer society. In partnership with the United Nations, it had expanded the services offered by the Access to Justice Centre, which provided free legal advice to the public, including female victims of violence.

61. In 2018, the Government had enacted the Parity Act, which required that 36 per cent of elective office positions be held by women. Guinea-Bissau now had an equal number of male and female government ministers, putting the country at the forefront of global efforts to promote the participation of women in politics and achieve Sustainable Development Goal 5.

62. Local ownership of rule of law principles was key. The country's civil society organizations, in particular youth groups, were playing an increasingly important role in monitoring government institutions and advocating respect for the rule of law through active participation in the national political debate. Together with its partners, Guinea-Bissau was working to strengthen the capacity of its institutions and the justice sector, with a view to ensuring access to justice for all and combating organized crime and corruption. However, strong institutions were not enough to establish the rule of law. It was also important to invest

in education and to create economic opportunities, with a view to building a society where people were aware of their rights and obligations and were in a position to take ownership of rule of law principles.

63. **Mr. Phonekeo** (Lao People's Democratic Republic) said that the rule of law was of fundamental importance for peaceful dialogue, cooperation among States, the peaceful settlement of disputes and the implementation of the 2030 Agenda for Sustainable Development.

64. In 2009, his Government had adopted a legal sector master plan to ensure that the country was governed by the rule of law. Through the implementation of the master plan, the legislative development process and the legal system had been greatly improved. Through a five-year workplan on law-making and amendment of laws covering the period 2016–2020, the Government had been able to enhance public awareness of legal rights and participation in the legal system and the implementation of international instruments.

65. In order to meet its international obligations for promoting the rule of law, his Government had ratified a number of international treaties under United Nations auspices and in international, regional and bilateral frameworks. To date, the Lao People's Democratic Republic was a party to more than 900 international conventions and treaties; the treaties it ratified were incorporated into its national laws and implemented in good faith. In September 2019, the Lao People's Democratic Republic had deposited its instrument of ratification of the Treaty on the Prohibition of Nuclear Weapons and had acceded to the United Nations Convention on Contracts for the International Sale of Goods.

66. **Mr. Wardhana** (Indonesia) said that the rule of law was at the centre of multilateralism, since there could be no meaningful international relations without it. His delegation appreciated the capacity-building and technical assistance provided by the United Nations to support States in upholding the rule of law at the domestic level. Indonesia rejected any attack on the rule of law at the international level, the occupation of Palestine being a flagrant example. The international community must ensure that, as a prerequisite to peace, the occupying Power was accountable and respected the rule of law.

67. At the national level, there had been at least two new developments. First, the Indonesian Constitutional Court had provided a new interpretation of the definition of "treaty" contained in the legislation governing international treaties and had made the involvement of

Parliament a prerequisite for the classification of treaties. Second, with a view to promoting international law domestically, his Government had held discussions with stakeholders on the development of national legislation to implement the decisions of international organizations, including decisions of the Security Council.

68. In connection with the application of the death penalty, referred to in paragraph 8 of the Secretary-General's report (A/74/139), his delegation wished to emphasize that the International Covenant on Civil and Political Rights recognized the legality of applying the death penalty. The term "most serious crimes", which was mentioned at the end of that paragraph, should be read in conjunction with article 6, paragraph 2, of the Covenant, which provided in part that sentence of death might be imposed for such crimes "in accordance with the law in force at the time [...] and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide". The death penalty was applied in Indonesia only as a last resort and in accordance with due process of law. It remained a significant and relevant means of protecting society and preventing serious crimes. Nevertheless, Indonesia would continue to review its laws on the death penalty as well as alternatives, including commuting the death penalty to a long prison sentence.

69. **Mr. Nasimfar** (Islamic Republic of Iran) said that, while the Secretary-General had identified global trends such as climate change, forced displacement and hate speech as new challenges for national and international rule of law structures in his report (A/74/139), he had failed to recognize other important challenges, including unilateral coercive measures, armed conflicts, aggression and occupation. Moreover, although he had alluded to controversial issues such as 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, he had been selective in reflecting developments in international courts and tribunals, such as the decision of Pre-Trial Chamber II of the International Criminal Court to reject the Prosecutor's request to open an investigation into the situation in Afghanistan, thus paving the way for impunity for war crimes. A number of important provisional measures issued by the International Court of Justice had also been omitted from the report.

70. In the declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels, Heads of State and Government had

reaffirmed their commitment to the rule of law and its fundamental importance for political dialogue and cooperation among all States; had strongly urged States to refrain from promulgating and applying any unilateral economic, financial or trade measures not in accordance with international law and the Charter of the United Nations that impeded the full achievement of economic and social development, particularly in developing countries; and had reaffirmed that States must abide by all their obligations under international law.

71. Despite those commitments, and regardless of the existence of a robust legal framework established on the basis of States' obligations under international law, unilateralism was the most pressing challenge for the rule of law at the international level. It had crystallized in the form of withdrawals from international treaties and protocols and from important agencies; trade wars; the imposition of illegal extraterritorial sanctions; and other wrongful acts that challenged the foundations of international law and the international legal order.

72. Imposing sanctions and threatening other States was a consistent and essential element of United States foreign policy. For the first time in the history of the United Nations, a permanent member of the Security Council was penalizing nations throughout the world, not for violating a Security Council resolution, but for abiding by it. With total disregard for Article 25 of the Charter, the United States was threatening economic revenge against countries that continued to engage or were re-engaging with Iran economically in accordance with Security Council resolution 2231 (2015), which underlined that the Joint Comprehensive Plan of Action was conducive to promoting and facilitating the development of normal economic and trade contacts and cooperation with the Islamic Republic of Iran.

73. That was a new and dangerous phenomenon that threatened the foundations of the rule of law, such as sovereign equality of States and non-interference in the internal affairs of States, and jeopardized the credibility of the Security Council. It was nothing less than naked economic terrorism, which deliberately and indiscriminately targeted civilians and caused pain and suffering for political purposes.

74. The Islamic Republic of Iran, in an effort to respect the international rule of law, had chosen to have recourse to the International Court of Justice. In its provisional order, the Court had reiterated that the United States was obliged, under its international commitments, to remove the obstacles created as a result of its actions and the illegal decisions made upon its withdrawal from the Joint Comprehensive Plan of Action, including the impediments to Iranian trade that

had emerged in certain domains. Confirming Security Council resolution 2231 (2015), the Court had recognized the irreparable harm that the United States had caused Iran and its international business relations.

75. The Court's unanimous order was another clear testament to the illegality of the sanctions imposed by the United States on Iran, its people and its citizens. However, rather than implementing the measures requested by the order, the United States had imposed new sanctions. It had, illegally and in flagrant violation of international law, confiscated billions of dollars of assets of the Government and Central Bank of the Islamic Republic of Iran on the basis of rulings of United States courts. The Islamic Republic of Iran had instituted proceedings before the International Court of Justice; the Court had unanimously found that it had jurisdiction and the case had proceeded to the merits stage.

76. Rule of law problems at the international level arose from non-compliance by States with their international obligations. As the International Court of Justice had already opined in a number of cases, a State could not invoke its domestic legislation to avoid fulfilling its international legal obligations.

77. The imposition of crippling restrictions on the Iranian Mission in New York was another example of a wrongful act that had disrupted the rule of law within the Organization. The host country, by invoking its national laws and ignoring its commitments under the Headquarters Agreement and the General Convention on Privileges and Immunities of the United Nations, had breached its obligations under those instruments and violated Articles 100 and 105 of the Charter of the United Nations.

78. The Secretary-General must urgently address the rule of law and its challenges within the Organization in his next report. The Iranian delegation expected the United Nations to be in a position to defend its rights; an organization unable to defend itself and its accredited Member States could not inspire the world to uphold justice and the rule of law.

79. **Monsignor Hansen** (Observer for the Holy See) said that, when speaking to the ambassadors accredited to the Holy See in early 2019, Pope Francis had referred to the primacy of justice and law in regulating the relationships between nations and expressed concern at the re-emergence of a tendency to impose and pursue national interests without recourse to the legal instruments for resolving disputes and ensuring that justice was respected.

80. The Holy See concurred with the Secretary-General's conclusion in his report (A/74/139) that a stronger commitment to a world order that operated in accordance with international law and had the United Nations at its centre was required, if investment in building a fair and multilateral system was to bear positive results for all. The multilateral treaties concluded under the auspices of the United Nations underpinned the rule of law at the international level. However, they must be rendered effective and operative to ensure that the voiceless and defenceless had access to justice.

81. While it was true, as noted in General Assembly resolution 73/207, that rule of law activities must be anchored in a national context and that States had different national experiences in the development of their systems of the rule of law, Pope Francis had also noted in his address that it was vital not to lose sight of the "universal objective and rational nature of international human rights law in particular, lest there prevail partial and subjective visions of humanity that risk leading to new forms of inequality, injustice, discrimination and even violence and oppression".

82. His delegation echoed the Secretary-General's call for renewed efforts to address old and new challenges facing the rule of law at the national and international levels. The rule of law must be strengthened to ensure a people-centred approach that protected the rights of the most vulnerable, and ways must be found to measure the impact of legal reform on those most in need.

83. Lastly, there could be no rule of law unless lawyers and judges were able to uphold it free from pressure, harassment, corruption or persecution. The Holy See noted with dismay the continued rise of assaults on the independence of the bench and bar around the world and appreciated the most recent report of the Special Rapporteur on the independence of lawyers and judges (A/HRC/41/48). The Committee should give the issue greater prominence in its discussions.

84. **Ms. Ismael** (Observer for the State of Palestine) said that the rule of law in fact meant the rule of a just law. At the international level, that meant upholding the Charter of the United Nations, international law and United Nations resolutions. It also meant advancing accountability and enforcement without double standards, notably through international jurisdictions as well as through third-party responsibility. At the national level, the rule of law required the fulfilment of international obligations.

85. Palestine was a strong advocate of international law. As soon as it had been granted observer status at the United Nations, it had translated its positions into action

by joining international instruments, recognizing the jurisdiction of international courts and actively contributing to the furtherance of international law. It had played an important role in the activation of the jurisdiction of the International Criminal Court over the crime of aggression; had joined the bureau of the Court; had contributed to the elaboration of a treaty to ban nuclear weapons; and had taken the lead in establishing investigation and accountability mechanisms through the Human Rights Council.

86. The State of Palestine had also submitted initial reports under most of the human rights instruments, following an inclusive process in which many national stakeholders had participated, and which had been described by the Office of the United Nations High Commissioner for Human Rights as a best practice at the regional and international levels. The aim of the process was to arrive at an honest and thorough assessment of compliance with the instruments, since reporting was not a public relations exercise, but rather a tool to further their implementation. The State of Palestine had also continued to raise awareness of the rights enshrined in those instruments, with a particular focus on schools. In recent months, it had also decided to join a number of the optional protocols to international human rights instruments.

87. The State of Palestine had taken several measures at the national level to harmonize its policies and legislation with its international commitments and obligations and was fully aware that much remained to be done in that regard. However, it appreciated the support it had received from international partners.

88. As the seventy-fifth anniversary of the United Nations approached, and the international community marked seven decades since the adoption of fundamental texts such as the Universal Declaration of Human Rights, it should be noted that progress in the rule of international law had only been made in the aftermath of horrific tragedies. Today's world offered many examples of the heavy price that was paid when the rule of international law was undermined. The international community needed to revive the spirit that had led to such tremendous advances in multilateralism and the rule of law over the previous 70 years. The State of Palestine, which continued to suffer the consequences of injustice, double standards and denial of rights, would remain inhabited by that spirit and would spare no effort to help ensure its triumph.

89. **Ms. Goh Escolar** (Observer for the Hague Conference on Private International Law), noting that her full statement would be made available on the PaperSmart portal, said that Conference was the world

organization for the progressive unification of private international law. It strove to establish effective frameworks for promoting and upholding the rule of law at the national and international levels and worked to overcome cross-border challenges.

90. The organization's normative work aimed to encourage the progressive development and codification of private international law through the conclusion of conventions. Its non-normative work included the provision of technical assistance and capacity-building to aid in the domestic implementation of its conventions. In addition, it promoted inclusiveness among its members through respect for the diversity of legal systems and traditions.

91. The Hague Conference contributed to the implementation of the 2030 Agenda for Sustainable Development in various ways. It was exploring the feasibility of normative work on private international law issues relating to legal parentage and the status of children. It was also developing a navigation tool to provide best practices on the recognition and enforcement of family law agreements involving children in a foreign State. Related research would also provide insights into the feasibility and desirability of a convention on the cross-border recognition and enforcement of such agreements. Its conventions played a vital role in the protection of children in cross-border situations, and to assist in their implementation, the organization was developing resources such as guides and handbooks and providing technical assistance and training to members and contracting parties. In the field of international civil procedure and litigation, the Hague Conference looked to enhance legal certainty and predictability by simplifying legal procedures across borders and thus facilitating effective access to justice. Its conventions on that subject comprised a formidable toolkit for contracting parties seeking to simplify cross-border mechanisms.

92. Sustainable Development Goal 16 was intertwined with the international legislative process, to which the Conference contributed. The rule of law was not only about criminal law and transitional justice, but also about mature, rules-based commerce as a stabilizing factor and a factor for mobilizing resources for development. The work of the Conference was directly relevant to all dimensions of access to justice across borders.

93. The Hague Conference had a constructive partnership with various United Nations bodies and contributed to the tripartite collaboration between the its secretariat and those of the United Nations Commission on International Trade Law and the International

Institute for the Unification of Private Law (UNIDROIT). With regard to Sustainable Development Goal 17, it was exploring novel approaches to building effective cooperation frameworks with Governments, the United Nations and others.

94. The Hague Conference on Private International Law stood ready to contribute further to promoting and upholding the rule of law at the national and international levels. Its future-oriented work was testament to its continuing relevance as the leading global organization developing practical and modern private international law solutions. It strove for closer cooperation with the United Nations in order to promote the rule of law and ensure access to justice for all.

95. **Mr. Dordevic** (Observer for the International Development Law Organization (IDLO)) said that his organization strove to ensure that its work on policy and advocacy promoted the implementation of international law. Many of its operational activities, undertaken at countries' request, focused on putting normative frameworks into practice in a variety of contexts. The kind of assistance provided included identifying and applying successful strategies for the fulfilment of women's rights; capacity-building to promote compliance with international norms in customary and informal justice practices; support for criminal accountability for serious violations of international humanitarian law; and review of domestic regulatory frameworks for non-communicable diseases.

96. Many of the organization's institution-building efforts focused on strengthening criminal justice in conflict-affected or fragile countries to increase stability and prevent a recurrence or escalation of violence. For example, IDLO would be expanding its programme in northern Mali to other countries in the Sahel region to address cross-border crime trends, in partnership with the United Nations Office on Drugs and Crime. The programme built on the organization's experience in fighting money-laundering and other complex crimes in Somalia and human trafficking in Liberia, and supporting criminal justice institutions in Afghanistan.

97. IDLO had extensive experience in gender programming, most notably in Afghanistan, Liberia and Mongolia, where it worked on eradicating sexual and gender-based violence, as well as more recently in Burundi, Jordan, Tanzania and Uganda, with a focus on women's economic empowerment.

98. The recognition in the 2030 Agenda that the rule of law and access to justice were integral to development and vehicles for the sustainability of socioeconomic progress had marked a turning point in the evolution of the organization.

99. There was broad recognition that the pillars of Goal 16 were a critical link in the sustainable development chain. Nevertheless, a number of global trends, some of which disproportionately affected respect for the rule of law, constituted a roadblock. It was necessary to find adequate means to accelerate progress and scale up interventions. IDLO stood ready to redouble its efforts and respond to the call for accelerated action with a commitment in four areas to help narrow the justice gap by 2030. First, it would seek to enhance access to justice, especially for those most at risk of being left behind. Second, it would help conflict-affected countries build peace and sustain development by reforming their laws and strengthening justice institutions. Third, it would engage with informal and customary systems as well as formal institutions to ensure fair, accessible and affordable pathways to justice. Fourth, it would, in collaboration with partners, convene a global multi-stakeholder forum to discuss innovation and modalities for scaling up efforts.

100. IDLO appreciated the generous financial support provided by Italy, Sweden, the Netherlands and the United States, and was also grateful to the European Commission for the significant contribution it had pledged for the investment support programme for the least developed countries of IDLO.

101. **Mr. Koonjul** (Mauritius), speaking in exercise of the right of reply, said that, following the statement he had made on the topic of the rule of law at the 10th meeting of the Committee, one delegation, exercising its right of reply, had expressed disappointment that the question of the excision of the Chagos Archipelago had been referred to the International Court of Justice. In so doing, that delegation had challenged the will of the General Assembly, which had adopted, by a vote of 94 to 15, resolution [71/292](#), in which it requested the Court to render an advisory opinion on whether the decolonization of Mauritius had been lawfully completed following the excision of the Chagos Archipelago from the territory of Mauritius at the time of its independence, and on what the legal consequences would be of the continued administration of the territory by the colonial Power. The General Assembly had made that decision in view of its historical role regarding decolonization and had considered that an advisory opinion on the matter would be relevant to its work.

102. During the proceedings, the colonial Power had argued that the Court should exercise its discretion and not give an advisory opinion. The Court had considered those arguments and had resoundingly rejected them. Twelve of the fourteen judges had concluded that, not only did the Court have jurisdiction to give the advisory

opinion, but there was no compelling reason for the Court to deny the General Assembly's request. The colonial Power simply wished to prevent any consideration, by any forum, of what the Court had called a wrongful act of a continuing character entailing the international responsibility of that State.

103. The colonial Power appeared to believe that, by merely insisting at every opportunity that it had "no doubt" about its sovereignty over the Chagos Archipelago, the issue was closed. The American playwright John Patrick Shanley had written that doubt allowed for growth and change, whereas certainty was a dead end. Plainly, after the Court's opinion and the General Assembly's resolution, the colonial Power had reached a dead end. It could not close the issue; it could only close itself off from growth and change. Thirteen of the fourteen judges had concluded that the decolonization of Mauritius had not been lawfully completed, that the Chagos Archipelago was an integral part of Mauritian territory, that the continued administration of the Chagos Archipelago by the United Kingdom constituted an internationally wrongful act of a continuing character, and that the colonial Power was under a legal obligation to terminate its administration as rapidly as possible. The fourteenth judge had not disagreed; her lone opposition vote was based on her view that the Court should have declined to issue an opinion.

104. Nevertheless, the colonial Power professed to have "no doubt" about its sovereignty over Chagos. It was the Englishman John Heywood who had first said that "there are none so blind as those who will not see". They may choose to shut their eyes, but they could not make the ruling of the International Court of Justice and the General Assembly's overwhelming support of that ruling disappear.

105. In the statement he had delivered at the 10th meeting of the Committee, he had pointed out that respect for the rule of law was not a matter of choice or selective practice. It was the order by which all States must live in a civilized world. Defiance by any country, big or small, must be denounced and the Sixth Committee was certainly the appropriate place for that.

106. The other delegation contended that the Court's advisory opinion was not binding, which was technically correct in the abstract, but artfully misleading in the real-life circumstances of the case at hand. Of course, an advisory opinion did not carry the same binding force as a judgment in a contentious case, which, in itself, created a legal obligation for the parties to comply with its terms. In the current case, however, an overwhelming majority of the Court had found that

the colonial Power had an obligation under customary international law to terminate its colonial administration as rapidly as possible. In other words, the source of the obligation was customary international law, not just the advisory opinion itself. The advisory opinion was thus an authoritative statement, by the highest judicial organ of the United Nations system, that such an obligation existed and that the colonial Power's non-compliance with it violated international law.

107. The colonial Power could not avoid that legal obligation. It was accountable internationally. Moreover, in Commonwealth countries, international law was part of common law. In addition, the colonial Power had recently been summoned to defend the lawfulness of its colonial occupation of Mauritian territory before its own national courts, where, precisely because of the advisory opinion, an appellate court had granted leave for an appeal in a case brought against the Crown by the former inhabitants of the Chagos Archipelago. Furthermore, the leader of the opposition in that colonial Power had taken a firm position that the advisory opinion would be respected whenever his party returned to power. The delegation of Mauritius was therefore confident that the colonial Power, notwithstanding its current posture, could not forever remain immune to growth and change, especially when its position was completely untenable.

108. **Mr. Proskuryakov** (Russian Federation), speaking in exercise of the right of reply, said that he would not comment on the work of the International Criminal Court, which was provoking ever more criticism. He did, however, wish to recall that it was Georgia, under its then President Mikhail Saakashvili, that had attacked peaceful South Ossetia, resulting in the death of many civilians, and not the Russian Federation that had attacked Georgia. The entire international community recognized that fact.

The meeting rose at 12.35 p.m.